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LAND, ENVIRONMENT, AND THE CONSTITUTION: CONTEMPORARY CHALLENGES IN URBAN DEVELOPMENT

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I. ABSTRACT

India's accelerated urbanisation has intensified conflicts between private land interests and environmental protection in infrastructure, housing, and industrial development, particularly within wetlands, floodplains, forest margins, coastal zones, and other ecologically sensitive areas. This study examines the constitutional balance between property rights under Article 300A and environmental obligations flowing from Articles 21, 48A, and 51A(g) of the Constitution of India. Adopting a doctrinal and analytical methodology, it analyses the Environment (Protection) Act 1986, the Environmental Impact Assessment Notification 2006, the Water and Air pollution-control statutes, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, the National Green Tribunal Act 2010, representative town-planning laws, and relevant judicial precedents. Particular attention is given to the Supreme Court's and the National Green Tribunal's application of sustainable development, the precautionary principle, the polluter-pays principle, and the public trust doctrine in resolving land-use conflicts. The study finds that, although the legal framework recognises both ecological protection and procedural safeguards against arbitrary deprivation of property, its implementation is weakened by fragmented institutional authority, project-specific rather than strategic assessment, inadequate post-clearance monitoring, and limited meaningful public participation. It further compares India's framework with the European Union's Strategic Environmental Assessment model, the United States' National Environmental Policy Act process, Singapore's integrated statutory land-use planning, and Australia's environmental assessment and biodiversity-protection regime. Drawing on these approaches, the article proposes statutory adoption of strategic environmental assessment for metropolitan and regional plans; concurrent

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integration of environmental clearances, ecological inventories, and master-plan zoning; accessible local-language consultation; independent lifecycle compliance audits supported by digital and GIS-based monitoring; strengthened municipal capacity; and a principled compensation framework where environmental restrictions substantially impair land use. The study argues that sustainable and equitable urban development requires coordinated governance that treats ecological resilience as integral, rather than incidental, to constitutionally lawful development.

II. KEYWORDS

Land Ownership Rights, Environmental Protection, Article 300A, Sustainable Development, and Public Trust Doctrine.

III. INTRODUCTION

The clash between land ownership rights and environmental conservation represents one of the most intricate legal and socio-economic challenges in modern urban development. As cities expand rapidly, the competing demands of private and public sectors for land to build infrastructure, housing, and commercial spaces often conflict with the collective need to protect ecosystems, water sources, and green areas.[4]

Although land ownership and environmental conservation are distinct concepts, they are deeply intertwined, as major land ownership encompasses factories, industries, and other entities that significantly impact the environment. Which have a profound impact on the environment. At the heart of this issue lies a fundamental conflict between private land ownership, traditionally driven by profit and control, and the imperative for environmental preservation, which demands shared responsibility and regulation. As population growth fuels urban expansion, natural habitats are converted into developed areas, resulting in ecological damage such as species loss and heightened climate vulnerability. Conversely, strict environmental regulations may infringe upon existing property rights, impede essential housing growth, and foster intricate legal conflicts over regulatory takings and zoning laws. This research article explores the difficult

[4] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; National Green Tribunal Act 2010.

equilibrium between these opposing needs. Ultimately, the goal is to identify sustainable conflict resolution strategies and governance models that effectively balance the economic demands of land development with the urgent need for both immediate and long-term ecological protection.

A. Background of the Study

In contemporary India, the convergence of urban development, private land ownership, and environmental principles constitutes a significant and contentious legal and socio-economic issue. As the country urbanizes at an unprecedented pace, with over 40% of its population projected to live in urban areas by 2030. The need for land to support infrastructure, industrial corridors, and housing has reached a critical point. As a finite resource intrinsically tied to economic identity, land is protected by legal and constitutional frameworks, such as Article 300A of the Indian Constitution, which ensures that no one can be deprived of their property except by the authority of law.

Furthermore, the horizontal and vertical expansion of cities frequently encroaches upon ecologically sensitive areas such as wetlands, floodplains, forest edges, and coastal zones. This invasion directly violates the state's obligation to safeguard and improve the environment under Article 48A of the directive principles of state policy, as well as the citizen's fundamental duty to protect natural ecosystems outlined in Article 51A(g). Traditionally, Indian legal thought has distinguished between property rights and environmental protection.

However, the Supreme Court's modern expansion of Article 21 (Right to Life) has firmly integrated the right to a clean, healthy, and sustainable environment into the core of fundamental rights. Consequently, urban development projects now confront a dilemma in which the government's power of eminent domain and private property rights directly

conflict with public interest environmental litigation, stringent environmental impact assessment regulations, and the judicial enforcement of the public trust doctrine.[5]

B. Statement of Problem

This study examines the core issue of systemic legal and regulatory gaps between enforcing land ownership rights and implementing environmental protection rules in large-scale urban development projects. Despite established procedures for acquiring state land for public use, the definition of "public purpose" often favors immediate economic infrastructure at the expense of long-term ecological security. As municipal authorities and private developers speed up their projects, environmental approvals are increasingly viewed as mere administrative formalities rather than authentic ecological safeguards.

This leads to several critical issues:

1. **Regulatory takings without compensation:** Sudden reclassifications of buffer zones or eco-sensitive areas, such as changes in National Green Tribunal directives, can instantly erase landowners' property values or freeze their development rights, leaving them without clear legal recourse for compensation and forcing them into lengthy litigation.[6]
2. **Environmental degradation caused by gaps in compliance:** The weak enforcement of environmental impact assessments (EIA) allows projects to dismantle natural drainage systems and carbon sinks, ultimately triggering man-made disasters like urban flooding, severe water shortages, and microclimate degradation.[7]
3. **Institutional Conflict:** There is a structural divide between urban planning authorities in municipal corporations, which operate under state-level Town

[5] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.
[6] National Green Tribunal Act 2010.
[7] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.

and Country Planning Acts, and environmental regulatory enforcement agencies such as state pollution control boards and the National Green Tribunal. The resulting master plan is ecologically unsound from the start, turning urban development into a zero-sum game between economic and ecological collapse.[8]

C. Research Questions

To address the issue at hand, this study seeks to answer the following research questions.

1. How do courts balance the constitutional right to property under Article 300A with the judicially expanded right to a wholesome environment under Article 21 in the context of urban infrastructure projects?
2. To what extent do current municipal urban planning laws and master plans align with federal environmental statutes, such as the Environment Protection Act of 1986 and the Water and Air Acts?
3. What legal remedies and compensation are available to private landowners when environmental zoning regulations constitute a regulatory taking of their property?
4. How can market-based mechanisms such as Transferable Development Rights (TDR) and eco-centric master planning be legally integrated into Indian municipal frameworks to resolve the deadlock between development and preservation?

D. Objectives of the Study

The primary objective of this research is to analyze the legal conflict between land rights and environmental regulations in urban settings and to propose a coordinated regulatory framework.

[8] National Green Tribunal Act 2010.

The specific objectives are:

1. To examine how judicial trends in the Supreme Court of India and the National Green Tribunal have shifted to prioritize ecological conservation over development and property rights.
2. To identify the structural and legitimate technicalities within the current environmental impact assessment (EIA) process and municipal zoning laws that contribute to urban environmental conflicts.
3. To evaluate the legal efficacy of current mitigation and compensation frameworks for landowners impacted by environmental protection orders.
4. To develop a legally sound model for sustainable urbanism that directly integrates the precautionary principle and the public trust doctrine into the drafting of municipal master plans.

E. Scope and Limitations

1. **Scope:** This study primarily examines India's Tier-1 cities and rapidly growing Tier-2 urban areas, where the tension between real estate development and natural resource conservation is most intense. Temporally, the study focuses on legal developments, statutory amendments, and key judicial precedents from the past two decades, with a particular emphasis on decisions made by the NGT since 2010. Its legal scope is limited to the interaction among constitutional provisions (Articles 21, 48A, 51A(g), and 300A), central environmental legislation, the RFCTYLARR Act of 2013, and representative state-level regional town planning laws.[9]
2. **Limitations:**

[9] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.

- **Dynamic Legal landscape:** Some regulatory frameworks may evolve during this research, as Environmental NGT notifications and judicial interpretations are inherently dynamic and subject to rapid change.
- **Empirical Constraints:** Information on municipal land-use violations, unauthorized developments, and local environmental impacts is often scattered or hard to access. Consequently, in such instances, one must depend on representative case studies and published judicial records
- **Regional Diversification:** Since urban planning is primarily a state subject under the seventh schedule of the Indian Constitution, slight variations in its precise legal applications may exist across different states due to differences in their respective Town and Country planning Acts. [10]

F. Research Methodology

Doctrinal and analytical research methodology is utilized in this research study to analyze the interrelationship between land or property and environmental law.

