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Environmental Regulation and Economic Growth in India: Balancing Development with Sustainability

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ABSTRACT

The relationship between environmental regulation and economic growth has become a major concern in the twenty-first century. Developing economies, and India in particular, must reconcile rapid economic growth with environmental challenges such as degradation, resource depletion, and climate change. Environmental regulation was traditionally regarded as a barrier to industrial growth and economic competitiveness; however, a growing body of scholarship indicates that well-designed environmental rules can drive innovation, enhance resource efficiency, and support long-term economic success. This paper examines how environmental regulation interacts with economic growth in India, considering the constitutional basis for environmental protection, the development of environmental laws, and the influence of judicial activism in environmental governance. It also explores green growth as a developmental model that seeks to align economic progress with sustainable practices. Through a review of legal frameworks, significant judicial decisions, and policy initiatives, this paper assesses whether India's environmental regulations successfully balance development goals with environmental protection. It concludes that, although India has established a comprehensive legal structure for environmental governance, significant hurdles remain in implementation, institutional capacity, and regulatory enforcement, and that achieving sustainable development requires a coordinated approach that integrates environmental considerations into economic planning and governance.

Keywords: *Environmental Regulation, Economic Growth, Sustainable Development, Green Growth, Environmental Governance.*

I. INTRODUCTION

Historically, the pursuit of economic growth has been regarded as the principal goal of public policy in developing countries. Since independence, India has made significant efforts to advance industrialisation, infrastructure, urban development, and technological progress. These

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efforts have greatly helped to reduce poverty, create employment, and improve living standards. The economic gains, however, have often come with heavy environmental costs, including pollution, deforestation, loss of biodiversity, resource depletion, and heightened vulnerability to climate change. The tension between economic growth and environmental protection is not unique to India. Worldwide, policymakers face the task of ensuring that economic advances do not compromise ecological sustainability. The long-standing development model, which focused on industrial growth without much consideration of environmental impacts, has become increasingly unsustainable. Environmental damage threatens ecosystems and imposes significant economic burdens through health costs, reduced agricultural efficiency, and greater disaster risks.

India's environmental challenges are particularly pressing because of its large population, rapid urbanisation, and growing industrial sector. The nation grapples with severe air pollution, water shortages, groundwater depletion, waste management problems, and ecosystem degradation. These problems necessitate a comprehensive legal and regulatory framework that protects the environment while also fostering economic growth. The concept of sustainable development has emerged as a guiding principle to help navigate these competing goals, aiming to meet present needs without jeopardising the ability of future generations to satisfy their own. In India, this principle has gradually been integrated into constitutional law, legislative measures, administrative policies, and judicial decisions.

Contemporary environmental regulation extends beyond pollution control. It encompasses resource management, the protection of biodiversity, climate governance, the assessment of environmental impacts, the restoration of ecosystems, and the encouragement of sustainable industrial practices. The success of environmental regulation must therefore be evaluated not only in terms of compliance but also for its role in supporting long-term economic resilience and social well-being. This paper assesses the relationship between environmental regulation and economic growth in India, questioning whether these regulations hinder development or instead serve as tools for achieving sustainable and inclusive economic progress.

II. CONCEPTUAL FRAMEWORK: ENVIRONMENTAL REGULATION AND ECONOMIC GROWTH

Environmental regulation comprises the various legal and policy measures designed to protect natural resources, prevent environmental harm, and promote sustainable development. Such regulation addresses market failures that arise from environmental externalities, where economic actors do not fully account for the social costs of their actions. For a long time,

