

Shared Sovereignty, Shared Survival: Ecological Federalism and the Reconstitution of Centre-State Dynamics in India

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Abstract

The Indian Constitution envisions a delicate balance between Union and State powers, yet ecological crises like climate change, biodiversity loss, and environmental degradation have begun to strain traditional models of federalism. The following paper presents the concept of Ecological Federalism, proposing it as a novel framework to reinterpret Centre–State relations in the Anthropocene. Unlike fiscal or administrative federalism, ecological federalism situates environmental governance at the core of constitutional power-sharing, emphasising shared sovereignty over natural resources, collective responsibility for ecological commons, and cooperative mechanisms for environmental justice. The study interrogates how climate governance challenges, such as renewable energy transitions and carbon commitments, interact with federal structures. It critically examines biodiversity as a constitutional common, raising questions of inter-state and inter-generational justice. Furthermore, it assesses judicial interventions in environmental federalism, including river water disputes, forest rights, and pollution controls, to highlight the judiciary’s evolving role in balancing ecological responsibilities between Union and States. The central argument is that ecological imperatives necessitate a re-imagining of Indian federalism whereby moving from a model of competitive authority to one of cooperative sustainability. The paper focuses on whether ecological fragility should justify asymmetrical federalism, granting special constitutional protections to ecologically sensitive regions like the Himalayas, the Northeast, and coastal belts. Ultimately, the project envisions a constitutional jurisprudence where environment is not a residual subject but a foundational principle of federal

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design, positioning ecological federalism as a pathway towards sustainable governance and environmental justice.

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I. Introduction

Federalism is such a constitutional philosophy which puts forth the idea of unity in diversity which it achieves by distributing the powers between the States and the Centre. It is grounded in the perspective that the various regions existing in a country possess varied needs, resources and have different priorities.³ But when it comes to the issues which do not limit themselves to territorial boundaries just like the case of environmental degradation, climate change and the depletion of natural resources the so called traditional notion of divided sovereignty begin to falter. These are the type of situations where the notion of federalism must evolve from being just a mere distribution of authority into a notion of shared responsibility.⁴ Such an evolution formulates the essence of what we may call as ecological federalism, which as a model aims to integrate environmental sustainability into the constitutional fabric of intergovernmental relations.⁵

India for that case is a very interesting country which presents a very complex case by being Quasi federal in nature. The Indian Constitution envisages both central supremacy as well as regional autonomy, but the modern day environmental concerns have literally burred these constitutional boundaries.⁶ The same is said to be the case as the modern day challenges of air and water pollution, depletion of forests, loss of biodiversity and climate change do not have any territorial jurisdiction and operate beyond the state lines and require a

³ *Federalism | Definition, History, Characteristics, & Facts | Britannica*, <https://www.britannica.com/topic/federalism> (last visited Oct. 21, 2025).

⁴ Larry Kramer, *Understanding Federalism*, 47 VANDERBILT LAW REV. 1485 (1994).

⁵ Diksha Agrawal, *Understanding Federalism: Its Impact on Public Policy | ISPP*, (Aug. 30, 2024), <https://www.ispp.org.in/understanding-federalism-its-impact-on-public-policy/>.

⁶ Deepak Gupta, *Sovereignty in the Indian Constitution*, 48 INDIA INT. CENT. Q. 6 (2021).

collective response. Environment is such an element which by its nature does not have any political demarcations and is a shared and indivisible resource.⁷ This shared characteristic of ecological systems mandates for a corresponding legal and institutional structure that covers the wholesome spirit of shared sovereignty for shared survival.⁸ Under the Indian Constitution the Seventh Schedule and 42nd Amendment lays down the key element of environment as being a subject matter of the concurrent list for governance. Articles 48A⁹ and 51A(g)¹⁰ also declares that it is the duty of the State as well as the responsibility of every citizen to protect the environment. But when it comes to practice the Indian environmental governance has been characterised by the tensions which arise between the state autonomy and central control. Enactment of certain central statutes for the protection of environment like the Environment (Protection) Act, 1986, and the establishing of certain national regulatory institutions have somewhat overshadowed the State's role, and further creating a delicate balance between uniform national standards and region specific environmental needs.¹¹

