

ENVIRONMENTAL POLICY AND REGULATORY FRAMEWORK

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ABSTRACT

Environmental policies in India have undergone significant evolution over the years to address the complex challenges posed by rapid industrialization, urbanization, and population growth. This abstract explores the key dimensions of India's environmental policies, focusing on their development, implementation, and impact. India's journey in environmental governance began with the establishment of the Ministry of Environment and Forests in 1985, marking a pivotal moment in the nation's commitment to sustainable development. Over time, a series of legislations, including the Water (Prevention and Control of Pollution) Act, the Air (Prevention and Control of Pollution) Act and the National Environment Policy, have shaped the regulatory framework. Despite commendable strides, challenges persist in enforcement, monitoring and public awareness. The abstract delves into the role of various stakeholders, including government agencies, industries, and civil society, in shaping and influencing environmental policies. It also examines the incorporation of international agreements and technological advancements in India's approach to environmental conservation. The effectiveness of these policies in mitigating environmental degradation, promoting renewable energy, and fostering biodiversity conservation is evaluated. By analyzing the strengths and weaknesses of India's environmental policies, this abstract provides insights into the ongoing efforts to strike a balance between economic growth and ecological sustainability.

INTRODUCTION

Environment plays a pivotal role in human life as well as in the development of society. With growing technological advancement and industrialization, the purity of the ecosystem has been threatened to an appalling extent¹ The need to protect and improve the environment is so compelling for the peaceful survival of mankind and other life forms on planet earth that right to environment has emerged as a human right. Our environment consists of 'Panchtatva viz earth, air, water, light or luster, weather and air, which together responsible for our survival. If the equilibrium of Panchtatva disturbs the existence of human being, it will be dangerous.

We obtained our survival element from all these Panchtatva, one need Pollution free air to breathe, uncontaminated water to drink, nutritious food to eat, hygienic condition to live and healthy environment to move² These elements are Sine qua non' for the sound and healthy development of human personality. In the absence of Panchtatva human being can not develop themselves with fullest extent. Pollution free environment is basic need of every human being, but everyone has contributed in its pollution and in present day it has become universal phenomenon. Healthy environment is essential for our existence in spite of that we are polluting and destroying our own environment and creating endanger for us. The basic reason behind it

is that we are taking advantage of development at the cost of health. In present economic development becomes more essential for us than existence of quality life. If one opens the Ancient Indian Literature, he will find that there are evidences to prove that the society in the ancient time paid more attention to the protection of environment than what we think today. It

Was the dharma of each individual in the society to protect the nature. The people worshipped the objects of nature. In Vedic era the environment was considered very pious position and matter of religious importance. One tree is equal to ten sons. This quotation of Padmapurana 339 shows the importance of environment. The mentality and need is a kinetic term and it changes according to time. The trees, water, land and animals gained important position in the ancient time. For example, for causing injury to plants different punishments were prescribed. Govindraja makes a distinction between injury to shade-giving plants, flower-bearing plants and fruit-bearing plants and he prescribes the lowest, the middle and the highest punishments respectively. Kautilya went a step further and fixed the punishment on the basis of importance of the part of the tree. Some of the important trees were even elevated to the position of God. Manu imposes duty on mankind to protect the forests. The environmental issues is a fundamental change in human perceptions of life on earth, caused or influenced by human activity, creating ill-effects, such problems commonly regarded as local, regional or national and may have international or global issues which need political action. The concepts of Globalization have brought the world in close proximity and transformed the whole world into a global village. Though earth is geographically demarcated, man with his scientific and technical might could not demarcate natural environment

and is common to entire universe.