traditional economic theory viewed environmental regulation as a hindrance to industrial performance, on the basis that meeting environmental standards raises production costs. From this standpoint, stricter regulations could diminish competitiveness, deter investment, and slow economic growth. Modern economic research, however, offers a more nuanced view. The Porter Hypothesis argues that well-designed environmental regulations can foster technological innovation, increase efficiency, reduce waste, and enhance competitiveness. Such standards may prompt firms to adopt cleaner technologies and more efficient production methods, yielding long-term economic benefits. The pertinent question is therefore not whether environmental regulation affects economic growth, but how regulatory frameworks should be structured to meet environmental goals while promoting economic efficiency. Current regulatory strategies increasingly focus on market-based instruments, environmental assessments, green technologies, circular economy practices, and sustainable resource management. For developing nations such as India, the challenge lies in reconciling immediate development needs with long-term sustainability goals. Effective environmental regulation must be integrated into broader economic planning, rather than treated as a standalone issue.

III. CONSTITUTIONAL FOUNDATIONS OF ENVIRONMENTAL PROTECTION IN INDIA

The Constitution of India did not originally contain explicit provisions for environmental protection. Since the 1970s, however, significant developments in constitutional law have made environmental protection a key part of governance and fundamental rights. Constitutional provisions, judicial interpretation, and legislative initiatives have together built a strong framework for environmental governance.

The most critical constitutional basis for environmental protection is Article 21, which provides that no person shall be deprived of life or personal liberty except according to procedure established by law. The Supreme Court of India has interpreted this provision broadly, holding that the right to life includes the right to a clean and pollution-free environment.¹ The Court has recognised that clean air, safe drinking water, ecological stability, and environmental quality are essential to a dignified life.

The commitment to environmental protection was further reinforced by the Forty-Second Constitutional Amendment Act of 1976.² This amendment added Article 48A to the Directive Principles of State Policy, directing the State to protect and improve the environment and to

¹ See, e.g., *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598 (India).

² The Constitution (Forty-Second Amendment) Act, 1976 (India); INDIA CONST. arts. 48A, 51A(g).

safeguard forests and wildlife. At the same time, Article 51A(g) imposes a duty on every citizen to protect and enhance the natural environment, including forests, lakes, rivers, and wildlife, and to show compassion towards living creatures. Although the Directive Principles and Fundamental Duties are not by themselves legally enforceable, they have greatly influenced judicial reasoning and legislative policy. Courts frequently rely on these provisions to interpret environmental rights and responsibilities. Environmental protection has thus become a constitutional value that shapes governmental action, legislation, and judicial review.

The constitutional framework lays a strong foundation for sustainable development by balancing development goals with ecological stewardship. It also legitimises judicial intervention in environmental matters and supports the growth of environmental jurisprudence in India.

IV. JUDICIAL ACTIVISM AND ENVIRONMENTAL GOVERNANCE

The Indian judiciary has played a critical role in shaping environmental governance. In many cases, judicial involvement has compensated for gaps in administration, regulatory failures, and weak enforcement of environmental laws. By interpreting constitutional provisions innovatively and developing new legal principles, the judiciary has become a leading force in India's environmental movement. A key aspect of environmental litigation in India has been the rise of Public Interest Litigation. Traditionally, access to the courts was limited by strict rules concerning standing. Recognising that environmental harm often affects the community as a whole, the Supreme Court relaxed these rules, allowing public-spirited individuals, environmental groups, and non-governmental organisations to approach the courts on behalf of affected communities. This change significantly broadened access to environmental justice. Public Interest Litigation enabled courts to address issues ranging from industrial pollution and deforestation to hazardous waste and ecological degradation. More importantly, it allowed environmental issues to be framed as violations of fundamental rights, rather than merely as legal infractions. Judicial activism has also contributed to the development of key environmental principles. Indian courts have integrated internationally recognised doctrines into domestic law, thereby enhancing environmental governance. Among the most notable are the principle of sustainable development, the precautionary principle, the polluter pays principle, the public trust doctrine, and the principle of intergenerational equity.

