



India's Environmental Enforcement Deficit: Institutional Fragmentation, Regulatory Weakness and the Need for Governance Reform

Upendra Vikram Singh

Research Scholar, Department of Law, K.S. Saket PG College, Ayodhya, UP, India

Dr. A. K. Rai

Dean, Department of Law, K.S. Saket PG College, Ayodhya, UP, India

Abstract

India possesses a dense body of environmental law, yet environmental injury repeatedly survives prohibition, clearance conditions, judicial directions and monetary liability. This article explains that disjunction as an enforcement deficit: failure to convert legal norms into verified compliance and ecological repair across the regulatory lifecycle. The deficit arises from interacting fragmented mandates, uneven State capacity, consent-centred administration, unreliable information, weak post-clearance monitoring, episodic sanctions and incomplete execution of remedial orders. Through doctrinal and institutional analysis of law, judgments and official evidence, the article examines reforms between 2024 and August 2026, including administrative penalties under the amended Water Act, nationally structured consent guidelines, registered environmental auditors, and the Supreme Court's final clarification of prior clearance in *Vanashakti v Union of India*. It proposes an original Integrated Environmental Compliance and Remediation Architecture organised around four guarantees: regulatory visibility, assigned responsibility, proportionate but certain consequences, and verified restoration. The framework combines a common compliance identity, risk-based inspection, interoperable public data, minimum capacity standards, independent-audit safeguards, an enforcement-response matrix, financial assurance and dedicated execution mechanisms for tribunal orders. Simplification and digitalisation improve governance only when they move administrative effort from repetitive permission-processing to evidence-based monitoring and restoration. Environmental rule of law depends not on the quantity of norms, but on whether violations become detectable, attributable, costly and remediable.

Keywords: environmental governance; enforcement deficit; pollution control boards; environmental impact assessment; National Green Tribunal; regulatory reform; India

1. Introduction

Indian environmental law presents a paradox of legal abundance and administrative scarcity. Constitutional text directs the State to protect and improve the environment and imposes a corresponding fundamental duty upon citizens.¹ The Supreme Court has treated pollution-free water

¹ Constitution of India arts 48A and 51A(g).

and air as components of the right to life,² incorporated the precautionary and polluter-pays principles into domestic law,³ and fashioned remedies ranging from closure and compensation to continuing supervision. Parliament has, in turn, created pollution-control boards, conferred wide powers of inspection and direction, authorised an umbrella rule-making regime, and established a specialised environmental tribunal. The resulting framework is neither normatively empty nor institutionally rudimentary.

Yet legal density has not produced dependable compliance. Industries may breach consent conditions; projects may escape sustained post-clearance verification; municipal bodies may remain chronic waste and sewage violators; and remedial orders may return to the machinery whose inaction generated the dispute. The difficulty is whether institutions can transform law into prevention, detection, response and restoration.

This article calls recurring breakdown in that sequence the environmental enforcement deficit. It identifies a structural gap among: (i) legally required behaviour; (ii) information revealing performance; (iii) the competent authority's response; and (iv) restoration secured. A regulator may issue consents yet enforce weakly; a tribunal may dispose of a case without securing repair; and a portal may accelerate permissions without improving verifiable monitoring.

The argument first reconstructs the architecture as a regulatory lifecycle. The Water Act places standard-setting and coordination principally with the Central Pollution Control Board (CPCB), while State Pollution Control Boards (SPCBs) plan programmes, inspect facilities, prescribe standards and administer consents.⁴ The Air Act substantially reuses that structure.⁵ The Environment (Protection) Act 1986 supplies broad Union powers,⁶ while the Environment Impact Assessment (EIA) Notification 2006 creates ex ante project appraisal.⁷ The National Green Tribunal Act 2010 adds specialised adjudication, compensation and restitution.⁸ These overlapping decision centres shape enforcement through their interaction.

Secondly, the article analyses the contemporary shift from permission-heavy regulation toward administrative penalties, uniform consent processes and third-party environmental audit. The Water

² *Subhash Kumar v State of Bihar* (1991) 1 SCC 598, 604-05.

³ *Vellore Citizens' Welfare Forum v Union of India* (1996) 5 SCC 647, 658-60.

⁴ Water (Prevention and Control of Pollution) Act 1974, ss 16-17, 20-25, 27 and 33A.

⁵ Air (Prevention and Control of Pollution) Act 1981, ss 16-17, 21-22A and 31A.

⁶ Environment (Protection) Act 1986, ss 3, 5 and 6.

⁷ Environment Impact Assessment Notification 2006, SO 1533(E), Gazette of India, 14 September 2006, cls 2, 6 and 7.

⁸ National Green Tribunal Act 2010, ss 14-15 and 20.

(Prevention and Control of Pollution) Amendment Act 2024 decriminalised several contraventions within its territorial field, created adjudicatory penalties and enhanced Union influence over consent administration. National consent guidelines followed in 2025 and were materially amended in January 2026. The Environment Audit Rules 2025 created a system of registered auditors intended to supplement official inspection. These changes can release scarce regulatory time, standardise procedure and improve information. They can also generate new risks: indefinite operational consent may weaken periodic scrutiny; private verification can reproduce conflicts of interest; and decriminalisation may reduce deterrence if administrative penalties are delayed, predictable as a business cost, or disconnected from actual restoration.

Thirdly, the article develops an Integrated Environmental Compliance and Remediation Architecture (IECRA). Its premise is modest but demanding: every material environmental obligation should be linked to an identifiable regulated entity, a competent lead authority, auditable evidence, a time-bound response and a verified remedial endpoint. IECRA does not require replacement of India's federal institutions by one monolithic agency. It requires those institutions to operate through a shared information and accountability design.

In July 2026, the Supreme Court confirmed that prior clearance remains mandatory, prospectively invalidated a perpetual administrative regularisation route, protected specified existing and pending cases, and permitted only a narrowly tailored delegated-legislation exception in supervening public interest.⁹ Neither automatic demolition nor routine regularisation is an enforcement system. Illegality must be detected before investment and harm become entrenched, while breach receives proportionate, restorative consequences.

2. Research Problem, Questions and Methodology

2.1 Research problem

Weak outcomes are often attributed to inadequate legislation, executive indifference or dependence on courts. Each account is incomplete. Regulators may obtain information, inspect premises, sample discharges, restrain pollution, refuse or cancel consent, and direct closure or stoppage of utilities. The problem is the conversion of substantial authority into regular, evidence-based and reviewable action.

The article addresses four research questions:

⁹ *Vanashakti v Union of India* 2026 INSC 761 [79]-[80].