One of the major pillars of democracy in India which is the Judiciary especially the Supreme Court of Judicature has played a very important role in shaping such a balance by expanding the interpretation of Article 21 by incorporating right to clean and healthy environment within its core definition. Judicial interventions that have taken in certain cases like *MC Mehta v. Union of India*¹², *Vellore Citizens' Welfare Forum v. Union of India*¹³ and *T. N.*

⁷ Desmond Leddin, *The Impact of Climate Change, Pollution, and Biodiversity Loss on Digestive Health and Disease*, 3 GASTRO HEP ADV. 519 (2024).

⁸ Nupur Chowdhury, *Ecosystems Republics*, 26 EARTH SYST. GOV. 100299 (2025).

⁹ INDIA CONST. art. 48A, "Protection and improvement of environment and safeguarding of forests and wild life- The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country."

¹⁰ INDIA CONST. 51A(g), "(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;"

¹¹ *Strengthening India's Environmental Governance*, <https://www.drishtiias.com/daily-updates/daily-news-editorials/strengthening-india-s-environmental-governance> (last visited October 30, 2025).

¹² *MC Mehta v. Union of India*, AIR 1987 SC 1086, (India).

¹³ *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647, (India).

*Godavarman v. Union of India*¹⁴ have transformed the idea of environmental protection into a fundamental constitutional value. At the same time these kinds of interventions have led to the creation of a form of judicial centralism which raises serious questions about federal accountability, institutional competence and participatory governance.¹⁵ In this modern era of ever evolving constitutional landscape, the notion of ecological federalism emerges as both a necessity and a philosophy which transcends boundaries of any jurisdiction and emphasises upon interdependence, cooperation and sustainability. It aims to re-establish the Centre State relationship on the reasoning that environment cannot be protected in isolation by any single unit of government. It requires a multi-level of governance model which harmonises national policies with the local realities, fiscal autonomy with that of environmental accountability and development with ecological justice.¹⁶

This paper therefore goes on to argue that sustainability of Indian federal democracy is inseparable from that of ecological sustainability. Environment is a shared heritage of the nation and it requires reimagining of the federal relations where it is not only working as competing sovereignties but also as converging responsibilities. Through the lens of notion of ecological federalism this study goes on to explore how Indian constitutional and institutional mechanisms can be further reoriented towards cooperative environmental governance, which ensures that shared sovereignty is the foundation of shared survival.

II. Conceptual Foundations of Ecological Federalism

The idea of *ecological federalism* represents an evolving constitutional philosophy that reconciles the relationship between environmental protection and the federal structure of governance. It recognizes that natural ecosystems (air, water, forests, biodiversity, and climate) do not conform to political

¹⁴ T.N. Godavarman Thirumulpad v. Union of India, (1997) 2 SCC 267, (India).

¹⁵ *Judicial Activism and Environmental Protection in India: A Progressive Approach*, <https://www.hlmgroup.org/blogs/judicial-activism-and-environmental-protection-in-india-a-progressive-approach> (last visited Nov. 15, 2025).

¹⁶ *The Paradox of Environmental Federalism in India* | National Law School of India University, (May 29, 2019), <https://ceerapub.nls.ac.in/the-paradox-of-environmental-federalism-in-india/>.

boundaries. Therefore, environmental protection cannot be achieved by one level of government acting in isolation; it requires *shared sovereignty* and *collective stewardship*. In federations like India, where environmental issues intersect with developmental needs, ecological federalism provides a framework for cooperative governance rooted in both constitutional principles and ecological realities. It transforms the traditional notion of federalism from one based on division of powers to one based on *shared responsibility and interdependence*.¹⁷ The notion of Ecological federalism can be stated to have originated in India by virtue of 42nd amendment to the Constitution in the year 1976 and the enactment of the Environment Protection Act 1986 provided structure to the notion. In order to have new and uniform strategies for the entire nation the 42nd amendment introduced a new entry by moving subject matters like “Forest” and “Protection of Wild animals and Birds” from the State list to the Concurrent List. Certain other notable amendments like these were introduced in the domain of Centre-State relationship, the main reason for which was to create a strong Centre and stronger states in some cases and for making the notion of federalism in India more centralised. When it comes to the matter of Ecology this is the reason why primarily the Central government has a larger role to play as compared to the states.¹⁸