The judiciary has consistently maintained that economic development should not come at the expense of the environment, while also recognising the need to balance environmental protection with development needs. This approach underscores a commitment to sustainable

development rather than to the mere preservation of the environment or the promotion of unchecked industrial growth. Although judicial activism has significantly bolstered environmental protection, it has sparked debate over judicial overreach. Critics contend that courts sometimes intervene in areas typically reserved for policymakers and technical experts. Despite this criticism, in a regulatory landscape often marked by weak enforcement and inefficiency, judicial intervention has frequently acted as a driver of environmental accountability.

V. LANDMARK ENVIRONMENTAL DECISIONS OF THE INDIAN SUPREME COURT

The development of environmental law in India is closely related to key rulings of the Supreme Court. These decisions have shifted environmental protection from a mere policy goal to a legally enforceable duty.

A. Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh (the Dehradun Quarrying Case)

One of the earliest environmental cases before the Supreme Court concerned limestone quarrying in the Mussoorie-Dehradun area.³ The Court ordered the closure of damaging mining activities and stressed that ecological preservation is vital for sustainable development. The ruling established that economic advantages cannot justify irreversible environmental harm and highlighted the duty of both the State and citizens to protect the environment.

B. M.C. Mehta v. Union of India (the Ganga Pollution Cases)

The Ganga Pollution Cases represented a significant turning point in environmental governance.⁴ The Supreme Court ordered the closure of various factories that were releasing untreated waste into the River Ganga and required the installation of pollution control mechanisms. The Court held that a lack of funds cannot justify a failure to meet environmental standards, ruling that industries unable to comply with these standards cannot operate at the cost of public health and ecological integrity.

C. M.C. Mehta v. Union of India (the Oleum Gas Leak Case)

The Oleum Gas Leak Case transformed the understanding of environmental liability in India.⁵ The Supreme Court introduced the doctrine of absolute liability, under which industries engaged in hazardous activities are wholly liable for any harm caused, regardless of negligence. This doctrine marked a significant departure from traditional common-law principles and reflected

³ Rural Litigation & Entitlement Kendra v. State of Uttar Pradesh, (1985) 2 SCC 431 (India).

⁴ M.C. Mehta v. Union of India, (1987) 4 SCC 463 (India).

⁵ M.C. Mehta v. Union of India, AIR 1987 SC 1086 (India).

the Court's commitment to safeguarding public health and environmental safety in a rapidly industrialising society.

D. M.C. Mehta v. Union of India (the Taj Trapezium Case)

Addressing air pollution that threatened the Taj Mahal, the Court ordered industries in the Taj Trapezium Zone to use cleaner fuels or relocate.⁶ The ruling demonstrated the Court's willingness to protect cultural heritage alongside environmental resources and emphasised the interconnectedness of environmental protection, public health, and cultural preservation.

E. Vellore Citizens' Welfare Forum v. Union of India

This landmark ruling formally incorporated the precautionary principle and the polluter pays principle into Indian environmental law.⁷ The Court held that sustainable development is a key aspect of environmental governance and that environmental protection must be an integral part of the development process. The decision remains one of the most influential environmental rulings in Indian legal history and continues to shape environmental policy and judicial decisions.

VI. THE NATIONAL GREEN TRIBUNAL AND SPECIALISED ENVIRONMENTAL ADJUDICATION

To address the growing complexity of environmental disputes, Parliament enacted the National Green Tribunal Act in 2010.⁸ This legislation created the National Green Tribunal as a specialised body for the efficient handling of environmental cases. The establishment of the Tribunal represented a notable development in environmental governance. Unlike ordinary courts, the Tribunal combines legal expertise with technical and scientific knowledge. This multidisciplinary approach allows for better-informed decisions in cases relating to environmental science, pollution control, biodiversity conservation, and climate issues. The Tribunal has jurisdiction over disputes arising from major environmental statutes, including the Water Act, the Air Act, the Environment (Protection) Act, the Forest (Conservation) Act, and the Biological Diversity Act. It may grant relief and compensation and issue orders for environmental restoration. