

# POLITICAL WILL AND LEGAL FRAMEWORKS: A COMPARATIVE STUDY OF ENVIRONMENTAL PROTECTION INITIATIVES IN INDIA AND ABROAD

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## Abstract

*The twenty-first century has experienced a high pace of industrialization, urbanization, and uncontrolled use of resources, hence making environmental protection one of the most pressing issues of a global concern. Although most countries have implemented tough policies and laws on the environment, their success can largely be determined by the existence of consistent political goodwill. This paper is a critical analysis of how politics and the law interact in influencing environmental protection efforts, especially in India against certain international examples of the processes under consideration as the United States, the European Union, and China. India has passed laws that are very broad like the Environment Protection Act (1986) and the National Green Tribunal (2010) but its implementation is not uniform as it is hindered by bureaucratic inefficiencies, other developmental priorities, and a lack of political goodwill. Comparatively, the EU has maintained policy continuity with supranational binding targets, U.S. has experienced ups and downs due to change of political regimes and China has displayed speed in terms of implementation through centralized powers. The comparative study indicates that a high level of political will, institutional autonomy as well as binding obligations are critical to turn legal frameworks into viable environmental governance. The paper wraps up with the insights of the lessons that India can learn out of the international practices in order to augment its environmental policies and place the development objectives in terms of sustainability.*

**Keywords:** Political Will<sup>1</sup>; Legal Frameworks<sup>2</sup>; Environmental Protection<sup>3</sup>; Comparative Governance<sup>4</sup>; India<sup>5</sup>.

## 1. Introduction

Among the most topical issues of the 21<sup>st</sup> century, environmental degradation and climate change have been revealed. Through the fast industrialization, urbanization and unsustainable use of resources, people have led to the disappearance of forests, contamination of the air and water, loss of biodiversity and a number of other ecological problems. To address these issues, countries across the globe have come up with a set of political measures and legal tools that would help preserve the environment. The success of these efforts however, is largely determined by the political goodwill of governments and strength of legal systems to implement environmental standards.

This research aims to discuss how political goodwill and law can influence environmental protection efforts with reference to India and the global comparative case studies. Through the analysis of the achievements and limitations of the various strategies, the study will seek to offer information on effective policy making and governing strategies that can promote environmental sustainability.

### **1.1. Importance of Political Will in Environmental Governance**

The success or failure of the environmental policies heavily depends on political will. Governments that emphasize on environmental issues tend to enact all inclusive laws, provide the resources required and strictly enforce the environmental laws. There is also political will that influences citizen perception and engagement to experience environmental programs. When environmental protection has become politically central, then the policies can, in most cases, be more proactive, innovative and responsive to new ecological demands. On the other hand, low political commitment may lead to ineffective policies, lax implementation and further environmental destruction.

### **1.2. Role of Legal Frameworks in Environmental Protection**

Environmental governance is based on legal frameworks which codify standards, rights and obligations of ecological conservation. Laws, regulations, and judicial utterances on the national level offer means through which to control the pollution, natural resources, and punish the failure to comply with the environmental laws. International agreements and treaties also add to the national efforts as they enhance a sense of cooperation and accountability on the global front. The efficacy of legal structures is not only as a result of their content but also as a result of the enforcement of these legal structures, judicial activism and their incorporation into larger socio-political ends.

### **1.3. Comparative Perspective: India and Abroad**

It has also been followed by an environment-friendly policy and legal changes in India, including the Environment Protection Act (1986), the National Forest Policy (1988), and other amendments that focus on the preservation of biodiversity and prevention of pollution. Nevertheless, the barriers have been bureaucratic inertia, shortage of resources and competing developmental priorities that do not permit these initiatives to be fully realized. This paper compares the environmental governance systems in India with other nations, where such efforts have been established through political will and legal enforcement and found to have had significant success in other countries, to learn and identify best practices and lessons that can enhance the effectiveness of environmental protection in India.