In order to maintain autonomy, traditional federalism splits powers between the federal government and the states. The ecological aspect of governance, however, goes beyond this strict dichotomy. Deforestation in one area affects national biodiversity; rivers transcend borders; and air pollution in one state affects another. Therefore, all governmental levels must work together to address environmental issues in accordance with the constitution.¹⁹ *In this situation, shared sovereignty suggests that environmental duty is reciprocal even while constitutional powers are still separated. The environment is a shared trust between the States and the Union. While States guarantee local implementation, adaptation, and enforcement, the Union offers consistent*

¹⁷ *Disc-Paper-Gfi.Pdf*, <https://www.teriin.org/eventdocs/files/disc-paper-gfi.pdf> (last visited Nov. 15, 2025).

¹⁸ The Paradox of Environmental Federalism in India | National Law School of India University, *supra* note 14.

¹⁹ *disc-paper-gfi.pdf*, *supra* note 15.

*standards, coordination, and international conformity. The ethical basis of ecological federalism is embodied in this cooperative balance, where all levels of government work together for the common good of the environment rather than competing with one another.*²⁰ Ecology and federalism are similar in that they both place a strong emphasis on interdependence, diversity, and balance. A federal system depends on the coordinated operation of several levels of government, much as ecosystems flourish on relationships between species and habitats. Federalism is a remarkable political parallel to ecological interdependence.²¹

This interconnectedness is necessary for environmental governance because regional ecological conditions differ. Deforestation, industrial pollution, and coastline erosion, for example, require regional solutions within a national regulatory framework. Therefore, ecological federalism imagines a system in which states develop context-specific policies while the centre maintains overall consistency, striking a balance between regional variation and unity.²²

Globally, several federal systems demonstrate elements of ecological federalism.

- In the **United States**, environmental law operates through *cooperative federalism*, where the Environmental Protection Agency (EPA) sets national standards, but States implement and enforce them with flexibility.²³
- **Australia** adopts intergovernmental agreements through the Council of Australian Governments to harmonize federal and state actions on environmental issues.²⁴

²⁰ Amar Patnaik, *Environmental Federalism Crucial for Climate Action*, THE NEW INDIAN EXPRESS (Mar. 28, 2024), <https://www.newindianexpress.com/opinions/2024/Mar/28/environmental-federalism-crucial-for-climate-action>.

²¹ *Id.*

²² Charles Sims et al., *Leveraging Federalism for Flexible and Robust Management of Social-Ecological Systems*, 5 PEOPLE NAT. 446 (2023).

²³ *Environmental Law in the United States | Research Starters | EBSCO Research*, EBSCO, <https://www.ebsco.com> (last visited Nov. 15, 2025).

²⁴ *Ajem_16_2021-01.Pdf*, https://knowledge.aidr.org.au/media/8433/ajem_16_2021-01.pdf (last visited Nov. 15, 2025).

- **Canada** recognizes concurrent jurisdiction over environmental matters, with courts emphasizing cooperation due to the indivisible nature of ecological systems.²⁵

These experiences highlight that environmental governance in a federation must blend central leadership with state participation. For India, these models reinforce the importance of aligning constitutional structure with ecological necessity through coordinated policy and shared accountability. The Indian Constitution did not originally contain explicit environmental provisions. However, the **42nd Constitutional Amendment (1976)** marked a turning point by inserting environmental subjects into the *Concurrent List* (Entries 17A and 17B) and adding **Articles 48A** and **51A(g)**, making environmental protection both a duty of the State and a responsibility of every citizen.