This research is based on a two-tier data collection process:

1. **Primary Sources:**
   - **Constitutional Texts and Statutory Enactments:** The Constitution of India, 1950, The Environment Protection Act, 1986, the RFCTLARR Act, 2013, The Forest Conservation Act and applicable municipal corporations and town planning legislation.[11]
   - **Judicial precedents:** Judgments of the Supreme Court of India, various High courts and principal bench orders of the National Green Tribunals (NGT).

[10] Constitution of India 1950, sch 7, List II entry 18; List III entries 17A, 17B and 20.
[11] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; Environment (Protection) Act 1986, ss 3, 6 and 25.; Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.; Forest (Conservation) Act 1980.

- **Rules and Notifications:** Environmental impact assessment (EIA) notifications, coastal regulation zone (CRZ) notifications and official gazettes from the ministry of Environment, Forest and Climate change. [12]

2. **Secondary Sources:**

- Academic literature, including peer-reviewed law reviews
- Journals focusing on environmental law and urban planning
- Text publications by authoritative legal commentators
- Reports by the law commission of India and policy research papers from urban think thanks (E.G. NITI Aayog reports on urban planning capacity). [13]

IV. THE EVOLUTION OF LAND OWNERSHIP GOVERNANCE IN INDIA

In India, land has always been regarded as more than just a physical asset, serving as a reflection of the nation's civilization. The concept of land ownership has evolved over centuries through shifting political systems, economic policies, and social structures. From communal ownership in ancient times to feudal control under the Mughals and British, and finally to the modern legal framework established after independence.

To grasp the complexities of land rights, tenancy laws, and agrarian reforms that continuously shape India's rural and urban landscapes, it is essential to understand this evolution.

It examines the historical evolution of land ownership in India, the pivotal legal changes, and the ongoing challenges.

[12] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.; Ministry of Environment, Forest and Climate Change, 'Coastal Regulation Zone Notification 2019' S.O. 37(E), 18 January 2019.
[13] NITI Aayog, *Reforms in Urban Planning Capacity in India* (2021).

A. Land Ownership in ancient India

During the Vedic period (1500-500 BCE), the idea of private land ownership was virtually unknown. Land was regarded as a communal resource, jointly owned by a clan or village. Rulers were seen as guardians of the realm rather than its absolute owners. Farming was a communal endeavor, granting those who cultivated the land an inherent right to specific plots, even in the absence of legal title.

The Dharmashastra era marked the integration of ethical principles into land administration. Ancient texts such as the Manusmriti and the Arthashastra defined the king as the land's custodian while simultaneously asserting that he lacked the authority to confiscate it at will. Kautilya's Arthashastra discusses various land categories, including arable, unproductive, and grassland, while also addressing taxation and inheritance.

Consequently, land was regarded as a sacred trust, where ownership entailed responsibility instead of absolute authority.

B. Land ownership under British Rule

The British colonial era (1757–1947) fundamentally transformed India's land ownership structure. The British established formal property rights mainly to maximize revenue collection and secure political control.

1. **Zamindari System (1793):** Initiated by Lord Cornwallis in Bengal, this system recognized Zamindars as hereditary landowners while obligating them to pay a fixed revenue to the British government. While this arrangement generated revenue for the British raj, it marginalized farmers by stripping them of their traditional rights and reducing them to tenants at will.
2. **Ryotwari system:** The Ryotwari system, introduced by Thomas Munro and Alexander Read in the Madras and Bombay presidencies, recognized farmers (Ryots) as the landowners. They remitted revenue directly to the state. Even

though this system granted farmers land ownership, many fell into debt due to high levies and limited loan options.

C. Land Reforms and Ownership after Independence

After 1947, independent India inherited a highly unequal land ownership structure. In rural India, vast estates owned by absentee landlords dominated the landscape, leaving millions of farmers landless. Consequently, land reform emerged as a fundamental component of both social justice and economic strategies.

1. **Abolition of Zamindari System:** The first major step was the implementation of the Zamindari Abolition Acts, which were passed by various states between 1950 and 1955. These statutes transferred land ownership from the Zamindars to the actual cultivators, thereby invalidating the claims of intermediaries. More than 2o million tenants obtained proprietary rights, making a transformative shift in asset relation.
2. **Tenancy Reforms:** The next phase involved regulating landlord tenant relations. Tenancy law provides:
    - Security of tenure to tenants.
    - Regulation of rent.
    - Rights of ownership for long-term cultivators.

    However, loopholes enabled landlords to evict tenants under false pretenses, thereby undermining the effectiveness of these reforms.

V. EVOLUTION OF ENVIRONMENTAL GOVERNANCE IN INDIA

To grasp the current legal framework for environmental protection and resource conservation, it is essential to understand the history of environmental protection in India.

Given that the Pre-Vedic Indus Valley civilization thrived in northern India approximately 5,000 years ago, it is probable that its inhabitants possessed a profound

understanding of their environment. This is supported by archaeological evidence from the civilization's two most prominent cities, Mohenjo-Daro and Harappa. Amenities like well-ventilated homes, clean streets, abundant wells, toilets, public baths, and covered underground drains all demonstrate their dedication to cleanliness and sanitation. The history of environmental preservation and management in India can be categorized into the following groups.

A. Ancient Period

Environmental awareness in ancient India dates back to the era of the Indus Valley civilization. This is corroborated by archaeological findings from the civilization's two most significant cities, Mohenjo-Daro and Harappa. The presence of well-ventilated homes, clean streets, abundant wells, bathrooms, public baths, and covered underground drains demonstrates their commitment to cleanliness and hygiene. The Vedic civilization, which thrived between 1500 and 500 BCE, placed great emphasis on cleanliness and the environment.

B. Medieval Period

During medieval India, Mughal emperors mainly utilized forests for hunting. Muslim rulers dominated medieval Indian history, with no significant advancement in environmental legislation occurring until the reign of Mughal Emperor Akbar. During Akbar's reign, hunting was forbidden to anyone except the rulers. During the medieval period, the government did not prioritize environmental protection or natural resource conservation, as its main focus was on warfare, spreading religion, and expanding its empire. The only restriction was on "royal trees," which required payment to cut down, while other trees and animals could be harvested freely. As a result, forest cover decreased substantially during this time.

C. British Period

1. The Shore Nuisance (Bombay and Kolaba) Act of 1853 was designed to prevent the contamination of seawater.

2. The Merchant Shipping Act of 1858 dealt with preventing oil pollution at sea.
3. The Fisheries Act, 1897
4. The Bengal Smoke Nuisance Act of 1905
5. Bombay Smoke Nuisance Act of 1912
6. Wild Birds and Animals Protection Act, 1912

D. Post-Independence India

In the early years following India's independence, there was no formal environmental policy, and very few efforts were made to establish laws or regulations for environmental protection. Following the 1972 Stockholm Conference, which introduced modern environmental laws to India, and building upon earlier legal traditions from the medieval, British, and ancient periods—including those found in Buddhism and Jainism—the Indian legislature and judiciary have demonstrated profound environmental concern through significant rulings.

In 1985, Indian lawyer M. C. Mehta played a pivotal role in reforming the nation's environmental laws. This development carries significant implications, granting every Indian citizen the right to file a petition in either the Supreme Court or a State High Court to enforce the nation's environmental laws. Mehta convinced the Supreme Court of India to interpret Article 21 of the Constitution, which guarantees the "right to life," as also including the "right to a healthy environment. Acting on behalf of Indian citizens, M. C. Mehta has secured numerous Supreme Court rulings aimed at protecting the nation's natural resources and cultural heritage, thereby achieving remarkable success in safeguarding the environment and public health in India. He submitted a petition to the Supreme Court to uphold a 1991 decision requiring environmental studies to be part of the curriculum at every level of education. Pursuant to a December 2003 court order, environmental education, referred to as a "green curriculum," is mandated for implementation across all 28 states of India. In 1991, M. C. Mehta obtained a Supreme

Court order mandating environmental education to enable citizens to uphold their constitutional obligation to "protect and improve the natural environment.[14]

VI. ENVIRONMENTAL PROTECTION AND PRINCIPLE OF SUSTAINABLE DEVELOPMENT

Environmental protection and sustainable development have emerged as critical global concerns, especially for countries like India, which must balance economic growth with environmental conservation. The Brundtland Commission first introduced the term "sustainable development" in 1987, defining it as meeting present needs without compromising the ability of future generations to meet their own needs. For a nation like India, characterized by a rapidly expanding economy and a population surpassing 1. 4 billion, this goal is both crucial and exceptionally difficult to achieve. India's dedication to sustainable development is firmly rooted in its constitutional and legal structure. Article 48A of the Constitution requires the State to protect and improve the environment. Moreover, Article 51A(g) mandates that safeguarding the environment is a fundamental duty incumbent upon every citizen. These provisions highlight that environmental conservation is a fundamental pillar of a well-functioning system, yet its implementation is still a work in progress.[15]

A. Judicial Activism and Environmental Protection

Judicial activism has been instrumental in shaping India's environmental laws, filling gaps in the legal framework, and ensuring their enforcement. Over time, the judiciary has become a guardian of environmental rights by broadly interpreting constitutional provisions and applying new principles to address environmental challenges. The Indian Constitution establishes a strong foundation for safeguarding the environment. Article 48A mandates the State to safeguard and enhance the environment, whereas Article

[14] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; *M C Mehta v Union of India* (1992) 1 SCC 358 (SC).
[15] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; *World Commission on Environment and Development, Our Common Future* (Oxford University Press 1987) 43.