1. How does fragmentation among Union, State, specialised and local institutions weaken the conversion of environmental norms into compliance?
2. Which recurring failures in information, capacity, inspection, sanction and remediation constitute India's enforcement deficit?
3. Do the reforms introduced between 2024 and August 2026 strengthen enforcement, or principally streamline the administration of permissions?
4. What governance design can improve coordination and accountability without erasing federal responsibility or substituting private audit for public regulation?

The principal deficit lies across a compliance chain: norm specification, authorisation, monitoring, response, adjudication and restoration. Improving one stage can merely displace failure to the next; faster consent yields little if operating conditions remain unverified. Fragmentation becomes harmful when responsibility for a concrete result is neither assigned nor publicly traceable. Plurality can supply expertise and checks, but fails where every authority controls an input and none owns the outcome.

2.2 Method and limits

The research is doctrinal, analytical and institutionally oriented. It interprets the Constitution, statutes, delegated legislation and decisions, supplemented by official material from the Comptroller and Auditor General (CAG), CPCB, Parliament, the Ministry of Environment, Forest and Climate Change (MoEFCC), and the National Green Tribunal (NGT). Audit and parliamentary evidence identifies recurrent vacancies, monitoring gaps, delayed inspections, weak verification and expenditure constraints; it is not treated as a nationwide causal dataset.

The temporal cut-off is 24 August 2026. This matters because several aspects of the consent and environmental-clearance regimes changed between 2024 and 2026. The article states the territorial qualification of the 2024 Water Amendment and treats the January 2026 guidelines as amendments to, rather than replacements independent of, the 2025 instruments. It also relies on the final July 2026 decision in *Vanashakti*, rather than presenting the recalled May 2025 judgment as the current legal position.

Implementation varies across SPCBs, Pollution Control Committees (PCCs), sectors and States. Official figures are time-specific indicators, not timeless facts. The article evaluates enforcement design rather than attributing changes in ambient quality to particular reforms. Its claim is institutional: a system unable to identify violations, assign responsibility and verify restoration cannot reliably realise substantive standards.

3. Legal Abundance and the Compliance Chain

3.1 Constitutional purpose and administrative obligation

Environmental protection in India is constitutionally distributed across rights, directive principles, duties and institutional competence. This distribution supplies a justificatory foundation for regulation, but it does not itself determine the everyday content of inspection, evidence or remedy. Judicial doctrine has often bridged that distance. In *Municipal Council, Ratlam v Vardhichand*, the Supreme Court rejected fiscal incapacity as an answer to a statutory public-health duty and required municipal performance.¹⁰ The decision predates much of modern environmental law, yet its administrative insight remains fundamental: a legal duty cannot be converted into an option merely because implementation is inconvenient.

Later jurisprudence supplied substantive principles. Precaution addresses risk before conclusive injury; polluter pays allocates prevention and remediation costs; sustainable development structures reconciliation; and public trust constrains degradation of protected resources. These principles alter administration's temporal and evidentiary posture. A precautionary system requires information and intervenes before irreversibility; a polluter-pays system must quantify damage, finance restoration and verify repair.

The regime operationalises these ideas unevenly. Pollution consents govern establishment and operation; EIA assesses scheduled projects before commencement; waste rules allocate duties; and resource-specific laws add approvals. These are not interchangeable. A consent may test site-level emissions and treatment equipment; environmental clearance addresses project impacts, alternatives and mitigation. Treating one permission as a substitute for another can remove distinct scrutiny without demonstrating functional equivalence.

3.2 Enforcement as a chain of conversions

For analytical purposes, environmental governance can be divided into six connected conversions:

1. **Norm specification:** broad statutory duties become measurable standards, thresholds, permit conditions and reporting requirements.
2. **Authorisation:** the regulator evaluates proposed activity and determines whether, where and subject to what conditions it may proceed.
3. **Monitoring:** reported and independently generated evidence establishes actual performance.

¹⁰ *Municipal Council, Ratlam v Vardhichand* (1980) 4 SCC 162, 171-72.

4. **Regulatory response:** non-compliance triggers warning, corrective direction, penalty, suspension, closure or prosecution according to risk and history.
5. **Adjudication and review:** courts, tribunals and appellate authorities test legality, evidence and proportionality.
6. **Remediation and closure:** compensation is recovered, ecological repair is undertaken and compliance is independently verified.

An enforcement deficit may arise at every conversion. Vague conditions obstruct monitoring. Poor baseline data weakens both appraisal and later attribution. Self-reports without verification obscure non-compliance. Inspection without a response matrix produces discretion without consistency. Penalty without collection creates symbolic liability. Compensation without a restoration plan monetises injury but does not repair it. A judicial order without an execution mechanism transfers the problem back to the institution that failed initially.

The CAG's national performance audit identified shortfalls in compliance with clearance conditions, poor monitoring by project proponents, and failures of environmental-quality monitoring in critically polluted areas.¹¹ Beyond the audited files, the findings expose a design problem: front-end clearance receives more attention than evidence establishing whether conditions are later honoured.

This chain approach also clarifies why the number of inspections or penalties, standing alone, is an inadequate performance measure. A high inspection count may reflect repeated attention to low-risk facilities while major risks remain untested. A large penalty demand may be unrecovered or judicially unsustainable. Rapid disposal of consent applications may represent administrative efficiency, but it says nothing about ambient improvement. Enforcement performance must be assessed by the risk coverage of monitoring, speed and consistency of response, recurrence of violation, recovery of liability and verified ecological outcome.

4. Institutional Architecture and Fragmentation

4.1 CPCB and the problem of central coordination

CPCB occupies a hybrid position. It advises the Union, coordinates State Boards, provides technical assistance, sponsors research, develops standards and operates national monitoring programmes. It also performs direct regulatory functions in Union territories and may issue directions within statutory arrangements. This combination makes CPCB a standard-setter, technical hub, coordinator and, in

¹¹ Comptroller and Auditor General of India, *Environmental Clearance and Post Clearance Monitoring* (Report No 39 of 2016, Union Government 2017) Executive Summary.

limited contexts, an enforcer. The institutional logic is sound: pollution crosses political boundaries and environmental information benefits from national comparability.

The difficulty is that coordination is not command, and national standards do not automatically produce State-level monitoring. CPCB depends substantially on SPCBs and PCCs for sampling, inspections, consent administration and action against local facilities. Data may therefore be generated through different laboratories, frequencies, validation practices and portal architectures. Where a river crosses jurisdictions or an airshed includes several States, source control may be divided among environmental, transport, energy, municipal and agricultural authorities. CPCB can issue technical guidance and directions, but it cannot compensate continuously for every weak field institution.