The principles of International law are intended to regulate the conduct of state towards safeguarding the environment, peace and freedom of international communities. The function of international law is to promote creative peaceful and harmonious world order. The environment and its protection are common to world communities. The sufferance is not confined to pollution originated country but spreads to neighboring countries. The biosphere is same to everyone. Similarly the existence of man in the biosphere is global one³

Environmental Protection in Ancient India

The Sages and Saints of India lived in forest. In the history, people attitude towards plants, trees, sky, air, water and animals was to keep a sympathetic attitude towards them. Hindu religion instructed man to show reverence for presence of spirituality in nature. The flora and fauna, hills, mountains, rivers are worshiped as symbols of veneration. The cutting of trees, polluting air, water, and land were regarded as sins and they were to be respected as associated with gods and goddesses. India possesses a great-diversified ecosystem including forests, wetlands, islands, estuaries, parks, landscapes, oceans and rich blend of variety of natural surroundings. Many customary or community practices were evolved by the ancestors to protect the environment. The efforts of the people in local community in conservation of natural resources quite deserve to eulogize. In consequence to rapid industrialization, sophisticated science and technological advancement, increased population, urbanization, deforestation, indiscriminate utilization of natural resources etc., the traditional practices to preserve and conserve natural resources have not been taken seriously by the people in modern times which have resulted in environmental

degradation. The phenomenon of environmental protection is not a new concept to the human civilization. The efforts of people in ancient times for improving the environment can be traced out from early Indian history. Indians have understood the complete significance of environment for their survival on earth. It was considered that the primary duty of the individual is to protect the nature. The people used to worship the gods and goddesses associated with their objects of birds and animals. Hinduism said to be dealt with various aspects of nature and ways of worshipping the nature.

The plants like tulsi, peepal, birds like eagle, the animal like lion are worshipped in Hindu culture from centuries associated with reverence equivalent to gods and goddesses. Hindu Gods and Goddesses have animals and birds as their vahanas, examples like Eagle, Peacock, Rat, and Lion etc. ⁴The bird eagle called garuda said to be the vehicle of lord Vishnu, the lion, the king of the forest, vehicle of goddess Durga, the Rat, vehicle of lord Ganesh, the peacock, the vehicle of lord Subramanyashwar Swami etc.,. The tulasi plant is worshipped in each and every house considered as a part of religious practice in Hindu culture

CHALLENGES IN ENVIRONMENTAL REGULATION

Challenges in environmental regulation arise from various factors, including enforcement difficulties, conflicting interests, and evolving environmental threats. Weak governance and limited resources often hinder effective implementation, especially in developing countries where regulatory agencies may lack funding, personnel, or technical expertise. Additionally, economic development and industrial growth frequently clash with environmental conservation, leading to resistance from businesses and policymakers who prioritize short-term economic gains over long-term

sustainability. Public awareness and engagement also remain low in many regions, reducing compliance with environmental laws and limiting citizen participation in decision-making. Furthermore, global environmental challenges, such as climate change, pollution, and biodiversity loss, require international cooperation, yet differing national priorities and regulatory frameworks make coordination complex. Emerging risks, including new pollutants, deforestation, and habitat destruction, demand continuous policy updates and innovative regulatory approaches. Addressing these challenges requires stronger enforcement mechanisms, increased investment in environmental governance, and greater collaboration among governments, businesses, and civil society to ensure sustainable and effective environmental protection.

ENVIRONMENTAL LAW AND POLICY – NATIONAL PERSPECTIVE

The government of India has taken systematic and sustained efforts to tackle major environmental problems of this country. One of the efforts is to formulate comprehensive Policy framework to enable the government to have a holistic view of all environmental issues and to formulate an Environment Plan for the country. There have been several policy statements relating to conservation of water forests, marine resources and for abatement of pollution apart from the environment component of the policy document relating to sectors like Housing, Land Use, Education, Industries and Technology. Some such Policy Statements are: Industrial Policy Statement (1980); Technology Policy Statement (1983); National Education Policy (1986); National Land Use Policy Outline (1986); National Water Policy (1987); National Land Use Policy (1988); National Housing Policy (1988); Policy Statement for Abatement of Pollution

(February, 1992); The National Conservation Strategy and the Policy Statement on Environment and Development (June, 1992); Ocean Policy Statement and Wildlife Conservation Strategy (2002); The National Environment Policy (2006) etc ⁵Across the political spectrum of the country there has been recognition of the vital role natural resources play in providing livelihoods, and securing life-support ecological services. In this perspective a need for a comprehensive policy statement has been evident for some time in order to infuse a common approach to the various sectoral and cross-sectoral, including fiscal, approaches to environmental management. As our development challenges have evolved, and our understanding of the centrality of environmental concerns in development has sharpened, there is also a need to review the earlier objectives, policy instruments, and strategies. The formulation of the above policy statements has fulfilled a long-standing demand of devising a clear and precise national policy on environmental protection and management. Few of the policy directives are yet to be put into action fully to test its utility. However, from an academic point of view it is desirable to study the policy statements to understand the policy of the government for environmental protection, abatement of pollution and resource conservation. The relevant text of few very important policy statements are given below: For this to occur there is a need for balance and harmony between economic, social and environmental needs of the country. India also plays an important role in several significant international initiatives concerned with the environment. It is a party to the key multilateral agreements, and recognises the interdependencies among, and trans-boundary character of, several environmental problems. The National Environment Policy (NEP) is also

intended to be a statement of India's commitment to making a positive contribution to international efforts. The National Environment Policy is a response to our national commitment to a clean environment, mandated in the Constitution in Articles 48 A and 51 A (g), strengthened by judicial interpretation of Article 21. It is recognized that maintaining a healthy environment is not the state's responsibility alone, but also that of every citizen. A spirit of partnership should thus be realized throughout the spectrum of environmental management in the country. While the state must galvanize its efforts, there should also be recognition by each individual – natural or institutional, of its responsibility towards maintaining and enhancing the quality of the environment⁶ The National Environment Policy has been motivated by the above considerations and is intended to mainstream environmental concerns in all development activities. It briefly describes the key environmental challenges currently and prospectively facing the country, the objectives of environment policy, normative principles underlying policy action, strategic themes for intervention, broad indications of the legislative and institutional development needed to accomplish the strategic themes, and mechanisms for implementation and review. It has been prepared through a process of extensive consultation with experts, as well as diverse stakeholders, and this process is also documented. The National Environment Policy is intended to be a guide to action: in regulatory reform, programmes and projects for environmental conservation; and review and enactment of legislation, by agencies of the Central, State, and Local Governments. The dominant theme of this policy is that while conservation of environmental resources is necessary to secure livelihoods and well-being of all, the most secure basis for conservation is to ensure that people dependent on particular resources obtain better livelihoods from the

fact of conservation, than from degradation of the resource. The policy also seeks to stimulate partnerships of different stakeholders, i.e. public agencies, local communities, academic and scientific institutions, the investment community, and internal development partners, in harnessing their respective resources and strengths for environmental management.

The National Environment Policy, 2006

A diverse developing society such as ours provides numerous challenges in the economic, social, political, cultural, and environmental arenas. All of these coalesce in the dominant imperative of alleviation of mass poverty, reckoned in the multiple dimensions of livelihood security, health care, education, empowerment of the disadvantaged, and elimination of gender disparities. The present national policies for environmental management are contained in the National Forest Policy, 1988 National Conservation Strategy and Policy Statement on Environment and Development, 1992 Policy Statement on Abatement of Pollution, 1992 Some sector policies such as the National Agriculture Policy, 2000 National Population Policy, 2000 National Water Policy, 2002; have also contributed towards environmental management. All of these policies have recognized the need for sustainable development in their specific contexts and formulated necessary strategies to give effect to such recognition.⁷ The National Environment Policy seeks to extend the coverage, and fill in gaps that still exist, in light of present knowledge and accumulated experience. It does not displace, but builds on the earlier policies.⁴⁶ For this to occur there is a need for balance and harmony between economic, social and environmental needs of the country India also plays an important role in several significant international initiatives concerned with the environment. It is a party to the key multilateral agreements, and recognises the

interdependencies among, and trans boundary character of, several environmental problems. The National Environment Policy has been motivated by the above considerations and is intended to mainstream environmental concerns in all development activities. It briefly describes the key environmental challenges currently and prospectively facing the country, the objectives of environment policy, normative principles underlying policy action, strategic themes for intervention, broad indications of the legislative and institutional development, First, that human beings should be able to enjoy a decent quality of life; second, that humanity should become capable of respecting the finiteness of the biosphere; and third, that neither the aspiration for the good life, nor the recognition of biophysical limits should preclude the search for greater justice in the world. needed to accomplish the strategic themes, and mechanisms for implementation and review. It has been prepared through a process of extensive consultation with experts, as well as diverse stakeholders, and this process is also documented