## **2. Review of Literature**

In their study, Bhatia and Makkar (2020) compared the practice of corporate social responsibility (CSR) disclosure in developing and developed countries. Comparative analysis revealed that their study showed that developed countries portrayed higher rates of transparency and standardized reporting, whereas developed nations were behind because of the ineffective institutional structures as well as enforcement of regulations. These scholars had applied the rationale that disclosure of CSR in developing economies tended to be disjointed, voluntary, and not necessarily based on robust domestic policies. This research highlighted how the institutional development contributes to the development of responsible business practices. Blondeel and Van de Graaf (2018) compared the policies of coal mining in the four largest economies, including the USA, China, India, and Australia. Their comparative examination showed that the worldwide demands to impose a moratorium on coal mining were unsuccessful because of other countries different interests on energy needs and political obligations. The analysis found out that countries, such as the USA, exhibited an indication of a change in policy under the pressure of climate change, but emerging economies such as India and China remained trapped in the need to use coal as a factor in economic growth. It is the Australian policy, especially, that highlighted the contradiction of environmental issues and economic dependence on coal exports. The authors made a conclusion that it was not easy to have a global moratorium without a high level of international agreement.

In his study, Casady (2021) explored the institutional motivation of the performance of the public-private partnership (PPP) markets through a fuzzy set qualitative comparative analysis (fsQCA). The research

established that successful PPP market performance was based on institutional conditions combinations and not on individual factors. Casady discovered that the regulatory quality, the structure of governance and the maturity in the market were key factors of influence. His results emphasized that the success of PPP was relative to the location and that policy regimes had to be made country specific. In their study, Chi, Lu, Ye, Bao, and Zhang (2020) examined the practice of minimization of construction waste in green building projects through a comparative analysis of LEED-NC 2009 certified projects in the United States and China. Their analysis showed that despite the green building standards adopted by both of the countries, the waste reduction strategies were not equally effective. The United States projects were found to be more compliant with the measures taken to minimize the wastage; the Chinese projects experienced challenges because of laxity in enforcing the measures, differences in the construction practices, and the lack of support of the institutions. The authors concluded that policy structures, industry awareness and enforcement mechanisms played a very significant role in making sure that the waste minimization outcomes were successful. Dietz, Borner, Forster, and Von Braun (2018) examined the bioeconomy governance using the most recent global comparison of national bioeconomy strategies. In their analysis, they have shown that countries handled bioeconomy governance differently and that there was variation in priorities, regulatory frameworks, and involvement of stakeholders. The developed countries were inclined to devote their attention to the area of innovation, sustainability, and technological development, and developing countries attached their attention to the economic growth and the use of resources. The article pointed out that although bioeconomy policies were gaining momentum in many countries across the globe, the absence of harmonized approaches to governance constrained their use across the globe.

### 3. Political will and Legal frameworks in India

The environmental legislation and judicial interventions in India play a broad role in the environmental governance. The success of these frameworks however, relies much on the political will which has been disjointed through competing developmental interests. Although the country has developed good laws on the environment, their enforcement shows that there are major challenges.

#### 3.1 Legislative Frameworks

India has passed some of the pioneering legislations to protect the environment. Environmental law is based on the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) act of 1981 and the Environment Protection Act, 1986. Also, the Wildlife Protection Act, 1972 and the Forest Conservation Act, 1980 offer legal assistance to the biodiversity and preservation of forests. The creation of the National Green Tribunal (2010) has been more recent, and has created a special court to accelerate the process of solving any environmental conflict. All these legislations show the dedication that India has towards environmental sustainability on paper.

#### 3.2 Challenges of Enforcement

Even in the face of strong legislations, there is still inconsistency in enforcement. Simultaneous institutional jurisdictions cause confusion and the lack of financial and technical resources enhances monitoring mechanisms. In addition to this, corruption and bureaucracy further hinder effective regulation. The application of environmental protection is usually watered down by political compromises where economic projects are given priority over environmental concerns. To give an example, the expansion of coal mining and the clearance of industries are often granted in the presence of obvious environmental hazards, and this is the conflict between growth and sustainability.