The scale of monitoring illustrates both institutional achievement and constraint. CPCB reported that its National Air Monitoring Programme comprised 966 operating stations in 419 cities and towns across 28 States and seven Union territories as at 19 November 2024.¹² The existence of a national network materially improves visibility, but spatial coverage is not equivalent to enforcement attribution. Ambient data indicates a condition; enforcement ordinarily requires a defensible link to sources, applicable standards, responsible entities and regulatory jurisdiction. Without source inventories, comparable emissions data and coordinated response, monitoring can document a crisis without resolving it.

The National Water Quality Monitoring Programme similarly depends upon SPCBs and PCCs, while the implementation of restoration or rejuvenation plans remains with the respective State or Union-territory administration.¹³ This separation between information generation and remedial responsibility is constitutionally understandable. It nonetheless creates an accountability seam: the body publishing water-quality evidence may not control sewage infrastructure, land use, industrial enforcement or river-flow decisions necessary for improvement.

4.2 SPCBs and PCCs: the field-level capacity problem

SPCBs and PCCs are the operational centre of pollution control: they process consents, inspect facilities, sample discharges, maintain laboratories, issue directions and administer waste rules. Their mandate now reaches industry, municipal sewage, multiple waste streams, construction dust, online monitoring and court reporting. This expansion has outgrown the original industrial-pollution model.

¹² Central Pollution Control Board, 'National Air Quality Monitoring Programme' (updated 31 December 2024) <https://cpcb.nic.in/about-namp/> accessed 24 August 2026.

¹³ Central Pollution Control Board, 'National Water Quality Monitoring Programme: Yearly Data' (updated 18 June 2026) <https://cpcb.nic.in/nwmp-data/> accessed 24 August 2026.

In a Rajya Sabha answer dated 2 February 2023, the Union reported 193 vacancies against 577 sanctioned CPCB posts; listed SPCBs had 5,454 vacancies among 11,103 posts and PCCs 419 among 853.¹⁴ Recruitment may since have changed the position, but the figures establish that weakness was systemic. Headcount is incomplete: disciplinary mix, field distribution, laboratories, legal support, training and retention also determine capacity.

Scarcity also changes strategy. Authorities prioritise applications with visible deadlines because consent disposal is measurable, while field monitoring and follow-up are costly. The regulator becomes a permission office: weak monitoring increases reliance on self-certification, whose unreliability then consumes scarce verification resources.

A 2025 CAG performance audit on measures taken by the Government of West Bengal to contain water pollution provides a concrete State-level example. Among other matters, it reported inadequate classification and coverage of monitoring locations, insufficient regional infrastructure and constraints affecting scheduled industrial inspections during the audited period.¹⁵ The value of this evidence is not to generalise every West Bengal finding to every Board. It demonstrates how seemingly technical matters station classification, upstream and downstream location, regional-office reach and laboratory access determine whether a legal standard can be enforced.

4.3 Appraisal bodies, regional offices and local government

State appraisal authorities and expert committees administer clearance for relevant project categories alongside MoEFCC bodies, SPCBs, resource authorities, district administrations and local bodies. Their intersecting mandates remain distinct: appraisal predicts impacts, consent controls pollution, regional offices monitor clearance conditions, municipalities operate infrastructure and districts coordinate emergencies.

Fragmentation becomes acute when lawfulness depends on several public systems. An industrial estate may need common treatment, sewer connectivity, waste transport, groundwater control and emergency planning, each under a different actor. Project approval may therefore coexist with incomplete shared infrastructure, while a local body may receive a remediation direction without finance, procurement capacity or land.

¹⁴ Ministry of Environment, Forest and Climate Change, Rajya Sabha Unstarred Question No 57, 'Vacant Positions in Pollution Control Boards' (2 February 2023), Annexure I.

¹⁵ Comptroller and Auditor General of India, *Performance Audit on Effectiveness of Measures Taken by the Government of West Bengal for Containing Water Pollution* (2025) ch 7.

The doctrinal insistence on reasoned appraisal is therefore institutionally important. In *Hanuman Laxman Aroskar v Union of India*, the Supreme Court treated environmental decision-making as requiring application of mind to material concerns rather than ritual satisfaction of procedure.¹⁶ A reasoned clearance creates an enforceable record: it identifies the risk, explains the response and enables later review. Generic or copied conditions weaken the entire compliance chain because inspectors cannot readily determine what site-specific harm the condition was designed to prevent.

4.4 The NGT: specialised adjudication, dependent execution

The NGT has transformed access to specialised environmental adjudication. It can determine substantial environmental questions, award relief and compensation, order restitution and apply environmental principles. The Supreme Court has confirmed that the Tribunal may exercise suo motu jurisdiction, reflecting its role as more than a conventional inter partes court.¹⁷ Official NGT statistics recorded 55,619 institutions, 49,740 disposals and 5,879 pending cases from inception to 30 June 2026.¹⁸ Those figures demonstrate substantial use and output, although they do not measure compliance with the resulting orders.

Execution remains the Tribunal's structural limitation. It depends on governments, Boards, districts, local bodies and experts for inspection, recovery and remediation. Although NGT orders are executable as civil-court decrees and non-compliance attracts consequences,¹⁹ ecological execution additionally requires engineering, land, budgets, procurement and long-term verification. Liability may thus be correctly declared yet remain dependent on a dispersed executive.

Recurring affidavits and committees may then substitute for administration. Although sometimes necessary, this supervision is costly, hard to scale and apt to blur ownership: a committee reports default, an authority seeks time, and proceedings continue without a restoration lead. Specialised justice cannot become environmental governance's routine monitoring system.

5. Regulatory Reconfiguration, 2024-August 2026

5.1 The 2024 Water Amendment: decriminalisation and central standardisation

The Water (Prevention and Control of Pollution) Amendment Act 2024 marks a significant change in enforcement philosophy. In its initial application, it extends to Himachal Pradesh, Rajasthan and Union

¹⁶ *Hanuman Laxman Aroskar v Union of India* (2019) 15 SCC 401, 441-47.

¹⁷ *Municipal Corporation of Greater Mumbai v Ankita Sinha* (2022) 13 SCC 401, 445-47.

¹⁸ National Green Tribunal, 'Grand Total of Institution, Disposal and Pendency ... till 30.06.2026' <https://www.greentribunal.gov.in/index.php?page=1202> accessed 24 August 2026.