This amendment laid the foundation for ecological federalism by establishing concurrent competence, allowing both Centre and States to legislate on environmental matters. Subsequent judicial developments transformed this framework into an enforceable constitutional principle. Through landmark decisions such as *MC Mehta v. Union of India*, *Vellore Citizens' Welfare Forum v. Union of India*, and *T.N. Godavarman v. Union of India*, the Supreme Court expanded the *right to a healthy environment* under **Article 21** and emphasized the *public trust doctrine* and *precautionary principle*. These judicial innovations created a dynamic form of ecological governance, where the courts acted as mediators in Centre–State environmental disputes and custodians of the constitutional duty to protect the environment. Thus, India's model of ecological federalism evolved through constitutional reform, institutional innovation, and judicial activism.

III. Constitutional and Institutional Framework for Environmental Governance in India

India's constitutional framework serves as the foundation for its environmental governance system, which strikes a delicate balance between state sovereignty and federal power. Although the 42nd Constitutional Amendment of 1976

²⁵ *Environmental Jurisdiction in Canada | Constitutional Insights*, [HTTPS://WWW.CONSTITUTIONALSTUDIES.CA/](https://www.constitutionalstudies.ca/), <https://www.constitutionalstudies.ca/2024/10/environmental-jurisdiction/> (last visited Nov. 15, 2025).

marked a turning point by integrating environmental conservation into its fundamental spirit, the original Indian Constitution lacked explicit environmental safeguards. Incorporated into the Directive Principles of State Policy, Article 48A requires the State to preserve and enhance the environment, as well as to protect wildlife and forests. In addition, Article 51A(g) gives every citizen a basic obligation to preserve and enhance the environment, increase ecological compassion, and live in harmony with all living things. Together, these clauses demonstrate that protecting the environment is a common duty rather than just a governmental one.²⁶

The Union, State, and Concurrent List in the Seventh Schedule of the Constitution outline the legislative authority of the Union and the States. Forests and the preservation of wild animals and birds were moved to the Concurrent List with the 42nd Amendment, while topics like water and land are mostly under the State List. This change emphasizes how important cooperative environmental governance is. The Concurrent List's inclusion of "environmental protection" draws attention to the dual role that the federal government and state governments play in creating laws and regulations, highlighting the idea of cooperative federalism in environmental issues.²⁷

Judicial interpretation has played a key role in shaping environmental governance. The Supreme Court has expanded the scope of Article 21 (Right to Life) to include the right to a healthy environment, recognizing environmental protection as integral to life and liberty. Iconic judgments such as *M.C. Mehta v. Union of India*²⁸ and *Subhash Kumar v. State of Bihar*²⁹ have asserted environmental rights as part of fundamental rights. Additionally, the Court has

²⁶ *The Role Of Constitutional Law In Environmental Protection*, https://legaleye.co.in/blog_news/the-role-of-constitutional-law-in-environmental-protection/ (last visited Nov. 15, 2025).

²⁷ Shreekanth Gupta, *Environmental Policy and Governance in a Federal Framework: Perspectives from India*, in ENVIRONMENTAL POLICIES IN ASIA 15 (2014), http://www.worldscientific.com/doi/abs/10.1142/9789814590488_0002.

²⁸ *M.C. Mehta v. Union of India*, *supra* note 10.

²⁹ *Subhash Kumar v. State of Bihar*, 1991 AIR 420, (India).

directed the creation of environmental regulatory bodies and enforced pollution control norms, thereby filling governance gaps.³⁰

The institutional architecture for environmental governance features key agencies like the Ministry of Environment, Forest and Climate Change (MoEFCC), the Central Pollution Control Board (CPCB), and State Pollution Control Boards (SPCBs). These institutions function within a layered decision-making system that reflects the federal structure of India. The National Green Tribunal (NGT), established through the NGT Act, 2010, further strengthens this architecture by providing a specialized judicial mechanism to adjudicate environmental disputes efficiently.³¹

Center-State tensions, delayed policy implementation, and overlapping jurisdictions continue to be problems in spite of such arrangements. The cooperation between the Center and the States is regularly put to the test by issues like interstate river disputes, industrial pollution, and forest conservation. These issues draw attention to the necessity of a strong and flexible combination of institutional cooperation and constitutional protections, resulting in an ecological federalism that upholds shared responsibility and sovereignty. India's institutional and constitutional framework for environmental regulation provides a dynamic platform for tackling intricate ecological issues. It offers channels for public involvement, judicial enforcement, and legislative cooperation. The effectiveness of this structure, however, is contingent upon ongoing collaboration among governmental levels and an institutional capacity to adjust to urgent ecological demands.