51A(g) places a corresponding duty on citizens. Enacted through the 42nd Amendment in 1976, these provisions underscore the profound interconnection among the State, its citizens, and the environment. Judicial interpretation of Article 21 (Right to Life) includes the right to a clean and healthy environment. In the landmark case of Subhash Kumar v. State of Bihar, the Supreme Court ruled that the right to life encompasses the right to enjoy pollution-free air and water. This judicial interpretation has established a robust foundation for many environmental rulings.[16]

B. Policy Framework and Initiatives

The environmental protection policy framework is founded on comprehensive initiatives aimed at tackling varied ecological challenges and promoting sustainable development. At the heart of this approach lies the 2006 National Environment Policy (NEP), which seeks to embed environmental considerations into every aspect of development. Its goals encompass preserving natural resources, encouraging public involvement, and improving governance to guarantee effective environmental management. The policy also underscores international collaboration to address global environmental challenges, including climate change and the preservation of biodiversity. Complementing this, the National Action Plan on Climate Change (NAPCC), launched in 2008, tackles climate change through eight specific missions—including the National Solar Mission, the National Mission for Enhanced Energy Efficiency, and the National Water Mission—that focus on promoting clean energy, improving energy efficiency, and conserving water, respectively. Together, these missions underscore India's dedication to combating climate change while safeguarding its development objectives. [17]

As part of its climate agenda, India has developed State Action Plans on Climate Change (SAPCCs) to address the specific vulnerabilities of each state and create localized

[16] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; *Subhash Kumar v State of Bihar* (1991) 1 SCC 598 (SC).
[17] Ministry of Environment and Forests, *National Environment Policy 2006* (Government of India 2006).; Prime Minister's Council on Climate Change, *National Action Plan on Climate Change* (Government of India 2008).

strategies for mitigation and adaptation. The 2008 National Biodiversity Action Plan bolsters India's conservation initiatives by detailing strategies to safeguard species, ecosystems, and natural habitats. Furthermore, India's Coastal Regulation Zone (CRZ) policy seeks to govern development in coastal areas to protect fragile ecosystems, including mangroves and coral reefs, from the detrimental effects of urbanization and industrialization.[18]

VII. CONSTITUTIONAL FRAMEWORK GOVERNING LAND AND ENVIRONMENTAL RIGHTS

The Indian constitutional framework treats land ownership and environmental protection as interdependent priorities. Rather than favoring one over the other, the judiciary evaluates competing claims through the lenses of legality, equity, public interest, and sustainable development. This balance is critical in urban areas where infrastructure demands routinely intersect with fragile ecosystems like wetlands, floodplains, and forests.[19]

Property rights in India have shifted from a robust fundamental right to a constitutional and human right governed by Article 300A. This provision mandates that no individual can be deprived of property except by the authority of law. The Constitution Bench in K T Plantation Pvt Ltd v State of Karnataka (2011)[20] clarified that Article 300A, though no longer a fundamental right, remains a constitutional guarantee: deprivation must ordinarily serve a public purpose, and the State must justify nil or illusory compensation on judicially justiciable standards. In Kolkata Municipal Corporation v Bimal Kumar Shah (2024) and Bernard Francis Joseph Vaz v Government of Karnataka (2025), the Supreme Court affirmed that deprivation of property must rest on legal authority,

[18] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.; Ministry of Environment, Forest and Climate Change, 'Coastal Regulation Zone Notification 2019' S.O. 37(E), 18 January 2019.; Ministry of Environment and Forests, *National Biodiversity Action Plan* (Government of India 2008).
[19] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.
[20] K T Plantation Pvt Ltd v State of Karnataka (2011) 9 SCC 1

observance of prescribed procedure, and payment of compensation in accordance with law, emphasizing that "if there is no law, there is no deprivation."[21]

The consequences of urban environmental action must also be assessed through the lens of livelihood and rehabilitation. In Olga Tellis v Bombay Municipal Corporation (1985),[22] the Supreme Court held that the right to life under Article 21 includes the right to livelihood and that deprivation must follow a just, fair, and reasonable procedure established by law. Although the decision does not create an unconditional right to occupy public land, it demonstrates that evictions, relocations, and conservation measures affecting vulnerable communities must account for procedural fairness and livelihood hardship. This Article 21-dimension complements Article 300A when designing rehabilitation and compensation arrangements in urban land-use conflicts.

When the state acquires land for public utilities such as metro corridors, affordable housing, or flood control systems it must adhere strictly to these due process standards.

A. Constitutional Foundations of Environmental Rights

The Constitution establishes environmental protection as a mandatory state obligation and a civic duty through its Directive Principles and Fundamental Duties:[23]

1. **Article 48A:** Mandates the State to protect and improve the environment and safeguard forests and wildlife.
2. **Article 51A(g):** Imposes a fundamental duty on every citizen to protect the natural environment, including lakes, rivers, and wildlife.
3. **Article 253:** Empowers Parliament to enact national laws to implement international environmental treaties.
4. **Article 32:** Secures direct access to judicial remedies for environmental violations through public interest litigation.

[21] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.
[22] Olga Tellis v Bombay Municipal Corporation (1985) 3 SCC 545.
[23] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.

The Supreme Court has structurally integrated these provisions with Article 21 (The Right to Life), interpreting "life" to encompass clean air, safe water, and stable ecosystems. In M K Ranjitsinh v Union of India (2024), the Court recognised a right to be free from the adverse effects of climate change under Articles 14 and 21. In Vanashakti v Union of India (2025), it reaffirmed that a pollution-free atmosphere is part of Article 21 and rejected ex post facto environmental-clearance regularisation as incompatible with the prior-clearance framework, ruling that environmental conservation is a prerequisite for development. Crucially, the judiciary has taken a strict stance against executive shortcuts, explicitly rejecting post-facto regularizations of urban construction projects that bypass environmental clearances.[24]

B. Distribution of Legislative Powers

Urban land and environmental governance operate within a fragmented, three-tiered legislative structure. The table below details this constitutional division of powers:

Constitutional Schedule / Article	**Jurisdiction**	**Scope and Focus**
State List (Entry 18)	State Government	Land administration, tenures, land-use regulations, and colonization.
Concurrent List (Entries 17A, 17B, 20)	Shared (Central & State)	Forestry, wildlife protection, and socio-economic planning.

[24] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.; *M K Ranjitsinh v Union of India* 2024 INSC 280.; *Vanashakti v Union of India* 2025 INSC 961.

Constitutional Schedule / Article	Jurisdiction	Scope and Focus
Article 253	Central Parliament	National environmental standards and international treaty implementation.
Articles 243W & 243ZE (12th Schedule)	Municipalities / MPCs	Local urban planning, sanitation, water supply, and metropolitan development layout.

This division creates structural tension: state governments control land administration, the central government defines environmental standards, and local municipalities handle execution. Resolving conflicts requires institutional coordination rather than absolute centralization.