ENVIRONMENTAL LAW AND POLICY – INTERNATIONAL PERSPECTIVE

The evolution of international environmental law can be separated into three distinct periods: from 1900–1972, from 1972–1992; and from 1992–2012. These correspond roughly to the period of early glimmers of international environmental law; basic framework development; and maturation and linkage with other areas of international law. The periods are demarcated by two international conferences: the 1972 United Nations Stockholm Conference on the Human Environment (Stockholm Conference) and the 1992 Rio de Janeiro Conference on Environment and Development (Rio Conference). In June 2012, the Rio+20 Conference will be held, again in Rio de Janeiro. Both the prior Stockholm and Rio Conferences were path breaking. Their

work products and the events surrounding them laid the basis for significant leaps forward in developing and implementing international environmental law⁸

LEGALFRAMEWORK

The legal framework for environmental protection consists of a comprehensive set of laws, regulations, and policies designed to manage natural resources, control pollution, and promote sustainability. It operates at international, national, and local levels, with treaties such as the Paris Agreement and the Basel Convention guiding global environmental governance. National laws, like the Clean Air Act in the United States or the Environment Protection Act in India, establish standards for air quality, water conservation, waste management, and biodiversity protection. Regulatory agencies, such as the Environmental Protection Agency (EPA) and the European Environment Agency (EEA), enforce these laws through permits, inspections, and penalties for violations. Additionally, many legal frameworks incorporate principles of environmental justice, ensuring that marginalized communities are not disproportionately affected by environmental hazards. However, effective implementation depends on strong governance, public participation, and international cooperation. As environmental challenges evolve, legal frameworks must continuously adapt to address emerging threats like climate change, deforestation, and plastic pollution, ensuring long-term ecological sustainability.

a) EnvironmentProtectionAct(1986)

The Environment (Protection) Act, 1986 (EPA) is a key piece of Indian legislation enacted in May 1986, aimed at protecting and improving the environment, preventing pollution, and implementing the decisions of the United Nations Conference on the Human Environment. India's original

Constitution did not contain any provision for the protection of the natural environment. However, the Fundamental Duties, which were added by the 42nd Amendment to the Constitution, prescribed the protection of the environment including forests, lakes, rivers and wildlife as a duty of the citizens of the country. This amendment also added new Directive Principles of State Policy, one of which was Article 48A, which directed the State to protect and improve the environment and to safeguard forests and wildlife⁹

b) WildlifeProtectionAct (1972)

The Act prohibited the hunting of endangered species. Scheduled animals are prohibited from being traded as per the Act's provisions. The Act provides for licenses for the sale, transfer, and possession of some wildlife species. It provides for the establishment of wildlife sanctuaries, national parks, etc. This Act provides for the protection of the country's wild animals, birds, and plant species, in order to ensure environmental and ecological security. Among other things, the Act lays down restrictions on hunting many animal species. The Act was last amended in the year 2006. An Amendment bill was introduced in the Rajya Sabha in 2013 and referred to a Standing Committee, but it was withdrawn in 2015. Article 48A of the Constitution of India directs the State to protect and improve the environment and safeguard wildlife and forests. This article was added to the Constitution by the 42nd Amendment in 1976.

c) EnvironmentProtectionandBiodiversityConservationAct(Australia,1999)

The EPBC Act and regulations are Australia's main national environmental legislation. They provide a way for us to protect and manage nationally and internationally important plants, animals, habitats and places. The objects of this Act are: (a) to provide for the protection of the

environment, especially those aspects of the environment that are matters of national environmental significance; (b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; (c) to promote the

conservation of biodiversity; (d) to promote a cooperative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples; (e) to assist in the cooperative implementation of Australia's international environmental responsibilities; (f) to recognize the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and (g) to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge. The Act implements obligations of Australia deriving from international agreements including the Convention on Biological Diversity of 1992¹⁰

d) National Green Tribunal Act (India, 2010)