IV. Judicial Construction of Ecological Federalism

The judiciary in India has played a pivotal role in shaping the contours of ecological federalism, affirming it as a cornerstone of democratic governance in the environmental realm. Through a series of landmark cases, the Supreme Court and High Courts have articulated principles that emphasize environmental protection as a shared constitutional responsibility between the Centre and States, thereby reinforcing a complex framework of cooperative and

³⁰ The Role Of Constitutional Law In Environmental Protection, *supra* note 24.

³¹ *Institutional Mechanisms for Environmental Protection in India* • PolSci Institute, <https://polsci.institute/sustainable-development/environmental-protection-mechanisms-india/> (last visited Nov. 15, 2025).

sometimes competitive federalism in ecological governance. Early judicial interventions expanded the ambit of Article 21, interpreting the right to life as inclusive of a clean and healthy environment. In *Subhash Kumar v. State of Bihar*³², the Court expressly recognized the right to clean water and air as fundamental to life, thus placing environmental protection within the realm of enforceable constitutional rights. Such interpretations laid the foundation for the judiciary's proactive involvement in environmental disputes.³³

One of the most significant judicial contributions was the development of the *public trust doctrine*³⁴, first articulated in *M.C. Mehta v. Kamal Nath*³⁵. The Court held that natural resources are held by the State in trust for public use and cannot be privatized or utilized in a manner harmful to public interest. This doctrine subtly blurred the rigid boundaries of Centre-State power by emphasizing a shared duty to protect commons like rivers, forests, and coasts, resources that often transcend territorial boundaries and demand coordinated governance.³⁶

Further, the judiciary has frequently exercised its powers to compel both Central and State authorities to fulfil their ecological mandates. In the *Vellore Citizens Welfare Forum v. Union of India*³⁷, the concept of *sustainable development* was integrated into Indian jurisprudence, with the Court placing the responsibility of balancing growth and environmental protection on all arms of government. The *precautionary principle*, which obligates authorities to take preventive action even in the absence of complete scientific certainty, was also introduced, placing both the Union and the States on alert to environmental

³² *Subhash Kumar v. State of Bihar*, 1991 AIR 420 and 1991 SCR (1) 5.

³³ Sudhanshu Ranjan Mohapatra & Dr Tamal Gupta, *The Notion of Green Federalism and Environmental Justice in India: An Analytical Study*.

³⁴ Manupatra Academy, <https://www.manupatracademy.com/> (last visited Nov. 15, 2025).

³⁵ *M.C. Mehta v. Kamal Nath*, AIR 2000 SC 1997.

³⁶ Bhumika Indulia, *Borrowed Concepts, Undefined Boundaries: A Critical Examination of India's Public Trust Doctrine*, SCC TIMES (May 27, 2024), <https://www.sconline.com/blog/post/2024/05/27/borrowed-concepts-undefined-boundaries-a-critical-examination-of-indias-public-trust-doctrine/>.

³⁷ *Vellore Citizens Welfare Forum v. Union of India*, AIR 1996 SC 2715.

risks.³⁸ A critical reflection of judicial construction of ecological federalism lies in the establishment of the National Green Tribunal (NGT), which was endorsed by the judiciary as a means to ensure speedy and specialized resolution of ecological disputes. NGT's jurisdiction across territorial boundaries underscores the need for uniformity in environmental adjudication beyond the constraints of the traditional federal framework.

