FEDERALISM

Environmental Federalism

By **Brajabandhu Mahanta** • July 3, 2026 • 7 min read

Environmental Federalism refers to the **constitutional, administrative, and fiscal framework through which different levels of government—national, state/provincial, and local—share responsibilities for environmental protection, natural resource management, climate action, and sustainable development**.

It recognizes that environmental issues such as **climate change, air pollution, biodiversity loss, deforestation, river pollution, waste management, and natural disasters** transcend political boundaries and therefore require **coordinated, cooperative, and multi-level governance**.

Environmental Federalism seeks to balance:

- **National environmental standards** with **regional ecological priorities**.
- **Economic development** with **environmental sustainability**.
- **Central coordination** with **state and local autonomy**.

Today, Environmental Federalism has become a key component of **Contemporary Federalism**, complementing **Cooperative, Collaborative, Fiscal, and Digital Federalism**.

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Definitions

Scholar/Institution	Definition
Wallace E. Oates	Environmental Federalism examines the optimal allocation of environmental responsibilities among different levels of government.
OECD	It is a governance system where environmental policies are coordinated across national, regional, and local governments.
United Nations Environment Programme (UNEP)	Environmental governance requires multi-level cooperation among governments, civil society, and international organizations.
Contemporary Perspective	Environmental Federalism is a federal arrangement in which governments at different levels cooperate to protect the environment while respecting constitutional distribution of powers.

Evolution of Environmental Federalism

Period	Development
Pre-1970s	Environmental regulation largely remained a local or state responsibility.
1972	The Stockholm Conference highlighted the need for coordinated environmental governance.
1980s–1990s	Sustainable Development emerged as the guiding principle of environmental policymaking.
1992	Rio Earth Summit emphasized multi-level environmental governance and sustainable development.
21st Century	Climate change, biodiversity conservation, and disaster resilience accelerated the importance of Environmental Federalism.

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Objectives of Environmental Federalism

- Protect natural resources.
- Promote sustainable development.
- Improve environmental quality.
- Balance development with conservation.
- Coordinate climate change mitigation and adaptation.
- Strengthen disaster resilience.
- Encourage public participation.
- Ensure environmental justice.
- Promote intergovernmental cooperation.
- Fulfil international environmental commitments.

Major Features of Environmental Federalism

Feature	Explanation	Example
1. Shared Responsibility	Environmental protection is a joint responsibility of different levels of government.	Forest conservation by Union and States.
2. Multi-Level Governance	Local, State, National, and International institutions work together.	Climate Action Plans at national and state levels.
3. Cooperative Decision-Making	Governments jointly formulate environmental policies.	National Clean Air Programme (NCAP).
4. Constitutional Allocation of Powers	Environmental responsibilities are distributed through constitutional and legal frameworks.	Concurrent legislative competence in India after the 42nd Constitutional Amendment.
5. Scientific and Evidence-Based Governance	Environmental decisions rely on scientific research and environmental assessments.	Environmental Impact Assessment (EIA).

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Feature	Explanation	Example
6. Public Participation	Citizens, communities, NGOs, and local governments participate in environmental governance.	Biodiversity Management Committees.
7. Fiscal Support	Financial transfers encourage conservation and sustainable development.	CAMPA funds and Finance Commission grants linked to forests.
8. Adaptive Governance	Policies evolve according to changing environmental conditions.	Climate adaptation strategies.
9. Precautionary Approach	Preventive action is preferred where environmental risks are uncertain.	Restrictions on hazardous industries in ecologically sensitive zones.
10. Sustainable Development	Economic growth is integrated with ecological protection.	Renewable energy and green infrastructure initiatives.

Principles of Environmental Federalism

Principle	Meaning
Sustainable Development	Development should meet present needs without compromising future generations.
Subsidiarity	Environmental decisions should be taken at the lowest effective level of government.
Polluter Pays Principle	Polluters should bear the cost of pollution control and environmental restoration.
Precautionary Principle	Preventive action should be taken even when scientific certainty is incomplete.
Intergenerational Equity	Natural resources should be preserved for future generations.
Public Trust Doctrine	Governments hold natural resources in trust for the people.
Environmental Justice	Environmental benefits and burdens should be distributed fairly.

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Principle	Meaning
Common but Differentiated Responsibilities (CBDR)	Countries share responsibility for environmental protection but according to their capabilities and historical contributions.

Components of Environmental Federalism

Component	Role
Climate Governance	Climate mitigation and adaptation.
Forest Governance	Conservation and sustainable forest management.
Water Governance	River basin management and water conservation.
Air Quality Management	Pollution monitoring and emission control.
Waste Management	Scientific management of solid, hazardous, biomedical, and e-waste.
Biodiversity Conservation	Protection of ecosystems and endangered species.
Renewable Energy	Promotion of clean energy transitions.
Disaster Risk Reduction	Climate resilience and emergency preparedness.

Environmental Federalism in India

Constitutional Provisions

Provision	Subject
Article 48A	Directive Principle requiring the State to protect and improve the environment and safeguard forests and wildlife.
Article 51A(g)	Fundamental Duty of every citizen to protect and improve the natural environment.
Article 21	Right to life interpreted by the Supreme Court to include the right to a clean and healthy environment.

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Provision	Subject
42nd Constitutional Amendment (1976)	Transferred **Forests** and **Protection of Wild Animals and Birds** from the State List to the Concurrent List, enabling joint Centre–State legislation.
Seventh Schedule	Distributes legislative powers between the Union and the States.