**Table 1:** highlights the gap between India's legal frameworks and enforcement challenges:

Key Legal Frameworks	Intended Purpose	Challenges in Enforcement
Water (Prevention and Control)	To regulate and prevent water	Weak monitoring, industrial non-

of Pollution) Act, 1974	pollution	compliance
Air (Prevention and Control of Pollution) Act, 1981	To control and reduce air pollution from industries and vehicles	Poor implementation, urban air quality deterioration
Environment Protection Act, 1986	Umbrella legislation for overall environmental protection	Overlapping jurisdiction, weak deterrence
Wildlife Protection Act, 1972	To conserve biodiversity and endangered species	Poaching, illegal trade, habitat destruction
Forest Conservation Act, 1980	To regulate deforestation and forest diversion for projects	Frequent clearances granted for industrial use
National Green Tribunal (2010)	To provide speedy resolution of environmental disputes	Limited authority, political interference in compliance

### 3.3 Role of Judiciary and Political Will

The judicial interventions have been significant in enhancing environmental jurisprudence in India. The Supreme Court and the National Green Tribunal have given historic verdicts to adhere to the environmental standards. Nonetheless, these judicial initiatives are compromised by lack of a consistent political will. The problem of environmental concerns is often overlooked by the electoral interests and the short-term economic profits, which results in the distance between the legislative intention and its practical implementation. In the absence of long-term political will, the environmental governance in India is liable to a lot of symbolism, as opposed to being transformative.

## 4. Comparative Perspectives: Abroad

The environmental governance in any part of the globe reveals that political system, legal framework and governance model have effects on the success of environmental protection. Using the comparison of the United States, European Union, and China, major differences can be identified in terms of the importance of political will and the implementation of the law.

### 4.1 The United States: Legal Strengths and Political Fluctuations

The United States has come up with some of the best environmental laws including Clean Air Act (1970), Clean Water Act (1972) and National Environmental Policy Act (NEPA, 1970). These are imposed on the Environmental Protection Agency (EPA) that is very instrumental in checking compliance and enforcing policies. But the U.S. experience shows that the transition of the politics has a great impact on the enforcement. Indicatively, times of high environmental commitment have mostly been accompanied by roll backs in administration where economic growth or deregulation had been of priority. This oscillation demonstrates the potential of the uncertainty of long-term environmental governance through decentralized democracies.

### 4.2 The European Union: Supranational Commitment and Binding Targets

One of the most organized models of environmental protection is provided by the European Union (EU). The member states are under collective climate targets and requirements like carbon neutrality by 2050 with the initiatives of the European Green Deal and the EU Climate Law (2021). The supranational legal framework of the EU unlike the national systems ensures that even when governments change the individual governments of individual states remain subject to law. This lowers reliance of environmental policies on passing short term political changes. The EU illustrates how integrated systems of governance can enhance the political will by entrenching it in legal commitments.

### 4.3 China: Centralized Governance and Rapid Implementation

A different case is that of China whereby high levels of centralized authority has enabled fast enactment of environmental policies. The Environmental Protection Law (revised in 2014) and such measures as the Air Pollution Action Plan (2013) show the increased will of the government to overcome the ecological crisis. The political will backed by centralized power has facilitated the state to impose stringent approaches including closing down the polluting industries and investing in renewable energy highly. Nevertheless, these issues remain because of the fact that the country still depends on fossil fuels and has to find the balance between industrialization and environmental sustainability.

### 4.4 Lessons from Comparative Models

The comparison has shown that political systems define the interaction of law with enforcement. The U.S. example exemplifies political transitions as sources of fluctuations, the EU shows the power of legal supranational commitments and China explains how a centralized system of governance can hasten the process.

**Table 2:** summarizes key differences across the three systems:

Country/Region	Legal Frameworks	Political Will	Strengths	Challenges
<b>United States</b>	Clean Air Act, Clean Water Act, NEPA	Varies with administrations	Strong regulatory agency (EPA); detailed laws	Fluctuations due to political transitions and deregulation trends
<b>European Union</b>	EU Climate Law, European Green Deal	Supranational and binding	Binding climate targets; policy continuity	Dependence on consensus among member states
<b>China</b>	Environmental Protection Law (2014), Air Pollution Action Plan	Strong centralized authority	Rapid implementation; large investments in renewables	Continued reliance on fossil fuels; growth–sustainability tension

In the case of India, the lessons of these models may be useful: institutional independence as that of the U.S. EPA, binding commitments as the EU, and strong political will such as that of China can all improve environmental governance.