However, judicial activism in environmental matters has also generated debates concerning separation of powers. Critics argue that the judiciary's directives sometimes encroach upon the policy-making domain, particularly in cases where detailed prescriptions for pollution control or conservation have been enforced.³⁹ Yet, this judicial assertiveness has often been defended as necessary due to policy paralysis or bureaucratic neglect at both Central and State levels. Judicial construction of ecological federalism has thus been instrumental not only in enforcing environmental rights but also in redefining federal relations in India. By interpreting the Constitution to align with ecological imperatives, courts have fostered a cooperative federal structure that acknowledges shared sovereignty over environmental resources. In doing so, they have laid the groundwork for a holistic, intergovernmental approach to ecological governance is vital for a nation as diverse and environmentally sensitive as India.⁴⁰

V. Reconstituting Centre–State Dynamics: Challenges and Prospects

Given the ever-changing nature of environmental issues, India's Centre-State relationship needs to be revitalized. Traditional federal systems are under stress as ecological problems including climate change, deforestation, river pollution, and biodiversity loss worsen, exposing structural flaws and governance conflicts. Thus, the restoration of Centre-State dynamics in environmental governance becomes an essential necessity for ecological survival and sustainable growth, rather than merely a question of constitutional

³⁸ Devendra Shaligram & Suyash Bansal, *Precautionary Principle and Its Application in Indian Judiciary*.

³⁹ Amit Singh, *Judicial Activism on Environment in India*, SSRN ELECTRON. J. (2014), <http://www.ssrn.com/abstract=2383144>.

⁴⁰ Admin, *JUDICIAL ACTIVISM IN ENVIRONMENTAL LAW - Jus Corpus*, (Mar. 24, 2025), <https://www.juscorpus.com/judicial-activism-in-environmental-law/>.

interpretation. Centralization and decentralization have alternated in India's environmental governance throughout history. Although the Concurrent List in the Constitution permits shared obligations in environmental problems, actual enforcement shows ongoing conflict. While the Union government tends to see certain state acts as disruptive to national ecological aims, such as those mandated under international accords like the Paris Accord, states frequently claim that environmental norms established by the Centre ignore regional socio-economic nuances. For example, different approaches to river water management, forest clearance processes, and land-use policies can lead to legal and political conflicts, revealing the flaws in the cooperative federal model.⁴¹

Asymmetric capacities are one of the main obstacles to reconstituting centre-state dynamics. Many state governments lack the administrative framework, financial resources, and technical know-how necessary to execute environmental standards. The States are primarily responsible for enforcing standards, even though the Centre frequently creates them. Policy coherence is hampered by this disparity, particularly in fields like urban environmental planning, climate mitigation, and industrial pollution management. Furthermore, nationally managed organizations like the National Ganga Council and the National Wildlife Board have come under fire for limiting state involvement.

However, there is a chance for improvement because ecological federalism is necessary. States can be empowered to fulfill their environmental responsibilities through more fiscal devolution for environmental objectives through tools like the Finance Commission. Additionally, to encourage communication, coordination, and dispute resolution, collaborative forums like the National Green Tribunal (NGT), NITI Aayog, and the Inter-State Council might be revitalized. Localized innovations can also help environmental governance, as demonstrated by decentralized water harvesting projects in Rajasthan⁴² and community-led forest management in states like Odisha⁴³. Data

⁴¹ Swati Vishan, *CENTER- STATE RELATION AND ENVIRONMENT PROTECTION IN INDIA*.

⁴² *Water Harvesting Structures in Rajasthan's Villages Set to Promote Sustainable Management - The Hindu*, <https://www.thehindu.com/news/national/other-states/water-harvesting-structures-in-rajasthans-villages-set-to-promote-sustainable-management/article66703205.ece> (last visited Nov. 15, 2025).

sharing and technology-enabled surveillance are promising tools for bridging Centre-State gaps.⁴⁴ Initiatives like the National Air Quality Index and the Forest Fire Alert System provide centralized data that can be effectively utilized by state regulators.⁴⁵ Furthermore, citizens now have a legal foundation to hold both levels of government responsible because to the courts' growing acknowledgment of environmental rights. The future requires a "shared sovereignty" strategy based on flexibility, discussion, and respect for one another. In environmental governance, reestablishing centre-state dynamics is not just an institutional endeavor; it is also a moral and ecological necessity. India must acknowledge that environmental protection cannot be accomplished in silos as it navigates its federal difficulties in a time when the planet is vulnerable to climate change. The best chance for a healthy ecological future lies in a coordinated federalism that empowers states while keeping them accountable, working in tandem with a responsive and cooperative centre.⁴⁶