C. Sustainable Development and Judicial Governance

Judicial interpretation has elevated sustainable development into a constitutional imperative. M K Ranjitsinh v Union of India (2024) recognises the connection between environmental protection, equality, and the right to life, while Vellore Citizens Welfare Forum v Union of India continues to anchor the precautionary and polluter-pays principles; projects that threaten basic survival cannot be rationalized as progress. While cities require robust infrastructure, these projects must not disrupt natural drainage networks or wetlands. Under the established jurisprudence of the *Vellore Citizens Welfare*

Forum case, the precautionary principle and the polluter-pays principle remain central to evaluating urban design.[25]

Indian courts frequently treat environmental degradation as a constitutional injury, utilizing *continuing mandamus* to monitor ongoing compliance. Similarly, the National Green Tribunal (NGT) actively polices urban land-use conflicts. In 2024 and 2025, the NGT intensified its scrutiny of floodplain encroachments, wetland destruction, and vanishing water bodies in metropolitan hubs like Delhi, forcing public authorities to align land deployment with ecological realities.[26]

VIII. EMERGING CHALLENGES AND PRACTICAL COMMITMENTS

Contemporary urban governance faces three systemic challenges:

1. **Climate Stress:** Urban heat islands, systemic flooding, and groundwater depletion have elevated environmental protection from an aesthetic concern to a core requirement for survival.
2. **Ecological vs. Private Claims:** Severe friction exists where private property titles overlap with ecologically vital spaces like drainage channels and floodplains.
3. **Administrative Fragmentation:** Policy frameworks like the Ministry of Housing and Urban Affairs' *DataSmart Cities Strategy* (advocating data-driven governance) and *AMRUT 2.0* (targeting urban water security) promote sustainability, yet their success is frequently bottlenecked by weak municipal implementation.[27]

To reconcile these tensions, the combined mandate of Articles 14, 21, 48A, 243W, and 300A requires four practical commitments:

[25] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; *Vellore Citizens Welfare Forum v Union of India* (1996) 5 SCC 647 (SC).
[26] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; National Green Tribunal Act 2010.
[27] Ministry of Housing and Urban Affairs, *Atal Mission for Rejuvenation and Urban Transformation 2.0: Mission Guidelines* (2021).; Ministry of Housing and Urban Affairs, *DataSmart Cities Strategy* (Government of India).

1. **Legal Authorization:** All land acquisitions and zoning alterations must be grounded in explicit statutory authority.
2. **Regulatory Integration:** Environmental clearances and urban spatial planning must occur concurrently rather than sequentially.
3. **Public Participation:** Local communities must have a meaningful voice in decisions affecting ecological commons.
4. **Equitable Rehabilitation:** Compensation and displacement remedies must be executed swiftly to prevent systemic social injustice.

IX. STATUTORY FRAMEWORK REGULATING URBAN DEVELOPMENT AND ENVIRONMENTAL PROTECTION

India's urban development is regulated by a complex web of central statutes, state planning laws, and municipal regulations. Rather than a collection of isolated laws, this framework operates as an integrated governance system where property ownership routinely intersects with compulsory acquisition, zoning laws, environmental clearances, and waste management protocols. Navigating this multi-layered framework serves as both an ecological safeguard and a primary source of administrative overlap, project delays, and public law litigation.[28]

A. Environmental Clearance & Approval Mechanisms

The operational core of urban environmental governance relies heavily on the Environmental Impact Assessment (EIA) Notification of 2006. To balance environmental prudence with administrative efficiency, the regulatory architecture has undergone significant procedural standardization:[29]

[28] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.
[29] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.

1. **Statutory Timelines:** The clearance process mandates strict turnarounds, requiring the EAC or SEAC to convey the Terms of Reference (ToR) to the applicant within 60 days of receipt of Form 1, and providing 105 days for the final environmental clearance decision.[30]
2. **Administrative Digitization:** The central PARIVESH portal tracks proposals online, standardizing ToR data and creating an audited, public-facing database designed to eliminate opaque approval practices.[31]
3. **Regulatory De-duplication:** In 2024, the Ministry exempted specific low-risk industrial categories from obtaining separate, overlapping consents under the Air and Water Acts, provided they hold valid environmental clearances. While this enhances the ease of doing business, it places a heavy burden on post-clearance enforcement.[32]
4. **Decentralized Appraisals:** Category B projects are evaluated at the provincial level by State Environment Impact Assessment Authorities (SEIAA) and State Expert Appraisal Committees (SEAC). An official ranking system monitors these bodies to enforce administrative efficiency while maintaining statutory safeguards.[33]

B. The 2025–2026 Regulatory Pivot: Circular Economy & Auditing

Recent statutory amendments mark a clear transition toward a compliance-audit model rooted in circular economy principles and Extended Producer Responsibility (EPR). Five key regulatory updates redefine municipal and private liability:

[30] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' SO 1533(E), 14 September 2006, para 7(II)(ii) (Terms of Reference); para 8(i) (final environmental clearance decision), as amended.
[31] Ministry of Environment, Forest and Climate Change, *PARIVESH: Pro-Active and Responsive facilitation by Interactive, Virtuous and Environmental Single-window Hub*.
[32] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.
[33] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.

1. **EP (Management of Contaminated Sites) Rules, 2025:** Establishes a strict legal framework for identifying, assessing, and remediating contaminated soil and groundwater a vital intervention for brownfield redevelopment and older industrial zones.[34]
2. **Environment Audit Rules, 2025:** Mandates third-party compliance verification by registered independent auditors, directly linking audit outcomes to the Green Credit Programme and post-clearance project monitoring.[35]
3. **Environment (Construction & Demolition) Waste Management Rules, 2025:** Notified in April 2025 (taking effect April 1, 2026), these rules apply EPR targets to construction waste. Local municipal authorities are statutory enforcement bodies responsible for tracking, sorting, and processing demolition debris.[36]
4. **Solid Waste Management Rules, 2026:** Fully supersedes the 2016 regulations on April 1, 2026. The rules mandate strict source segregation and penalize local bodies for processing failures, shifting municipal mandates from basic service delivery to strict statutory compliance.[37]
5. **End-of-Life Vehicles Rules, 2025:** Enforces mandatory EPR targets for vehicle scrapping and recycling, directly impacting urban air quality, scrap-yard allocations, and spatial management in metropolitan areas.[38]

C. Institutional Proliferation and Mission-Driven Governance

Modern urban environmental governance is divided among traditional ministries (MoEFCC), technical regulatory boards (CPCB/SPCBs deploying 102 SOPs across 71 hazardous waste categories), and mission-level, project-specific institutions:[39]

[34] Environment Protection (Management of Contaminated Sites) Rules 2025, S.O. 3401(E), 24 July 2025.
[35] Environment Audit Rules 2025, S.O. 3973(E), 29 August 2025.
[36] Environment (Construction and Demolition) Waste Management Rules 2025, G.S.R. 219(E), 2 April 2025.
[37] Solid Waste Management Rules 2026, S.O. 388(E), 27 January 2026.
[38] Environment Protection (End-of-Life Vehicles) Rules 2025, S.O. 98(E), 6 January 2025.
[39] Central Pollution Control Board, *Guidelines and Standard Operating Procedures under Environmental Laws*.

1. **Smart City SPVs:** Established as Special Purpose Vehicles under the Companies Act, 2013, across 100 cities. Following the formal end of the Smart Cities Mission on March 31, 2025, official advisories mandated the institutional continuation of these SPVs and their **Integrated Command and Control Centers (ICCCs)** as permanent, data-driven hubs for urban management.[40]
2. **AMRUT 2.0:** Operates through non-statutory guidelines that dictate funding for infrastructure projects. It enforces the compilation of City Water Balance Plans, urban water security, wastewater recycling, and park rejuvenation.[41]
3. **Swachh Bharat Mission-Urban (SBM-U 2.0):** Drives city-level environmental compliance by funding door-to-door waste collection, source segregation, and the remediation of legacy dumpsites.
4. **PMAY-U 2.0:** Launched in September 2024 with a target to support 1 crore urban households, this housing framework explicitly connects affordable housing subsidies with green, climate-smart construction technology.[42]

D. Empirical Realities: Case Studies in Urban Environmental Conflict

The practical friction between private land titles, commercial real estate development, and statutory environmental protections is illustrated across four major Indian metropolitan areas:

1. **Delhi:** NGT proceedings on "disappearing water bodies" have forced the geo-tagging and restoration of vanishing urban wetlands. Persistent enforcement actions along the Yamuna floodplains demonstrate that formal land titles cannot override the ecological and hydrological functions of a river basin.

[40] Ministry of Housing and Urban Affairs, *Smart Cities Mission* (Government of India).
[41] Ministry of Housing and Urban Affairs, *Atal Mission for Rejuvenation and Urban Transformation 2.0: Mission Guidelines* (2021).
[42] Ministry of Housing and Urban Affairs, *Pradhan Mantri Awas Yojana-Urban 2.0 Operational Guidelines* (2024).