¹⁹ National Green Tribunal Act 2010, ss 25-26.

territories, and may apply to other States adopting it through the constitutional mechanism under Article 252. It replaces several criminal consequences with monetary penalties administered through adjudicating officers, creates an appeal to the NGT, authorises Union guidelines on grant, refusal or cancellation of consent, and permits notified exemptions from the section 25 consent requirement.²⁰

Decriminalisation is not inherently deregulatory. Criminal prosecution can be slow, procedurally expensive and poorly suited to minor documentary breaches. An administrative-penalty system can increase the probability and speed of consequence. The 2024 inquiry rules prescribe the complaint and adjudicatory process for relevant contraventions and direct realised penalties into the Environment Protection Fund.²¹ Properly designed, such a system separates technical correction from serious culpability and allows inspectors to use graduated enforcement.

The reform nevertheless creates three risks. First, a monetary maximum unrelated to turnover, duration or ecological injury can be too small for a large enterprise and too severe for a small one. Secondly, an adjudicatory system is effective only if violations are detected, complaints are filed, orders are reasoned and amounts are recovered. Decriminalisation does not cure low inspection probability. Thirdly, a statutory penalty addresses contravention; it does not necessarily quantify environmental damage or finance restoration. Punitive, compensatory and restorative consequences must remain conceptually distinct even when they arise from the same conduct.

The Air Act moved in a comparable trust-based direction through the Jan Vishwas (Amendment of Provisions) Act 2023, which rationalised specified offences and created an administrative-penalty structure.²² The convergence of the two pollution statutes creates an opportunity for common enforcement protocols. It also makes procedural safeguards essential: the same administration should not casually become investigator, technical assessor, prosecutor and final adjudicator without internal separation, recorded reasons and meaningful appeal.

²⁰ Water (Prevention and Control of Pollution) Amendment Act 2024 (Act 5 of 2024).

²¹ Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules 2024, GSR 696(E), Gazette of India, 11 November 2024.

²² Jan Vishwas (Amendment of Provisions) Act 2023, sch, pt III (amendments to the Air (Prevention and Control of Pollution) Act 1981).

5.2 Uniform consent guidelines and the 2026 amendments

The Union issued national water-consent guidelines in January 2025.²³ A parallel air-consent instrument followed.²⁴ They standardise historically variable application, validity, fee and decision processes. Comparability can reduce arbitrariness, support common digital architecture and enhance central visibility over State performance.

The January 2026 amendments materially reoriented that framework. The water amendment guidelines introduced, among other changes, a continuing Consent to Operate until cancellation, a consolidated approach with authorisations under specified waste regimes, and a role for registered environmental auditors in verification.²⁵ The air amendment guidelines made corresponding changes within the Air Act system.²⁶ The policy logic is clear: repeated renewal processing consumes administrative and industry resources even where environmental risk has not changed.

The environmental consequence depends on what replaces renewal. Periodic renewal can be formalistic and does not guarantee inspection. Removing it may therefore be rational where risk-based monitoring, continuous data and cancellation powers are credible substitutes. But an indefinite operational consent without a mandatory review trigger can convert a weak periodic checkpoint into no checkpoint at all. Material expansion, process change, deteriorating ambient conditions, repeated exceedance, accident, community complaint and regulatory-category change should each trigger reassessment. The relevant test is **protective equivalence**: a procedural step should be removed only if the remaining system generates at least equivalent information, intervention capacity and accountability.

Uniformity must also respect environmental federalism. National minimums can address a race toward laxity and provide interoperable systems; States must retain the capacity to impose more stringent, site-specific or carrying-capacity-based conditions where law permits. Standardisation should reduce procedural variation, not erase ecological variation.

²³ Control of Water Pollution (Grant, Refusal or Cancellation of Consent) Guidelines 2025, GSR 85(E), Gazette of India, 30 January 2025.

²⁴ Control of Air Pollution (Grant, Refusal or Cancellation of Consent) Guidelines 2025, GSR 84(E), Gazette of India, 29 January 2025.

²⁵ Control of Water Pollution (Grant, Refusal or Cancellation of Consent) Amendment Guidelines 2026, GSR 63(E), Gazette of India, 23 January 2026.

²⁶ Control of Air Pollution (Grant, Refusal or Cancellation of Consent) Amendment Guidelines 2026, GSR 62(E), Gazette of India, 23 January 2026.

5.3 Registered environmental auditors: capacity multiplier or delegated opacity?

The Environment Audit Rules 2025 establish certification and registration of environmental auditors, an Environment Audit Designated Agency, conflict rules, a code-of-conduct framework, random assignment, and disciplinary possibilities. The Rules expressly contemplate audit as a supplement to existing government inspection rather than its replacement.²⁷ This is an important institutional experiment. India's regulated universe is too large for comprehensive official inspection at equal frequency. Qualified third-party auditors can verify data, expand technical capacity and allow public regulators to concentrate on high-risk entities and enforcement.

The central governance risk is principal-agent failure. Auditors may depend economically on the regulated sector, possess uneven technical competence, or become repeat players within local networks. Random assignment and conflict restrictions reduce but do not eliminate these risks. Auditor independence requires a financing and allocation design in which the auditee does not select the individual verifier; transparent rotation; disclosure of beneficial and professional relationships; regulator-led reinspection of a statistically meaningful sample; severe consequences for falsification; and publication of non-confidential audit findings.

Auditor performance itself must be data-driven. The system should compare audit findings with subsequent official inspections, sensor data, accidents, complaints and adjudicated violations. An auditor whose reports systematically understate risk should face enhanced review, suspension or removal. Conversely, an audit framework that merely produces another PDF for a portal will enlarge documentary compliance without increasing regulatory visibility.

5.4 Prior clearance after Vanashakti (2026)

The recent litigation on ex post facto environmental clearance exposes the tension between prevention and remediation. Earlier decisions had repeatedly described retrospective clearance as alien to environmental jurisprudence, while relief was sometimes moulded to avoid closure or demolition in specific circumstances.²⁸ That distinction between legal rule and remedial consequence generated uncertainty over administrative regularisation.

The Supreme Court's final decision in *Vanashakti v Union of India* on 29 July 2026 provides the current controlling position. It held the prior-clearance regime under the 2006 Notification mandatory; upheld the time-bound 2017 notification as narrowly tailored delegated legislation; quashed the perpetual 2021

²⁷ Environment Audit Rules 2025, SO 3973(E), Gazette of India, 29 August 2025, rr 3, 10-13.

²⁸ *Common Cause v Union of India* (2017) 9 SCC 499, 549-50.

office-memorandum route prospectively; protected clearances already granted and directed pending applications to be concluded; barred fresh applications under those instruments; and recognised that a future exception must be created through valid delegated legislation, narrowly tailored to supervening public interest, rather than administrative instruction.²⁹

For enforcement design, three implications follow. First, *ex ante* legality remains the rule: a project should not acquire regulatory leverage by creating a *fait accompli*. Secondly, remedies must consider ecological and public consequences; demolition is not automatically restorative. Thirdly, exceptional regularisation cannot become a standing alternative to compliance. A governance system must detect unlawful commencement early, before capital investment, public dependence and environmental damage make every remedy costly.