VI. Conclusion

A complicated but compelling story emerges from India's ecological federalism debate: the need for a federal model that embraces a cooperative vision of environmental care while overcoming conventional administrative limits. Ecological deterioration and the climatic crisis need a re-evaluation of the allocation, use, and sharing of power because they do not acknowledge political authority or sovereignty. This chapter makes the case that shared sovereignty—a constitutionally based, institutionally sound, and morally responsible system in which the Center and States play interdependent roles in preserving

⁴³*Ilc_case_study_0055_india_en.Pdf*,

https://d3o3cb4w253x5q.cloudfront.net/media/documents/ilc_case_study_0055_india_en.pdf (last visited Nov. 12, 2025).

⁴⁴ Aaron Joyce & Vahid Javidroozi, *Smart City Development: Data Sharing vs. Data Protection Legislations*, 148 CITIES 104859 (2024).

⁴⁵ *How Can India Build Effective Air Quality Decision Support Systems?*, CEEW (Oct. 1, 2025), <https://www.ceew.in/publications/designing-effective-air-quality-decision-support-and-pollution-warning-alert-systems>.

⁴⁶ *India's Constitutional and Legal Framework for Environmental Protection • Disaster.Shiksha*, <https://disaster.shiksha/ecology-environment/india-constitutional-legal-environmental-protection/> (last visited Nov. 15, 2025).

ecological integrity and guaranteeing collective survival—must serve as the foundation for India's environmental governance in the future.

In the context of the environment, shared sovereignty entails more than merely authority duplication or division. It promotes co-governance, in which accountability, implementation, and decision-making are shared duties. According to this concept, the Center must facilitate interstate cooperation, harmonized standards, and technological support rather than acting as a unilateral regulator. States must simultaneously change from merely carrying out policies that have been centrally planned to developing innovative environmental solutions that take into account regional ecological, cultural, and developmental factors.

The groundwork for this change is laid by India's constitution. The recognition of shared ecological obligations is already indicated by the addition of Articles 48A and 51A(g) and the migration of forests and wildlife to the Concurrent List. However, deliberate measures to balance Center-State relations are necessary to operationalize this shared custody. To reconcile fiscal governance with ecological performance, for example, environmental planning might be incorporated into the Finance Commission's agenda. In a similar vein, intergovernmental councils and tribunals need to be resurrected with increased autonomy, transparency, and representation. Although judicial intervention has been crucial in filling in governance gaps, the judiciary cannot decide ecological federalism alone. Involving local organizations, civil society, and indigenous people in a participatory government paradigm can strengthen democratic responsibility and guarantee grounded implementation. In order to decentralize environmental decision-making, Panchayati Raj institutions and urban local bodies which are endowed with the 73rd and 74th Constitutional Amendments must be given sufficient funding and legal authority.

Internal coherence is also necessary for India's commitments under international frameworks such as the UNFCCC and the Paris Agreement, as well as for Panchayati Raj institutions and urban local councils. Cohesive climate diplomacy, in which states participate as co-stakeholders in fulfilling their national obligations, can be made possible by shared sovereignty. The potential for subnational contributions to national goals is demonstrated by the leadership in renewable energy already demonstrated by states like Gujarat and Tamil Nadu. There are difficulties with the shared sovereignty paradigm.

Collaboration may be hampered by bureaucratic inertia, resource limitations, and political differences. However, fragmented and competitive federalism, the alternative, runs the risk of causing more ecological deterioration and public health emergencies. Shared survival turns into a shared constitutional guarantee as India deals with frequent catastrophic events including heat waves, floods, and air pollution episodes.

Ecological federalism must develop into a common path of stewardship rather than becoming a battlefield of jurisdiction. India can only ensure a sustainable and just future by adopting a shared sovereignty paradigm based on cooperative federalism and moral ecological governance. The stakes are existential, and the solution needs to be as collaborative as the problem.