2. **Bengaluru:** Prolonged NGT monitoring of Bellandur Lake focuses heavily on clear-cut violations regarding *rajakaluves* (stormwater drains). Unregulated real estate construction footprint over these natural channels breaks the city's drainage network, directly escalating urban flooding risks.
3. **Chennai:** Judicial and statutory interventions at Chitlapakkam Lake highlight systemic reductions in the water spread area caused by unauthorized regularization. Legally, the judiciary treats lakes as part of the public trust, restricting the state's capacity to convert buffer zones into developable real estate.
4. **Mumbai:** Coastal urban expansion constantly clashes with Coastal Regulation Zone (CRZ) boundaries. NGT documentation reveals systemic destruction of protective mangrove buffers and natural creeks by real estate projects, illustrating the necessity of aligning municipal building approvals with maritime environmental laws.[43]

E. Systemic Regulatory Gaps

The statutory framework faces three structural bottlenecks:

1. **Institutional Fragmentation:** Authority remains siloed. Land planning, building permits, pollution control, and environmental clearances are managed by separate agencies with conflicting mandates, diluted accountability, and severe jurisdictional friction.[44]
2. **Capacity Deficits:** While advanced rules exist for contaminated sites and waste streams, local municipal bodies lack the technical expertise, infrastructure, and

[43] Ministry of Environment, Forest and Climate Change, 'Coastal Regulation Zone Notification 2019' S.O. 37(E), 18 January 2019.
[44] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.

manpower to enforce them, requiring an unsustainable reliance on third-party auditors and self-reporting portals.[45]

3. **Efficiency vs. Prudence:** Accelerating environmental clearances and expanding consent exemptions under the guise of "ease of doing business" speeds up project execution at the expense of environmental integrity, because field-level post-clearance monitoring networks remain underdeveloped.[46]

F. Environmental Clearance, Land Use Planning, and Urban Governance

Indian urban development operates at the intersection of environmental clearances, spatial land-use planning, and municipal execution. As cities scale, the legal challenge shifts from halting development to establishing a lawful, coordinated mechanism that protects critical urban ecological resources such as wetlands, floodplains, and lakes while accommodating infrastructural growth.[47]

This regulatory architecture is dictated by the *Environment (Protection) Act of 1986*, the *EIA Notification of 2006*, the *74th Constitutional Amendment*, and sustainable urban initiatives driven by the Ministry of Housing and Urban Affairs (MoHUA).[48]

G. The Environmental Clearance (EC) Mechanism

Environmental Clearance is a mandatory, preventive regulatory gatekeeper for projects listed in the Schedule of the EIA Notification, 2006. The framework divides projects by scale and risk into two administrative tiers:[49]

[45] Environment Protection (Management of Contaminated Sites) Rules 2025, S.O. 3401(E), 24 July 2025.
[46] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.
[47] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.
[48] Constitution of India 1950, arts 243P–243ZG and sch 12.; Environment (Protection) Act 1986, ss 3, 6 and 25.; Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.
[49] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.

1. **Category A:** Appraised at the central level by the Ministry of Environment, Forest and Climate Change (MoEFCC) through its Expert Appraisal Committees (EAC).
2. **Category B:** Appraised at the decentralized state level by State Environment Impact Assessment Authorities (SEIAA) and State Expert Appraisal Committees (SEAC).

X. STATUTORY ENVIRONMENTAL CLEARANCE WORKFLOW IN INDIA

A. Source: Centre for Science and Environment

The legal progression of an urban infrastructure project through this clearance gate involves seven sequential steps where misordering or omission invalidates the approval:

1. **Project Identification:** Screening, determine if the project matches the statutory Schedule of the EIA Notification, 2006, to establish whether central (Category A) or state (Category B) jurisdiction applies.[50]
2. **Scoping:** Tor Formulation, the relevant expert committee drafts specific Terms of Reference (Tor) outlining the mandatory baseline data, environmental boundaries, and impact alternatives to be analyzed.[51]
3. **EIA & EMP Preparation:** Impact Assessment, the project proponent compiles the Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP), mapping specific urban externalities including traffic density, sewage load, tree canopy loss, and microclimate heat islands.[52]

[50] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.
[51] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.
[52] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.

4. **Public Consultation:** Community Hearing, conduct structured public hearings and solicit written objections from local residents and affected communities to capture localized environmental risks.
5. **Appraisal:** Expert Review, the EAC or SEAC scrutinizes the complete EIA report, public hearing transcripts, and mitigation commitments against the project's historical compliance records.[53]
6. **Regulatory Decision:** Issuance. the apex authority explicitly grants, rejects, or issues a conditionally approved Environmental Clearance.[54]
7. **Post-Clearance Monitoring:** Lifecycle Compliance, enforce compliance through regular data reporting, field inspections, and digital transparency logs to prevent post-approval monitoring failures.

B. Land Use Planning, Zoning, and Urban Metrics

Land-use planning serves as the primary public law mechanism to balance private property rights with ecological preservation. National planning doctrines are steered by Mohua through several key frameworks and strategic datasets:

1. **URDPFI Guidelines & River-Centric Planning:** The *Urban and Regional Development Plans Formulation and Implementation (URDPFI)* guidelines mandate the integration of environmental buffers into master plans. Under complementary *River Centric Urban Planning Guidelines*, cities must implement strict floodplain zoning to legally restrict permanent construction along natural drainage paths.[55]
2. **Transit-Oriented Development (TOD):** Links land use with intensive mass transit networks by concentrating high-density, mixed-use zoning within a 500

[53] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.
[54] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.
[55] Ministry of Housing and Urban Affairs, *Urban and Regional Development Plans Formulation and Implementation Guidelines* (2014).; Ministry of Housing and Urban Affairs, *River-Centric Urban Planning Guidelines* (2020).

to 800-meter radius of transit hubs. This contains urban sprawl and reduces systemic greenhouse gas emissions.[56]

3. **Smart Cities & AMRUT 2.0:** As of July 2025, the *Smart Cities Mission* reached a 95% completion rate across 8,063 projects, transitioning its *Integrated Command and Control Centers (ICCCs)* into permanent municipal data hubs. Concurrently, *AMRUT 2.0* ties municipal funding directly to city water balance plans and wastewater recycling targets.[57]
4. **Urban Solid Waste Pressures:** Government data from January 2026 shows Indian cities generate approximately 162,000 tons of municipal solid waste daily. The *Solid Waste*

C. Empirical Review: Jurisdictional Urban Conflicts

The operational friction between real estate development, spatial planning omissions, and environmental mandates is illustrated across four urban case studies overseen by the National Green Tribunal (NGT)[58]

Governance Tier	Institutional Actor	Primary Mandate & Operational Reality
National	MoEFCC / CPCB	Sets legal standards, baseline pollution caps, and national policies via 102 SOPs for hazardous waste.

[56] Ministry of Housing and Urban Affairs, *National Transit Oriented Development Policy* (2017).
[57] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.; Ministry of Housing and Urban Affairs, *Atal Mission for Rejuvenation and Urban Transformation 2.0: Mission Guidelines* (2021).
[58] National Green Tribunal Act 2010.

Governance Tier	Institutional Actor	Primary Mandate & Operational Reality
Provincial	State Governments / SPCBs / SEIAAs	Manages land administration, town-planning statutes, and initial industrial/environmental clearances.
Local	Municipalities (ULBs) / Smart City SPVs	Executes basic utility delivery, solid waste stream management, and field-level zoning compliance.
Judicial	Supreme Court / National Green Tribunal	Exercises public law oversight, corrects administrative failures, and arbitrates ecological injury claims.

This structure faces severe coordination bottlenecks. While spatial integration is conceptually assumed in MoHUA's *URDPFI Guidelines* and *Transit-Oriented Development (TOD)* policies, independent agencies routinely issue contradictory permits.[59]

To preserve institutional capacity, a June 2025 government advisory mandated that Smart City SPVs which achieved a 95% completion rate across 8,063 projects by the close of the formal mission window remain active as permanent municipal data hubs to prevent administrative regression.[60]

[59] Ministry of Housing and Urban Affairs, *Urban and Regional Development Plans Formulation and Implementation Guidelines* (2014).; Ministry of Housing and Urban Affairs, *National Transit Oriented Development Policy* (2017).
[60] Ministry of Housing and Urban Affairs, *Smart Cities Mission* (Government of India).