The case therefore reinforces the need for integrated pre-construction alerts. Land-development permissions, utility connections, building approvals, mining leases, consent applications and environmental-clearance records should be digitally cross-checked. Where a scheduled project begins construction without clearance, the competent authority should receive an automated alert and face a short statutory response period. Preventive enforcement is cheaper, fairer and more ecologically credible than choosing years later between demolition and regularisation.

6. Anatomy of the Enforcement Deficit

6.1 Capacity is multidimensional

Vacancies are visible, but capacity also comprises disciplinary expertise, regional presence, calibrated equipment, accredited laboratories, secure sample chains and legal support. A Board may fill posts yet remain unable to analyse an emerging pollutant or defend a complex compensation methodology.

Capacity is also temporal. Night-time, rainfall-related or intermittent pollution may escape office-hour inspection and grab sampling. Continuous monitoring helps only where devices are calibrated, tamper-evident, validated and connected to response protocols; technology still requires institutions to interpret and act.

Unequal institutional resources also produce unequal practical protection under national standards. Minimum capacity should therefore be workload-based, reflecting facility risk, geographic dispersion, municipal infrastructure, complaint volume and ecological sensitivity rather than a uniform population ratio.

²⁹ *Vanashakti v Union of India* 2026 INSC 761 [78]-[80].

6.2 Information failure and the problem of regulatory visibility

Environmental enforcement is an information-intensive public function. The regulator must know who is operating, what processes and materials are used, which permissions apply, what emissions or discharges occur, whether monitoring is reliable, and what ecological condition exists before and after intervention. In India these data are often distributed across consent portals, PARIVESH, waste-specific extended-producer-responsibility portals, local-government systems, laboratory databases, corporate filings and court records.

Fragmented data obscures patterns. A facility may appear compliant within one portal while facing a closure direction, prosecution or waste-authorisation lapse recorded elsewhere. Corporate restructuring can disconnect the legal entity from its historical violations. Project-wise appraisal can conceal cumulative stress within a river basin, airshed or industrial cluster. Public access is further constrained where compliance reports are scanned, non-searchable, late or missing.

Regulatory visibility requires more than disclosure. Data must be machine-readable, spatially referenced, time-stamped and linked to a common entity and facility identifier. Quality flags should distinguish self-reported, auditor-verified, official-sampled and sensor-generated information. The system should preserve historical versions; otherwise a changed consent or corrected report can erase the record necessary to assess recurrence. Data architecture is therefore part of due process: it supports consistent enforcement, enables regulated entities to contest inaccurate records and allows affected communities to identify the basis of official action.

6.3 Consent management displacing compliance management

Administrative organisations respond to what is measured. Application disposal has a clear receipt date, deadline and portal status. Inspection quality, avoided harm and successful restoration are harder to quantify. This asymmetry encourages an institutional focus on clearances and consents. The regulator can appear efficient because permissions are timely even if post-permission compliance remains weak.

The CAG's post-clearance audit findings demonstrate why this displacement matters.³⁰ Clearance conditions are frequently extensive and project-specific, but monitoring resources are limited. The consequence is a paper-heavy system in which the proponent periodically states compliance and the authority lacks the capacity to verify more than a sample. Where conditions are vague such as

³⁰ Comptroller and Auditor General of India, *Environmental Clearance and Post Clearance Monitoring* (Report No 39 of 2016, Union Government 2017) chs 3-8.

maintaining an adequate green belt or ensuring no adverse impact verification becomes even more discretionary.

The solution is not universal inspection at identical frequency. It is risk-based compliance management. High-hazard processes, toxic substances, repeated violations, dense populations, vulnerable ecosystems and poor ambient conditions should increase monitoring intensity. Strong verified performance may reduce routine inspection but should not eliminate random checks. Complaints, sensor anomalies and unexplained production-pollution inconsistencies should dynamically alter risk classification.

6.4 Uncertain consequences and weak remediation

Deterrence depends more on the probability, speed and credibility of consequence than on an impressive statutory maximum. Episodic enforcement allows a rational violator to treat non-compliance as profitable. Conversely, automatic severe sanctions for minor or promptly corrected breaches can encourage concealment and overwhelm adjudication. A mature system requires an enforcement pyramid: advice and corrective notice for low-risk first breaches; time-bound direction and enhanced monitoring for material non-compliance; administrative penalty and financial assurance for serious or repeated breach; suspension or closure where continuing operation threatens health or ecology; and prosecution for deliberate, fraudulent or catastrophic conduct.

Environmental compensation occupies a distinct place. In *Indian Council for Enviro-Legal Action v Union of India*, the Supreme Court imposed responsibility for remedial measures upon polluting industries, giving polluter pays a restorative dimension.³¹ Compensation must therefore be linked to a reasoned assessment of damage and a defined restoration plan. A demand deposited in a general account without site-specific use may punish but does not necessarily repair.

Remediation also requires endpoint discipline. The order should state the ecological objective, responsible implementing body, milestones, financing source, monitoring method and conditions for closure. Restoration should be independently verified and remain subject to reopening if rebound or hidden contamination appears. A regulator's file should not close merely because money was paid or a contractor submitted completion photographs.

³¹ *Indian Council for Enviro-Legal Action v Union of India* (1996) 3 SCC 212, 246-53.

6.5 Fragmented federal and local responsibility

Environmental problems rarely follow departmental boundaries. Air pollution may arise from transport, road dust, construction, industry, power generation, waste burning and agriculture. River pollution may involve industrial effluent, municipal sewage, solid waste, groundwater extraction, flow regulation and land-use change. Each source is governed by a different mix of Union, State and local institutions.

The Commission for Air Quality Management in National Capital Region and Adjoining Areas Act 2021 illustrates one response: an airshed-specific body with coordination and direction powers across jurisdictional boundaries.³² It should not be mechanically replicated nationwide, but it demonstrates that ecological scale sometimes requires an institution capable of aligning sectoral agencies. Comparable coordination is necessary at river-basin, industrial-cluster and metropolitan scales.

Local government is the most serious accountability gap. Municipal bodies are both regulators of local activity and operators of sewage and waste systems. When they violate environmental norms, an SPCB may issue directions to another public institution that lacks finance or faces State-level control over budgets, personnel and land. Penalties can then circulate within the public sector without creating infrastructure. The Solid Waste Management Rules 2026 continue to allocate extensive responsibilities within a multi-level system,³³ but legal allocation must be matched by project preparation, ring-fenced finance, procurement capacity and personal responsibility for milestone failure.