## 5. Conclusion

It was revealed in the study that India has numerous environmental laws but they have little effect due to the lack of consistency in political will and ineffective enforcement. Good laws cannot work without political goodwill and accountability of the institutions. Comparatively, the EU guarantees stability by making supranational commitments binding, the US emphasizes on the impact of political transitions on implementation and China elaborates how centralized power can boost quick implementation albeit with some setbacks. In case of India, a political will must be aligned with the law. The institutional independence would be enhanced, the environmental targets should be binding and the political support should be non-flinching to close the gap between the law and reality. Based on the experience of other countries, the issue of environmental protection should be considered one of the development priorities in India to guarantee sustainable governance.



## 6. References

1. Bhatia, A., & Makkar, B. (2020). CSR disclosure in developing and developed countries: a comparative study. *Journal of Global Responsibility*, 11(1), 1-26.
2. Blondeel, M., & Van de Graaf, T. (2018). Toward a global coal mining moratorium? A comparative analysis of coal mining policies in the USA, China, India and Australia. *Climatic Change*, 150(1), 89-101.
3. Casady, C. B. (2021). Examining the institutional drivers of public-private partnership (PPP) market performance: A fuzzy set qualitative comparative analysis (fsQCA). *Public Management Review*, 23(7), 981-1005.
4. Chi, B., Lu, W., Ye, M., Bao, Z., & Zhang, X. (2020). Construction waste minimization in green building: A comparative analysis of LEED-NC 2009 certified projects in the US and China. *Journal of cleaner production*, 256, 120749.
5. Dietz, T., Börner, J., Förster, J. J., & Von Braun, J. (2018). Governance of the bioeconomy: A global comparative study of national bioeconomy strategies. *Sustainability*, 10(9), 3190.
6. Divan, S., & Rosencranz, A. (2022). *Environmental law and policy in India: cases and materials*. Oxford University Press.
7. Echeverri-Gent, J. (2023). *The state and the poor: Public policy and political development in India and the United States*. Univ of California Press.
8. Ferronato, N., Rada, E. C., Portillo, M. A. G., Cioca, L. I., Ragazzi, M., & Torretta, V. (2019). Introduction of the circular economy within developing regions: A comparative analysis of advantages and opportunities for waste valorization. *Journal of environmental management*, 230, 366-378.
9. Hasan, M. A., Nahiduzzaman, K. M., & Aldosary, A. S. (2018). Public participation in EIA: A comparative study of the projects run by government and non-governmental organizations. *Environmental Impact Assessment Review*, 72, 12-24.
10. Karakır, İ. A. (2018). Environmental Foreign Policy as a Soft Power Instrument: Cases of China and India. *Journal of Contemporary Eastern Asia*, 17(1).
11. Masud, M. A. K., Hossain, M. S., & Kim, J. D. (2018). Is green regulation effective or a failure: comparative analysis between Bangladesh Bank (BB) green guidelines and global reporting initiative guidelines. *Sustainability*, 10(4), 1267.
12. Panchaud, C., Keogh, S. C., Stillman, M., Awusabo-Asare, K., Motta, A., Sidze, E., & Monzón, A. S. (2019). Towards comprehensive sexuality education: a comparative analysis of the policy environment surrounding school-based sexuality education in Ghana, Peru, Kenya and Guatemala. *Sex Education*, 19(3), 277-296.
13. Sagar, R., & Chandrappa, U. (2023). Environmental Law and Sustainable Development: A Comparative Analysis. Available at SSRN 4615776.
14. Schiavon, J. (2018). *Comparative paradiplomacy*. Routledge.
15. Singhanian, M., & Saini, N. (2023). Institutional framework of ESG disclosures: comparative analysis of developed and developing countries. *Journal of Sustainable Finance & Investment*, 13(1), 516-559.