D. Judicial Constitutionalism and Adjudication

When administrative enforcement does not succeed, constitutional courts along with the National Green Tribunal act as structural correctives to the situation. The governance of the Indian judiciary balances the protections of property with the rights related to the environment through two pathways that are complementary to each other.[61]

1. **Environmental Constitutionalism as stated in Article 21:** In Vellore District Environment Monitoring Committee v District Collector, Vellore District (2025) and Vanashakti v Union of India (2025), the Supreme Court reaffirmed that a pollution-free environment forms part of Article 21. Vanashakti further held that ex post facto environmental clearance is fundamentally at odds with the preventive design of the EIA regime that having a pollution-free atmosphere is an essential part of the Right to Life. The judiciary required a zero-tolerance policy regarding shortcuts taken by the executive branch, stating that citizens have the right to directly seek constitutional remedies when local environmental degradation poses a threat to human dignity.[62]
2. **Procedural Legality in Land Deprivation as stated in Article 300A:** In Kolkata Municipal Corporation v Bimal Kumar Shah (2024) and Bernard Francis Joseph Vaz v Government of Karnataka (2025), the Supreme Court clarified that Article 300A protects property against deprivation without authority of law. The decisions require adherence to statutory procedure and timely compensation when land is acquired for public purposes that the state cannot ignore statutory due process when it comes to compulsory acquisition or rezoning for public infrastructure. The Court determined that procedural irregularities cannot be overlooked just because of claims of administrative finality, which provides direct protection to private owners from arbitrary

[61] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; National Green Tribunal Act 2010.; Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.
[62] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.

displacement. Alongside these constitutional directives, the National Green Tribunal serves as the main venue for addressing localized ecological disputes. During the year 2026, the tribunal's case load has been significantly focused on penalizing municipal bodies for issues such as encroaching on wetlands, unauthorized construction in areas that are prone to flooding, and the ongoing neglect of urban drainage systems.[63]

XI. GOVERNANCE MECHANISMS

Governance mechanisms create the operational framework for urban environmental law in India. Modern urban development is overseen by a complex arrangement of institutions that includes central ministries, pollution boards, municipal bodies, development authorities, and specialized tribunals. This variety of institutions offers administrative checkpoints, but it often leads to delays in the system, overlaps in jurisdiction, and gaps in accountability.

To address these issues, urban administration in India is moving towards governance that is based on data, platforms, and specific missions. This change involves an increase in digital oversight and the continuation of Special Purpose Vehicles and Integrated Command and Control Centers beyond their initial project timelines.

A. The Regulatory and Digital Governance Landscape

Regulatory governance in India depends a lot on delegated legislation that is created under the Environment (Protection) Act, 1986. This system is becoming more connected with digital infrastructure to make compliance monitoring more standardized across three main areas.[64]

Lifecycle Compliance Auditing: The Environment Audit Rules, 2025 have brought in certified third-party environmental auditors to change governance from relying on uncertain prior approvals to a model that is based on trust and continuous verification.

[63] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; National Green Tribunal Act 2010.
[64] Environment (Protection) Act 1986, ss 3, 6 and 25.

This approach is supported by the 2025 and 2026 rules regarding contaminated sites and waste management, which make sure that environmental liabilities are applied throughout all stages of a project's operational lifecycle.[65]

Platform-Based Service Delivery: On 25 May 2026, the Department of Administrative Reforms and Public Grievances launched the NeSDA 2025 portal to support the National e-Governance Service Delivery Assessment. NeSDA is a biennial benchmarking framework that assesses the maturity and effectiveness of online G2C and G2B service delivery by States, Union Territories, and Central Ministries/Departments across multiple sectors. The portal facilitates assessment data submission and review; it is not a municipal permitting platform.[66]

Data Interoperability: The National Urban Digital Mission (NUDM) was co-developed by the Ministry of Housing and Urban Affairs and the National Institute of Urban Affairs to set up unified data standards for municipalities. This integration includes geographic information system land records, building permits, and environmental metrics which help authorities to understand cumulative impacts. However, it is important to note that digital portals cannot replace physical enforcement, as unverified data or a lack of staff in local bodies can lead to poor planning decisions being made more quickly.

B. Strategic Reform Framework for Indian Urban Governance

To move Indian cities away from disjointed, permit-heavy systems to sustainable, climate-resilient frameworks, six structural changes are needed in the statutory and administrative setup:

1. **Adopt Strategic Environmental Assessment (SEA):** India needs to go beyond individual, project-level Environmental Impact Assessments (EIAs) to

[65] Environment Protection (Management of Contaminated Sites) Rules 2025, S.O. 3401(E), 24 July 2025.; Environment Audit Rules 2025, S.O. 3973(E), 29 August 2025.
[66] Department of Administrative Reforms and Public Grievances, 'DARPG Launches NeSDA 2025 Portal to Strengthen Digital Governance Across India' (Press Information Bureau, 28 May 2026) https://www.pib.gov.in/PressReleasePage.aspx?PRID=2266244 accessed 7 July 2026.

implement regional-scale SEAs, similar to those used in the European Union. This change will help assess ecological vulnerabilities at the metropolitan level before land is assigned to incompatible zoning categories.

2. **Deploy a Unified Urban Compliance Platform:** A centralized environmental planning framework should be put in place at the municipal level. This platform needs to achieve full data interoperability by connecting National Urban Digital Mission (NUDM) standards, Geographic Information System (GIS) land registries, updated wetland inventories, and municipal building permissions.
3. **Democratize Public Consultation:** It should be required to publish summaries of EIAs in local languages, extend the minimum statutory timelines for public objections, and use interactive digital mapping tools to make civic feedback accessible and legally binding on project design.
4. **Institutionalize Lifecycle Monitoring:** The Environment Audit Rules, 2025 should be utilized to enforce regular post-clearance audits. Projects will need to operate under public environmental logbooks that include automated, legally enforceable financial triggers for environmental remediation if pollution levels exceed established baselines.
5. **Empower Local Self-Governance:** Quasi-autonomous Smart City Special Purpose Vehicles (SPVs) and data-driven Integrated Command and Control Centers (ICCCs) should be integrated directly into traditional Urban Local Bodies (ULBs). This will consolidate technical capacity within permanent municipal structures instead of keeping it isolated in temporary, project-based organizations.
6. **Position Judicial Oversight as an Exception:** Executive and municipal authorities must enhance their basic enforcement capabilities so that judicial involvement through the National Green Tribunal (NGT) or constitutional courts becomes an uncommon corrective action rather than a standard administrative response.

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XII. LAND–ENVIRONMENT CONFLICTS AND JUDICIAL RESPONSES IN URBAN DEVELOPMENT

India's swift urbanization has exacerbated the tension between private land ownership rights and environmental conservation. As urban areas expand to support rising populations and economic activity, development projects are increasingly encroaching on ecologically sensitive zones such as wetlands, forests, floodplains, and water bodies. Although Article 300A of the Indian Constitution safeguards landowners' rights, environmental conservation is recognized as an essential aspect of the right to life under Article 21. This constitutional overlap results in a complex legal environment where individual property rights must be weighed against the collective entitlement to a healthy and sustainable environment.

Conflicts between property rights and environmental protection frequently emerge when governments enforce zoning regulations, environmental permits, or conservation initiatives that restrict the utilization of privately held land. These measures, often termed regulatory takings, can substantially diminish a property's economic worth or development prospects without necessitating formal acquisition. While these measures aim to safeguard ecological balance and public welfare, they often spark controversies over compensation, procedural fairness, and the scope of state authority. Indian courts have consistently held that environmental concerns and the public interest can warrant reasonable limitations on property rights, as long as such measures are grounded in law and adhere to due process.

Urban expansion has disproportionately impacted wetlands, floodplains, and forests, which are essential for preserving ecological stability. Transforming natural resources into residential areas, commercial hubs, and industrial zones has led to heightened flooding, groundwater depletion, biodiversity loss, and increased climate vulnerability. The encroachment on river floodplains, exemplified by the Yamuna in Delhi, alongside

the vanishing urban lakes in cities like Bengaluru and Chennai, highlight the detrimental effects of unregulated development. The judiciary has consistently maintained that ecological resources are held in public trust and cannot be reduced to mere commercial assets for private exploitation.

The Supreme Court of India and the National Green Tribunal (NGT) have played a transformative role in resolving land-environment conflicts and developing environmental jurisprudence. By engaging in judicial activism, the courts have broadened the scope of constitutional rights and established principles aimed at reconciling development with environmental conservation. The Supreme Court has consistently held that sustainable development is a constitutional mandate and that environmental degradation directly infringes upon the fundamental right to life. Likewise, the NGT has evolved into a dedicated forum for resolving disputes related to illegal structures, wetland encroachments, and breaches of environmental clearance regulations, thus enhancing environmental accountability at both national and local levels.[67]

1. A landmark judgment in Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; National Green Tribunal Act 2010.established the principles of sustainable development, the precautionary principle, and the polluter-pays principle as essential components of Indian environmental law. The Supreme Court held that economic development cannot occur at the expense of ecological security and that industries causing environmental harm must bear the cost of remediation. The decision significantly influenced subsequent judicial approaches to balancing developmental activities with environmental protection and remains a cornerstone of environmental jurisprudence in India.[68]

[67] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.; National Green Tribunal Act 2010.