6.6 Distributional inequality and access to enforcement

The enforcement deficit is not socially neutral. Communities living near dumpsites, industrial clusters, mines, polluted drains and transport corridors bear concentrated exposure while the benefits of development are distributed more widely. They often possess the earliest information about odour, colour changes, night-time emissions, fish mortality or illness patterns, yet face technical barriers in translating experience into admissible regulatory evidence.

Environmental participation should therefore extend beyond a one-time public hearing. Complaint systems need geo-tagged submission, acknowledgement, response deadlines, reasons for closure and protection against retaliatory disclosure where appropriate. Local-language summaries of consent conditions and monitoring results should be available for high-risk facilities. Community evidence

³² Commission for Air Quality Management in National Capital Region and Adjoining Areas Act 2021, ss 12-14.

³³ Solid Waste Management Rules 2026, SO 388(E), Gazette of India, 27 January 2026.

should trigger inspection without being treated as conclusive proof; the public regulator must retain responsibility for scientific verification.

The constitutional significance of climate-linked exposure has also grown. In *M K Ranjitsinh v Union of India*, the Supreme Court recognised a right against the adverse effects of climate change under Articles 14 and 21.³⁴ For enforcement institutions, the implication is not simply the addition of another abstract right. Risk prioritisation must account for cumulative vulnerability: the same pollution burden may cause greater harm where heat, water scarcity, fragile livelihoods or poor health infrastructure reduce adaptive capacity.

7. The Role and Limits of Judicialised Governance

Indian courts have been indispensable in developing principles, opening standing, obtaining expert reports and compelling dormant authorities to act. Continuing mandamus has been particularly valuable where pollution is chronic and governmental responsibility dispersed. Judicial intervention has also exposed a recurrent administrative truth: statutory powers sometimes remain unused until litigation generates deadlines, publicity and senior-official attention.

That success contains a structural danger. Litigation can reorder administrative priorities toward cases before a court, diverting scarce staff from risk-based programmes. Affidavit compliance may reward documentation rather than field outcome. Court-created committees can solve an immediate evidentiary problem yet add another actor to an already fragmented system. Remedies developed under conditions of urgency may not translate into general operating protocols.

The Supreme Court's direction in *Paryavaran Suraksha Samiti v Union of India* concerning functional effluent and sewage treatment reflects the legitimate use of judicial power to enforce long-neglected statutory obligations.³⁵ But repeated litigation over basic treatment infrastructure also demonstrates that adjudication cannot supply land, engineering capacity, tariffs, operation-and-maintenance finance and trained operators on a continuing basis. Courts can impose an obligation and review delay; they cannot become municipal service managers.

The appropriate relationship is therefore catalytic and supervisory, not substitutive. Courts and the NGT should insist on legality, reasons, transparent data, assigned responsibility and verified compliance. Administration should respond by institutionalising those requirements in general

³⁴ *M K Ranjitsinh v Union of India* 2024 INSC 280 [24]-[27].

³⁵ *Paryavaran Suraksha Samiti v Union of India* (2017) 5 SCC 326, 338-43.

protocols. A successful environmental judgment is not one that creates perpetual dependence on the case file; it is one whose governing requirement becomes part of ordinary administration.

Judicial review must also preserve the distinction between expertise and legality. Scientific uncertainty does not justify executive opacity. *A P Pollution Control Board v M V Nayudu* recognised the difficulty courts face in technically complex environmental disputes and the importance of expert decision-making.³⁶ Expert authority, however, earns deference through relevant material, defensible method, disclosure of uncertainty and reasoned choice. The proposed architecture accordingly strengthens expert administration while making its evidence and responsibility traceable.

8. An Integrated Environmental Compliance and Remediation Architecture

8.1 Rationale

IECRA is a governance design for connecting existing institutions across the compliance chain. It rejects two extremes: replacing federal environmental administration with a single national super-regulator, and assuming that interoperability alone will cure weak incentives. The architecture rests on four guarantees.

1. **Regulatory visibility:** the State can identify regulated facilities, applicable obligations, environmental performance and cumulative local risk.
2. **Assigned responsibility:** every material violation and remedial task has a lead authority and named institutional owner.
3. **Certain and proportionate consequence:** comparable breaches receive comparable, timely responses while serious culpability remains distinguishable from technical default.
4. **Verified remediation:** liability ends only when required correction and ecological repair are independently demonstrated.

These guarantees convert environmental rule of law into an operational standard. They also supply criteria for evaluating reform. A measure that accelerates consent but reduces visibility fails the first guarantee. A joint committee without a lead implementing authority fails the second. A penalty imposed years after breach fails the third. Compensation unconnected to restoration fails the fourth.

8.2 A common environmental compliance identity

Every physical facility and project should receive a persistent Environmental Compliance Identity (ECI) linked, but not reducible, to the corporate entity operating it. The ECI would connect

³⁶ *A P Pollution Control Board v M V Nayudu* (1999) 2 SCC 718, 732-36.

environmental clearance, consents, waste authorisations, forest or wildlife approvals where relevant, monitoring devices, laboratory results, inspections, complaints, directions, penalties, appeals and remediation. Ownership changes would not erase site history.

The ECI registry should be federated rather than centrally owned in every respect. Agencies would retain control of their statutory decisions while exchanging a mandatory core dataset through open technical standards. Public fields should include approvals, conditions, compliance status, inspection dates, non-confidential monitoring results, directions and remedial milestones. Sensitive process or personal information could remain protected. Each record should identify its source and evidentiary status.

This would permit automated cross-checks. Production data could be compared with reported emissions or waste. A facility seeking expansion could be flagged for unresolved violations. A project requiring prior clearance could be compared with building or utility records. A repeat offender could not appear as a new compliant entity merely through corporate reorganisation.

8.3 Risk-based surveillance and a minimum inspection floor

IECRA assigns each facility a dynamic risk profile using inherent hazard, scale, receptor vulnerability, ambient environmental quality, compliance history, monitoring reliability, accidents and complaints. The score determines a minimum official-inspection floor, required audit frequency and monitoring intensity. It must not determine enforcement outcome mechanically; it allocates surveillance resources.

Randomisation remains essential. If only high-risk or previously non-compliant facilities are inspected, apparently compliant entities may manipulate data indefinitely. A statistically valid random sample across all categories tests the reliability of self-report and third-party audit. Inspection schedules should remain confidential, while aggregate methodology and coverage should be public.

