

REVIEWER'S REPORT

Manuscript No.: JNHST-017

Title: Navigating Green Federalism: A Study of Constitutional Provisions and Judicial Interventions in Post-Independence India,

Recommendation:

Accept after minor revision

Rating	Excel.	Good	Fair	Poor
Originality		✓		
Techn. Quality		✓		
Clarity		✓		
Significance	✓			

Reviewer's ID: JPR- Abdul Haseeb Mir

Detailed Reviewer's Report

The article titled "Navigating Green Federalism: A Study of Constitutional Provisions and Judicial Interventions in Post-Independence India" provides a sophisticated and timely analysis of the legal architecture governing environmental protection in a quasi-federal state. By examining the persistent "tussle" between central authority and state autonomy, the author identifies how India's environmental policy has shifted from post-independence neglect to a centralized legislative framework, and finally to a judiciary-led era of "green federalism." This research is of immense value to legal scholars, political scientists, and environmental activists, as it clarifies the constitutional mechanisms used to balance ecological preservation with regional developmental priorities.

The manuscript's strength lies in its thorough mapping of the constitutional evolution of environmental law. The author effectively highlights the significance of the 42nd Amendment (1976), which introduced

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Article 48A and Article 51A(g), officially elevating environmental protection to a Directive Principle of State Policy and a Fundamental Duty. By analyzing Article 246 and the division of powers under the Seventh Schedule, the paper provides a clear structural explanation for why the Central Government has increasingly dominated environmental policymaking. This doctrinal analysis is essential for understanding how the Union uses its "residuary powers" and international treaty obligations to enact overarching legislation that binds the states.

The evaluation of key legislative acts—such as the Water Act (1974), the Air Act (1981), and the Forest Conservation Act (1980)—is handled with academic rigor. The author successfully argues that these acts represent a "pendulum movement" toward centralization, often at the expense of state-level discretion. The discussion on the Forest Conservation Act is particularly insightful, illustrating how the Center's role was expanded to prevent the diversion of forest land for non-forest purposes by state governments. This historical tracing of legislation provides a robust context for the current challenges facing India's "Green Federalism."

A standout feature of the article is the analysis of judicial interventions. The author skillfully examines landmark Supreme Court decisions, such as *MC Mehta v. Union of India* and *T.N. Godavarman Thirumulpad v. Union of India*, to show how the judiciary has acted as a "balancer" in the federal structure. The discussion on the "Godavarman case" is especially poignant, as it illustrates the Court's role in creating a pan-Indian definition of "forest" and establishing the Net Present Value (NPV) regime, effectively overriding state-level interpretations. The author's critique of "judicial overreach" versus "judicial activism" in environmental matters adds a necessary layer of theoretical depth to the study.

To further enhance the manuscript for publication in a high-impact legal or policy journal, a few minor revisions are recommended. While the historical and judicial analysis is comprehensive, the author could strengthen the "Analysis" section by discussing the "National Green Tribunal (NGT)" in greater detail. Specifically, exploring how the NGT's regional benches have influenced the "Center-State" dynamic in the last decade would provide a more current perspective. Additionally, a brief look at "Fiscal Federalism"—specifically how environmental grants from the Finance Commission are used to incentivize state-level performance—would add a vital economic dimension to the study.

From a structural perspective, the article is logically organized and maintains a high level of professional academic English. The bibliography is excellent, featuring a balanced mix of primary legal texts, judicial

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precedents, and contemporary scholarly works by authors like Rangarajan (2012) and Mukherjee (2015). However, the author should ensure that the formatting of the case citations is consistent with a standard legal style guide (e.g., Bluebook or OSCOLA). Providing a summary table of the "Key Constitutional Articles and their Environmental Implications" would also help readers navigate the complex legal landscape described in the text.

In summary, this article represents a significant and well-researched contribution to the field of Indian environmental law. It successfully captures the tension between the need for a unified national ecological strategy and the constitutional rights of individual states. By identifying the judiciary as the primary arbiter of this federal conflict, the author provides a compelling narrative of India's journey toward "Green Federalism." With the addition of a more detailed look at the NGT and fiscal incentives, this paper will be an outstanding resource for researchers and practitioners dedicated to sustainable governance in India.

Recommendation: Recommend for publication with minor revision.