[68] *Vellore Citizens Welfare Forum v Union of India* (1996) 5 SCC 647 (SC).

2. Similarly, the series of cases under *M.C. Mehta v. Union of India* profoundly shaped the constitutional understanding of environmental rights. Through public interest litigation, M.C. Mehta successfully addressed issues ranging from industrial pollution and river contamination to urban environmental degradation. The Supreme Court recognized that the right to life under Article 21 includes the right to clean air, safe water, and a healthy environment. These decisions strengthened the principle that environmental protection is not merely a policy objective but a constitutional obligation enforceable through judicial intervention.[69]
3. In *Hinch Lal Tiwari v. Kamala Devi* (2001), the Supreme Court emphasized the importance of preserving village ponds and community resources against encroachments. The Court ruled that natural resources intended for public use cannot be diverted for private ownership or commercial purposes and directed the restoration of a village pond that had been unlawfully allotted to individuals. The judgment reinforced the public trust doctrine by recognizing that environmental assets belong to the community and must be preserved for future generations.[70]
4. Likewise, in *Intellectuals Forum, Tirupati v. State of Andhra Pradesh* (2006), the Supreme Court dealt with the conversion of water bodies into residential and commercial land. The Court reiterated that environmental protection forms an integral part of sustainable development and held that authorities must prioritize ecological interests over short-term economic gains. By invoking the precautionary principle and the public trust doctrine, the Court stressed that natural resources cannot be alienated in a manner that undermines public welfare and environmental sustainability.[71]

The National Green Tribunal has further strengthened environmental governance through several significant decisions concerning wetlands, floodplains, and urban

[69] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; *M C Mehta v Union of India* (1987) 1 SCC 395 (SC).; *M C Mehta v Union of India* (1988) 1 SCC 471 (SC).
[70] *Hinch Lal Tiwari v Kamala Devi* (2001) 6 SCC 496 (SC).
[71] *Intellectuals Forum, Tirupati v State of Andhra Pradesh* (2006) 3 SCC 549 (SC).

development projects. The Tribunal has actively intervened in matters relating to the restoration of the Yamuna floodplains in Delhi, the protection of Bellandur Lake and stormwater channels in Bengaluru, and the preservation of wetlands in Chennai and Mumbai. These decisions reflect the Tribunal's commitment to ensuring that urban planning aligns with environmental laws and sustainable development principles.

The NGT has consistently maintained that municipal authorities and private developers must respect ecological boundaries and comply with environmental regulations, even when faced with competing developmental pressures. Overall, the conflict between land ownership rights and environmental protection illustrates the evolving nature of Indian constitutionalism and environmental governance. While property rights remain important legal protections, they cannot be exercised in a manner that compromises ecological integrity or public welfare.

Judicial institutions, particularly the Supreme Court and the National Green Tribunal, have played a crucial role in developing a balanced approach that integrates sustainable development principles with constitutional guarantees. Their interventions demonstrate that meaningful urban development must be environmentally responsible, socially equitable, and consistent with the long-term interests of present and future generations.[72]

XIII. CHALLENGES AND COMPARATIVE APPROACHES TO SUSTAINABLE URBAN DEVELOPMENT

A. Challenges in Balancing Urban Development with Environmental Sustainability

The rapid pace of urbanization in India has created significant challenges in balancing developmental objectives with environmental sustainability. The growing demand for housing, transportation networks, industrial corridors, and commercial infrastructure has intensified pressure on natural ecosystems and limited urban resources. Although

[72] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.; National Green Tribunal Act 2010.

India possesses an extensive legal framework for environmental protection, practical implementation remains constrained by administrative inefficiencies, overlapping jurisdictions, and inadequate coordination among institutions. Consequently, urban development frequently occurs at the expense of ecological stability, leading to environmental degradation and social conflicts.

One of the most significant challenges is institutional fragmentation. Urban planning authorities, municipal corporations, environmental regulators, and state governments often function independently, resulting in inconsistent policies and conflicting approvals. While municipal authorities are responsible for land-use planning and building permissions, environmental clearances are governed by separate statutory bodies such as State Pollution Control Boards and State Environment Impact Assessment Authorities. The absence of an integrated governance mechanism creates regulatory overlaps and weakens environmental accountability.[73]

Another major concern is the ineffective implementation of Environmental Impact Assessment (EIA) procedures. Although the EIA framework seeks to identify and mitigate environmental risks before project approval, public consultations are often treated as procedural formalities rather than meaningful participatory exercises. Technical reports remain inaccessible to local communities, and post-clearance monitoring mechanisms frequently lack adequate enforcement. Consequently, several development projects proceed without fully addressing their long-term environmental consequences.[74]

The expansion of urban settlements into ecologically sensitive regions has also intensified environmental challenges. Wetlands, floodplains, forests, and water bodies are increasingly converted into residential and commercial spaces, disrupting natural drainage systems and increasing vulnerability to urban flooding, groundwater depletion,

[73] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.
[74] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.

and biodiversity loss. Cities such as Delhi, Bengaluru, Chennai, and Mumbai provide clear examples of how unplanned urban growth can undermine environmental resilience and public welfare.

Furthermore, limited public participation in environmental decision-making remains a persistent obstacle. Although environmental laws provide opportunities for public consultation, affected communities often lack access to relevant information or technical expertise. The use of complex legal language, short notice periods, and bureaucratic procedures discourages meaningful civic engagement, ultimately increasing reliance on judicial intervention through public interest litigation.[75]

The major challenges affecting sustainable urban development in India include:

1. Institutional fragmentation among planning and environmental authorities.
2. Weak enforcement of environmental laws and clearance conditions.
3. Inadequate implementation of Environmental Impact Assessments (EIAs).
4. Encroachment upon wetlands, forests, and floodplains.
5. Limited public participation and transparency in decision-making.
6. Insufficient technological and financial capacities within municipal bodies.
7. Increasing climate-related risks such as flooding, heat islands, and water scarcity.

B. Comparative Analysis of International Practices and Regulatory Models

Many countries have adopted integrated legal and institutional frameworks that successfully balance urban development with environmental sustainability. These international models offer valuable lessons for India in reforming its urban governance systems and environmental regulatory mechanisms.

[75] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.

1. European Union: Strategic Environmental Assessment (SEA)

The European Union has established a comprehensive framework for environmental governance through the Strategic Environmental Assessment (SEA) Directive. Unlike traditional Environmental Impact Assessments, which focus on individual projects, SEA evaluates the environmental implications of policies, regional plans, and development programmes before implementation. This preventive approach ensures that ecological concerns are integrated into urban planning at an early stage, reducing future environmental conflicts and promoting sustainable land use.[76]

The key features of the European SEA model include:

- Assessment of environmental impacts at the planning stage.
- Mandatory public participation and stakeholder consultation.
- Integration of environmental objectives into development policies.
- Transparency and accessibility of environmental information.
- Continuous monitoring of environmental outcomes.

The adoption of a similar mechanism in India could strengthen metropolitan planning and reduce conflicts arising from incompatible land-use decisions.

2. United States: Zoning and Environmental Review Systems

The United States follows a decentralized approach to land-use regulation, were local governments exercise significant control through zoning laws and environmental review mechanisms. The National Environmental Policy Act (NEPA), 1969, requires federal agencies to prepare Environmental Impact Statements for projects that significantly affect

[76] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.; Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [2001] OJ L 197/30.

the environment. This process promotes transparency, public participation, and informed decision-making.[77]

American zoning regulations also establish clear distinctions between residential, industrial, commercial, and environmentally protected areas, thereby minimizing conflicts between development and conservation objectives. The emphasis on community participation and environmental accountability provides important lessons for improving urban governance in India.

3. Singapore: Integrated Urban Planning Model

Singapore represents one of the most successful examples of sustainable urban development through integrated planning. The Urban Redevelopment Authority (URA) coordinates land use, transportation, environmental conservation, and housing policies within a unified framework. Green infrastructure, water management systems, and biodiversity conservation are incorporated into urban planning processes from the outset.[78]

Singapore's model is characterized by:

- Long-term master planning and environmental forecasting.
- Integration of green spaces and ecological corridors within urban areas.
- Smart technologies for environmental monitoring and resource management.
- Strict enforcement of land-use regulations and environmental standards.
- High levels of institutional coordination among government agencies.

These practices demonstrate the benefits of centralized planning and technological innovation in achieving sustainable urban growth.