The approach redefines efficiency. A Board is not efficient because it inspects the largest number of facilities. It is efficient where its surveillance covers the largest proportion of weighted environmental risk and produces timely correction. Performance reporting should therefore disclose risk-weighted coverage, anomaly resolution, repeat-violation rate and time from detection to response.

8.4 A lead-regulator and response-clock matrix

For each common incident type effluent exceedance, unauthorised commencement, hazardous-waste leakage, municipal sewage discharge, sensor tampering, accident or non-compliance with clearance conditions the Union and States should publish a responsibility matrix. It should identify the lead

authority, supporting institutions, evidence required, interim protective action, decision deadline and escalation route.

The matrix would not alter statutory jurisdiction by executive convenience. It would operationalise existing powers and expose gaps requiring legislative correction. A serious exceedance might require the SPCB to lead, the district administration to secure the site, a health department to assess exposure and a local body to protect water supply. One authority must own coordination and close the incident only after defined evidence is received.

Response clocks should vary by risk. Imminent threats demand immediate interim action; contested technical breaches require notice and opportunity to respond; remediation requires longer milestones. Every extension should record reasons. Digital alerts without response clocks merely create unattended dashboards.

8.5 Separation within enforcement

Administrative penalty systems require credible internal separation. The officer or team conducting inspection should prepare an evidence dossier under standard protocols. A legally and technically distinct enforcement unit should decide whether to issue a corrective direction, initiate adjudication, seek closure or prosecute. The adjudicating officer should not be institutionally dependent upon meeting penalty targets.

This separation protects both the environment and regulated entities. It reduces arbitrary field bargaining, improves evidentiary quality and makes appellate review meaningful. It also permits specialised enforcement counsel to develop consistent positions on sampling, corporate responsibility, continuing breach and compensation.

8.6 Remediation ledger and financial assurance

Every order imposing environmental compensation or restoration should generate a public remediation ledger. The ledger would identify the amount demanded and recovered, fund holder, approved restoration plan, implementing agency, milestones, expenditure and verification status. Money should be traceable to the injured site or an expressly reasoned equivalent ecological purpose where direct restoration is impossible.

High-risk sectors and projects should provide environmental performance bonds, escrow or insurance sufficient for foreseeable closure, accident and remediation costs. Financial assurance internalises risk before insolvency or abandonment transfers it to the public. The amount should be updated with risk,

compliance history and inflation; verified good performance may justify reduction, while material breach should increase it.

The polluter-pays principle then becomes an administrative system rather than a post-litigation slogan. Public trust doctrine reinforces this approach by treating the State as a custodian that must secure restoration of protected resources rather than merely collect revenue from their injury.³⁷

9. A Concrete Reform Agenda

9.1 Enact a framework duty of effective environmental administration

Parliament should enact a limited framework chapter either within a consolidated environmental statute or through coordinated amendments imposing duties of regulatory visibility, reasoned risk prioritisation, inter-agency cooperation, public reporting and remedial verification. It need not replace sectoral statutes. Its purpose would be to create common administrative obligations where current laws operate in silos.

The framework should require a five-year National Environmental Compliance Plan and corresponding State plans. Each plan should identify the regulated universe, staffing and laboratory needs, monitoring gaps, high-risk clusters, inspection strategy, digital interoperability and remediation backlog. Annual reports should compare targets with outcomes and explain deviations.

9.2 Establish enforceable minimum capacity standards

The Union, CPCB and States should develop workload-based minimum standards for scientific, engineering, legal, information-technology and field personnel. These standards should include regional-office reach, accredited laboratory access, equipment calibration, training hours and prosecution support. Where a State persistently fails to meet the minimum, central scheme funding should prioritise capacity correction subject to transparent milestones rather than simply financing additional equipment without personnel.

Budget execution is as important as allocation. A Lok Sabha answer in August 2025 acknowledged parliamentary concern regarding utilisation under the Control of Pollution scheme and explained the treatment and subsequent release of funds.³⁸ The broader lesson is that enforcement plans must connect sanctioned resources to procurement and staffing timelines. Unspent capacity funds and unfunded legal duties are two sides of the same implementation failure.

³⁷ *M C Mehta v Kamal Nath* (1997) 1 SCC 388, 407-13.

³⁸ Ministry of Environment, Forest and Climate Change, Lok Sabha Unstarred Question No 2466, 'Non-utilization of Funds under Central Pollution Scheme' (4 August 2025).

9.3 Make interoperability and public data legally mandatory

MoEFCC and CPCB should publish a binding environmental data standard covering identity, location, permissions, conditions, monitoring, inspection, enforcement and remediation. New portals should conform to it; legacy systems should expose application-programming interfaces or periodic machine-readable exports. Data retention and correction protocols must preserve audit trails.

Public dashboards should move beyond approval counts. They should report risk-weighted inspection coverage, unresolved serious violations, repeat breaches, average response time, penalty recovery, audit discrepancy rates and remediation completion. Ambient monitoring data should be linked to source-control action where scientifically supportable. The system must disclose uncertainty rather than creating false precision.

The Rio Declaration's participatory principle connects access to environmental information, participation and effective remedies.³⁹ In the Indian context, disclosure should be treated as regulatory infrastructure. Communities can identify anomalies, researchers can test performance and competing firms can see whether non-compliance confers an economic advantage.

9.4 Protect the integrity of environmental audit

Implementation of the Environment Audit Rules should follow six safeguards. First, assignment must remain random or regulator-controlled; direct selection by the auditee should not determine statutory verification. Secondly, fees should pass through a pooled mechanism to reduce economic dependence. Thirdly, audit methods, sampling requirements and materiality thresholds should be standardised by sector. Fourthly, a meaningful percentage of audits should receive unannounced official reinspection. Fifthly, auditor accuracy should be publicly scored using later evidence. Sixthly, deliberate falsification should attract professional exclusion and applicable legal action.

The Rules' conflict and random-assignment provisions provide a foundation,⁴⁰ but credible operation will depend on granular guidelines and oversight. Third-party audit should multiply the eyes of the State, not privatise its judgment. Closure, major penalty and prosecution decisions must remain with accountable public authorities.

³⁹ Rio Declaration on Environment and Development, UN Doc A/CONF.151/26 (vol I) (12 August 1992) principle 10.

⁴⁰ Environment Audit Rules 2025, SO 3973(E), Gazette of India, 29 August 2025, rr 11-13.