Institutional Framework

Institution	Role
Ministry of Environment, Forest and Climate Change (MoEFCC)	National environmental policymaking and regulation.
Central Pollution Control Board (CPCB)	National pollution monitoring and standards.
State Pollution Control Boards (SPCBs)	Enforcement of pollution control laws at the state level.
National Green Tribunal (NGT)	Specialized adjudication of environmental disputes.
National Biodiversity Authority (NBA)	Biodiversity conservation and access to biological resources.
State Biodiversity Boards	Conservation at the state level.
Local Bodies & Biodiversity Management Committees	Community-based conservation and local environmental governance.

Major Environmental Laws in India

Law	Purpose
Environment (Protection) Act, 1986	Umbrella legislation empowering the Union Government to protect and improve the environment.
Water (Prevention and Control of Pollution) Act, 1974	Prevention and control of water pollution.

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Law	Purpose
Air (Prevention and Control of Pollution) Act, 1981	Prevention and control of air pollution.
Forest (Conservation) Act, 1980 *(as amended)*	Conservation and regulation of forest land diversion.
Biological Diversity Act, 2002	Conservation and sustainable use of biological diversity.
National Green Tribunal Act, 2010	Establishment of the National Green Tribunal.

Advantages of Environmental Federalism

Advantage	Explanation
Better Policy Coordination	Joint action across levels of government improves environmental governance.
Local Solutions	States and local bodies can design policies suited to regional ecological conditions.
National Standards	Ensures uniform minimum environmental protection across the country.
Efficient Resource Management	Coordinates management of forests, rivers, biodiversity, and wildlife.
Climate Resilience	Strengthens adaptation and disaster preparedness.
Public Participation	Encourages community involvement and environmental stewardship.
Innovation	States can pioneer innovative environmental policies.
Sustainable Development	Balances conservation with economic growth.
Better Enforcement	Shared responsibility improves compliance with environmental laws.
International Compliance	Facilitates implementation of global environmental commitments.

Challenges of Environmental Federalism

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Challenge	Explanation
Centre–State Conflicts	Differences over environmental clearances, mining, forests, and development projects.
Fiscal Constraints	States may lack resources for environmental protection.
Uneven Capacity	Administrative and technical capabilities differ among States.
Climate Change	Cross-border environmental challenges require stronger coordination.
River Basin Disputes	Inter-state rivers often create conflicts over water allocation and pollution control.
Enforcement Gaps	Weak monitoring and implementation reduce effectiveness.
Balancing Development and Conservation	Infrastructure and industrial growth may conflict with ecological objectives.
Urbanization	Rapid urban growth increases pollution and waste management challenges.
Data Gaps	Limited environmental data affects evidence-based policymaking.
Community Participation	Local participation remains uneven across regions.

Environmental Federalism in Contemporary India

Initiative	Significance
National Action Plan on Climate Change (NAPCC)	National strategy for climate mitigation and adaptation.
State Action Plans on Climate Change (SAPCCs)	State-specific climate strategies aligned with national objectives.
National Clean Air Programme (NCAP)	Cooperative programme involving the Union, States, and urban local bodies to reduce air pollution.
CAMPA	Financial mechanism for afforestation and ecological restoration.

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Initiative	Significance
National Mission for Clean Ganga (NMCG)	Multi-level governance for river conservation involving the Union, States, and local authorities.
Green India Mission	Forest restoration and climate resilience.
National Biodiversity Mission *(proposed under national biodiversity initiatives)*	Strengthening biodiversity conservation and ecosystem management.
LiFE (Lifestyle for Environment)	Promotes environmentally sustainable behaviour through citizen participation.

Comparative Perspective

Country	Distinctive Feature
India	Shared environmental responsibilities under the Concurrent List with strong judicial oversight.
United States	Federal environmental standards implemented by states, with agencies such as the Environmental Protection Agency (EPA).
Germany	Cooperative environmental governance between the Federation and the Länder.
Australia	Shared environmental management through intergovernmental agreements.
Canada	Joint federal–provincial responsibility for natural resources and climate policy.

Way Forward

Recommendation	Expected Outcome
Strengthen Centre–State environmental coordination	More effective environmental governance.
Enhance fiscal support for ecological conservation	Better implementation of environmental programmes.
Build technical capacity of States and local bodies	Improved monitoring and enforcement.

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Recommendation	Expected Outcome
Promote river basin authorities and integrated ecosystem management	Better management of shared natural resources.
Expand digital environmental monitoring using GIS, remote sensing, AI, and IoT	Real-time monitoring and evidence-based policymaking.
Encourage community participation and environmental education	Stronger environmental stewardship.
Promote renewable energy and green infrastructure	Sustainable economic growth.
Integrate climate adaptation into development planning	Greater resilience to climate change.
Strengthen environmental impact assessments and compliance mechanisms	Balanced development and conservation.
Improve coordination with international environmental commitments	Effective implementation of global climate and biodiversity goals.

Environmental Federalism and Sustainable Development Goals (SDGs)

Environmental Federalism contributes directly to several SDGs:

SDG	Contribution
SDG 6	Clean Water and Sanitation
SDG 7	Affordable and Clean Energy
SDG 11	Sustainable Cities and Communities
SDG 12	Responsible Consumption and Production
SDG 13	Climate Action
SDG 14	Life Below Water
SDG 15	Life on Land
SDG 17	Partnerships for the Goals

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