[77] National Environmental Policy Act 1969, 42 USC §§ 4321–4370h.
[78] Planning Act 1998 (Singapore) cap 232.

4. Australia: Sustainable Land-Use Governance

Australia has adopted comprehensive legal mechanisms to promote sustainable land use and environmental protection. Environmental planning laws require authorities to consider ecological impacts alongside economic and social factors during the approval process. Strong emphasis is placed on community consultation, climate resilience, and biodiversity conservation.[79]

Australian urban governance also incorporates:

- Integrated environmental and land-use planning systems.
- Climate adaptation strategies within urban development policies.
- Protection of environmentally sensitive zones through statutory regulations.
- Community participation in planning and environmental decision-making.
- Effective monitoring and enforcement mechanisms.

The Australian experience highlights the importance of balancing economic development with ecological sustainability through inclusive and evidence-based governance models.

C. Lessons for India

The comparative analysis of international regulatory frameworks reveals several lessons that can strengthen India's approach to sustainable urban development:

1. Adoption of Strategic Environmental Assessment (SEA) for regional and metropolitan planning.
2. Integration of environmental considerations into master plans and zoning regulations.
3. Strengthening public participation through transparent consultation mechanisms.

[79] Environment Protection and Biodiversity Conservation Act 1999 (Cth).

4. Enhancing institutional coordination among municipal, state, and environmental authorities.
5. Utilizing digital technologies and Geographic Information Systems (GIS) for land-use management.
6. Promoting climate-resilient infrastructure and green urban planning.

XIV. FINDINGS, RECOMMENDATIONS, AND SUGGESTED LEGAL REFORMS

A. Major Findings of the Study

The present study reveals that the conflict between land ownership rights and environmental protection has become increasingly prominent due to rapid urbanization and infrastructural expansion in India. Although the Constitution safeguards property rights under Article 300A, environmental protection has evolved into an essential component of the right to life under Article 21. The judiciary has consistently emphasized that developmental activities must adhere to the principles of sustainable development and ecological preservation.[80]

The research further indicates that India's statutory framework, comprising the Environment (Protection) Act, 1986, the RFCTLARR Act, 2013, the National Green Tribunal Act, 2010, and municipal planning laws, provides a strong legal foundation for environmental governance. However, practical implementation remains weak due to fragmented institutions, overlapping jurisdictions, inadequate enforcement mechanisms, and limited coordination among urban planning authorities and environmental regulators.[81]

Another significant finding is that environmental clearances and public consultations often function as procedural requirements rather than meaningful mechanisms for

[80] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.
[81] Environment (Protection) Act 1986, ss 3, 6 and 25.; Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.; National Green Tribunal Act 2010.

environmental protection. In many instances, local communities remain excluded from decision-making processes, resulting in conflicts that ultimately require judicial intervention. The study also demonstrates that international models, particularly those adopted by the European Union, Singapore, and Australia, emphasize integrated planning, public participation, and preventive environmental assessments, offering valuable lessons for Indian urban governance.[82]

The major findings of the study may be summarized as follows:

1. Constitutional provisions establish a balance between property rights and environmental protection rather than prioritizing one over the other.
2. Judicial activism has significantly contributed to the development of environmental jurisprudence in India.
3. Institutional fragmentation remains a major obstacle to sustainable urban governance.
4. Environmental Impact Assessment mechanisms require stronger implementation and monitoring.
5. Public participation in environmental decision-making is presently inadequate.
6. International regulatory models provide effective strategies for integrating environmental sustainability within urban planning frameworks.

[82] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.; Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [2001] OJ L 197/30.; Planning Act 1998 (Singapore) cap 232.; Environment Protection and Biodiversity Conservation Act 1999 (Cth).

B. Recommendations

To address the challenges identified in this study, comprehensive legal and institutional reforms are necessary to create a balanced framework that protects both developmental interests and environmental resources. The following recommendations are proposed:

1. **Adoption of Strategic Environmental Assessment (SEA):** India should move beyond project-specific Environmental Impact Assessments and adopt Strategic Environmental Assessments for regional and metropolitan planning. Environmental considerations should be integrated at the policy and master-plan levels to prevent conflicts arising during project implementation.[83]
2. **Strengthening Environmental Impact Assessment Mechanisms:** The Environmental Impact Assessment process should be made more transparent and participatory. Public consultations must be conducted in local languages, technical documents should be easily accessible, and post-clearance monitoring should be strengthened through independent environmental audits and digital compliance systems.[84]
3. **Integrated Land-Use and Environmental Planning:** Urban planning authorities and environmental agencies should operate within a unified institutional framework. Master plans must incorporate ecological indicators such as wetlands, floodplains, forests, and biodiversity corridors to ensure sustainable land utilization.
4. **Promotion of Digital Governance and GIS-Based Planning:** The use of Geographic Information Systems (GIS), digital land records, and smart urban technologies should be expanded to facilitate evidence-based planning and

[83] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.; Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [2001] OJ L 197/30.
[84] Ministry of Environment and Forests, 'Environmental Impact Assessment Notification 2006' S.O. 1533(E), 14 September 2006.

improve environmental compliance. Digital platforms can help monitor land-use changes and identify environmental risks at an early stage.

5. **Strengthening Public Participation:** Environmental governance should promote meaningful public engagement. Communities affected by development projects must be given adequate opportunities to participate in consultations, submit objections, and access environmental information in an understandable format.
6. **Effective Compensation Mechanisms for Regulatory Takings:** Legal mechanisms should be developed to provide fair compensation to landowners whose property rights are significantly restricted by environmental regulations. Such measures would balance ecological objectives with constitutional protections under Article 300A.[85]

C. Suggested Legal Reforms

To strengthen the existing legal framework, the following reforms may be considered:

1. Introduction of Strategic Environmental Assessment legislation for urban and regional planning.
2. Greater coordination between municipal authorities, State Pollution Control Boards, and environmental clearance agencies.
3. Mandatory integration of environmental considerations into city master plans and zoning regulations.
4. Establishment of independent environmental auditing mechanisms for post-clearance compliance.
5. Strengthening the powers and resources of Urban Local Bodies for environmental governance.

[85] Constitution of India 1950, arts 21, 48A, 51A(g) and 300A.

6. Development of statutory guidelines regarding compensation for environmental zoning restrictions and regulatory takings.
7. Expansion of digital governance systems through Geographic Information Systems (GIS) and data-driven urban management platforms.
8. Promotion of climate-resilient infrastructure and sustainable construction practices within urban development policies.

XV. CONCLUSION

The relationship between land ownership rights and environmental protection represents one of the most significant legal challenges in contemporary urban governance in India. Rapid urbanization, infrastructural development, and industrial expansion have intensified pressures on natural ecosystems, often creating conflicts between private property interests and the collective need for environmental conservation. The study demonstrates that neither development nor environmental protection can exist in isolation; rather, both must operate within a framework of sustainable and equitable governance. The Indian Constitution provides a balanced foundation for addressing these competing interests. While Article 300A safeguards property rights, Articles 21, 48A, and 51A(g) collectively impose obligations upon the State and citizens to protect and preserve the environment. Judicial interpretation has further strengthened this balance by recognizing a clean and healthy environment as an essential component of the right to life.

Through landmark judgments, the Supreme Court of India and the National Green Tribunal have established sustainable development, the precautionary principle, the polluter-pays principle, and the public trust doctrine as guiding principles for resolving land-environment disputes. The research also reveals that India's statutory framework for environmental protection and urban planning is comprehensive but faces considerable implementation challenges. Institutional fragmentation, overlapping jurisdictions, weak enforcement mechanisms, and inadequate public participation

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continue to hinder effective environmental governance. Environmental Impact Assessments and municipal planning processes often function independently, resulting in conflicts that delay development projects and compromise ecological integrity. Therefore, greater coordination among governmental institutions and stronger compliance mechanisms are necessary to ensure balanced urban growth.

The comparative analysis of international practices demonstrates that integrated planning systems, Strategic Environmental Assessments, digital governance mechanisms, and meaningful public participation can significantly enhance sustainable urban development. These approaches provide valuable lessons for India in strengthening its legal and regulatory frameworks while accommodating economic growth and environmental conservation.[86]

Ultimately, sustainable urbanization requires a holistic approach that recognizes environmental protection as an indispensable element of development rather than an obstacle to progress. Effective governance must combine constitutional safeguards, judicial oversight, transparent administrative processes, technological innovation, and community participation. By adopting integrated legal reforms and strengthening institutional capacities, India can create an urban development model that protects property rights, preserves ecological resources, and promotes the welfare of present and future generations.[87]

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