9.5 Adopt a statutory enforcement-response policy

CPCB should prepare a model enforcement-response policy, followed by State-specific adoption. It should classify breaches by harm, culpability, duration, concealment and compliance history; specify presumptive responses; and identify circumstances justifying departure. The policy must distinguish:

- a technical reporting default without environmental consequence;
- an exceedance promptly disclosed and corrected;
- a material breach caused by inadequate maintenance;
- repeated or economically motivated non-compliance;
- falsification, tampering or obstruction;
- imminent danger or actual serious injury.

Such guidance increases consistency without eliminating discretion. Reasons for departure should be recorded and published in serious cases. Administrative penalties should be periodically evaluated against collection, appeal outcomes, recurrence and actual compliance not simply the amount demanded.

9.6 Link every sanction to corrective and restorative obligations

Penalty orders should specify whether a breach also requires correction, damage assessment, interim protection or restoration. Environmental compensation methodology should be transparent, scientifically defensible and open to challenge. Where damage cannot yet be quantified, authorities should impose interim financial assurance while investigation continues.

Courts have imposed substantial environmental compensation in construction and development cases, demonstrating that economic consequence can accompany restoration and legal accountability.⁴¹ The administrative system should not wait for apex-court litigation to reach the same result. Standard remediation-planning rules, qualified assessors and public ledgers can make restoration routine.

9.7 Create NGT execution and compliance units

Each NGT bench should have access to an execution and compliance unit with environmental engineers, accounts expertise, geographic-information support and decree-execution staff. The unit would not conduct the merits hearing. It would translate final directions into a milestone schedule, track recovery, validate reports, flag default and place concise compliance notes before the Bench.

⁴¹ *Goel Ganga Developers India Pvt Ltd v Union of India* (2018) 18 SCC 257, 294-99.

Orders requiring complex restoration should identify a single nodal officer, funding source and closure criteria. Repeated non-compliance by public bodies should trigger personal affidavits and consideration of responsibility, but the primary aim should be operational correction rather than punitive spectacle. Tribunal statistics should include not only institutions, disposals and pendency, but also recovery and verified restoration.

9.8 Institutionalise ecological-scale coordination

States should designate statutory or formally empowered coordination arrangements for major airsheds, river basins, coastal stretches and critically polluted clusters. Their plans should allocate source-specific obligations to transport, energy, industry, urban development, agriculture and local-government agencies. The environmental regulator should verify outcomes, while the sectoral agency retains responsibility for implementation.

Coordination bodies need authority, a common baseline, source inventory, funded measures, deadlines and escalation. Public minutes and progress data should make cross-boundary inaction visible while respecting federal powers.

9.9 Build continuous participation and environmental-justice screening

High-risk facilities should publish local-language summaries of material conditions, emergency contacts and compliance status. Complaint platforms should track submissions, preserve evidence, route serious allegations to inspection and publish anonymised outcomes. Community monitoring should inform, not replace, official sampling.

Risk models should include schools, hospitals, informal settlements, dependence on local water sources, livelihood sensitivity and cumulative pollution. Environmental justice does not require that every facility be refused; it requires decision-makers to identify unequal burden, consider alternatives and explain mitigation. Equality review should become part of consent, inspection priority and remediation, not an afterthought in litigation.

10. Implementation Roadmap and Evaluation

Reform should proceed in three phases. During the first twelve months, MoEFCC and CPCB should agree on the common data standard, facility identity, risk taxonomy, enforcement-response model and minimum capacity methodology. States should inventory regulated facilities, portals, laboratories, vacancies and unresolved remediation orders. Pilot implementation should cover one industrial cluster, one river basin and one metropolitan airshed in diverse States.

During months thirteen to thirty-six, the ECI registry and cross-portal exchange should expand; Boards should adopt risk-based inspection; auditor reinspection and scoring should begin; and NGT execution units should be piloted. Capacity grants should be tied to measurable recruitment, laboratory and regional-office milestones. No automated enforcement decision should be deployed without human review, recorded reasons and an accessible correction mechanism.

After thirty-six months, independent evaluation should compare pilot and non-pilot jurisdictions. The principal indicators should be: coverage of the regulated universe; risk-weighted inspection; data completeness; time from serious alert to protective action; repeat-violation rate; penalty recovery; percentage of restoration orders with funded plans; verified remediation completion; complaint response; and ambient improvement where causal attribution is defensible. Consent-disposal time should remain an indicator, but not the dominant one.

Regulatory learning must be cyclical. Standards, risk scores and audit methods should be revised when evidence shows evasion, disproportionate burden or poor environmental effect. Sunset review is especially important for exemptions and amnesty mechanisms. The Supreme Court's insistence in *Vanashakti* that an exception to prior clearance be narrow, legally authorised and justified by supervening public interest supplies a useful discipline for administrative reform more generally.⁴²

11. Conclusion

India's environmental enforcement deficit is not a mystery produced by the absence of law. It is the predictable outcome of a compliance chain in which authority, information, capacity and remedial responsibility are dispersed without sufficient integration. CPCB can prescribe and coordinate, but depends on heterogeneous field institutions. SPCBs carry expanding mandates while processing permissions, managing data and responding to litigation. Appraisal bodies impose conditions that regional and State institutions may not systematically verify. Local bodies possess indispensable operational responsibilities without always having corresponding finance or technical capacity. The NGT can declare liability and order restitution, yet remains dependent on this same executive network for ecological execution.

The reforms of 2024-2026 are therefore consequential but ambivalent. Administrative penalties can make consequences faster, uniform consent processes can reduce arbitrary variation, indefinite operational consent can remove empty renewal rituals, and registered auditors can expand technical reach. Each reform, however, strengthens enforcement only if it improves regulatory visibility,

⁴² *Vanashakti v Union of India* 2026 INSC 761 [80].

preserves protective equivalence, produces credible evidence and triggers timely public action. Trust-based regulation without verification is not trust; it is opacity shifted from the State to the regulated entity.

IECRA responds to this problem without proposing institutional centralisation for its own sake. A common compliance identity makes history visible. Risk-based surveillance directs scarce resources toward harm. A lead-regulator matrix assigns ownership. Internal separation protects fair enforcement. Public remediation ledgers connect liability to ecological repair. Financial assurance prevents abandonment of cost. Execution units translate tribunal orders into verifiable milestones. Continuous participation contributes local knowledge while preserving the State's scientific responsibility.

The ultimate measure of environmental rule of law is not the sophistication of doctrine, number of portals, speed of clearance or aggregate value of penalties. It is whether material violations are likely to be detected; whether responsibility can be assigned; whether response is prompt, consistent and reviewable; and whether injured ecological systems are actually restored. Governance reform should be judged against those outcomes. Only then can India move from a legal order rich in environmental promise to an administrative order capable of delivering it.