The National Green Tribunal Act, 2010, established the National Green Tribunal (NGT) in India to provide effective and speedy disposal of cases related to environmental protection and conservation of forests and natural resources, including enforcing legal rights and providing relief and compensation for damages

LANDMARK CASES

India's Vellore Citizens' Welfare Forum v. Union of India (1996)¹¹ This petition - public interest - under [Article 32](#) of the Constitution of India has been filed by Vellore Citizens Welfare Forum and is directed against the pollution which is being caused by enormous discharge of untreated effluent by the tanneries and other industries in the State of Tamil Nadu. It is stated that the tanneries are discharging

untreated effluent into agricultural fields to, road-sides, water ways and openlands. The untreated effluent is finally discharged in river Palar which is the main source of water supply to the residents of the area. According to the petitioner the entire surface and sub-soil water of river Palar has been polluted resulting in non availability of potable water to the residents of the area. It is stated that the tanneries in the State of Tamil Nadu have caused environmental degradation in the area. According to the preliminary survey made by the Tamil Nadu Agricultural University Research Center Vellore nearly 35,000 hectares of agricultural land in the Tanneries Belt, has become either partially or totally unfit for cultivation. It has been further stated in the petition that the tanneries use about 170 types of chemicals in the chrome tanning processes. These chemicals include sodium chloride, lime, sodium sulphate, chromium sulphate, fat liquor, ammonia and sulphuric acid besides dyes which are used in large quantities. Nearly 35 litres of water is used for processing one kilogram of finished leather, resulting in dangerously enormous quantities of toxic effluents being let out in the open by the tanning industry. These effluents have spoiled the physico-chemical properties of the soil, and have contaminated ground water by percolation. According to the petitioner an independent survey conducted by Peace Members, a non governmental organisation, covering 13 villages of Dindigul and Peddiar Chatram Anchayat Unions, reveals that 350 wells out of total of 467 used for drinking and irrigation purposes have been polluted

Indian Council for Enviro-Legal Action v. Union of India (1996) – Hazardous Waste Case¹² This writ petition filed by an environmentalist organization brings to light the woes of people living in the vicinity of chemical industrial plants in India. It highlights the disregard, nay, contempt for law and lawful authorities on the part

art of some among the emerging breed of entrepreneurs, taking advantage, as they do, of the country's need for industrialization and export earnings. Pursuit of profit has absolutely drained them of any feeling for fellow human beings – for that matter, for anything else. And the law seems to have been helpless. Systemic defects? It is such instances which have led many people in this country to believe that disregard of law pays and that the consequences of such disregard will never be visited upon them – particularly, if they are men with means. Strong words indeed – but nothing less would reflect the deep sense of hurt, the hearing of this case has instilled in us. The fact of the case will bear out these opening remarks

CONCLUSIONS

Through the years, the government of India has passed innumerable laws to help them in their task of environmental protection. Sadly, all the regulations and acts have not done enough to protect the environment. The greed of many in the governing bodies has led to misuse of the laws and ruthless exploitation of the land, leading to ecological destruction and social injustices. Most leaders of industry lack a social conscience. They have exploited our country's resources and polluted our earth, water and air. Public apathy has not helped either. The people, as citizens of this country have not made their voices heard. The opening up of the economy and globalization has put a greater pressure on the resources, further vitiating the fragile eco-system of India. A recent trend which is heartening to note is the role of the Indian Judiciary in environmental protection. It has adopted public interest litigation (PIL) for the cause of environmental protection. This has proved an effective tool. For example, an attempt to acquire forest land and change the course of the River Beas to facilitate the construction of a motel was made by a company reportedly having direct links with

the family of Kamal Nath, former Minister of Environment and Forests. The Supreme Court quashed the prior approval granted by the central government for leasing out forest land and also the lease deed between the government of Himachal Pradesh and the company. The Government of Himachal Pradesh was asked to ensure that the space was restored and that there was no construction on that area. The culprit company was strictly directed to end and remove all construction and had to pay for the restoration of the area's ecology. It was also clarified that the river and surrounding region was and would remain public property.

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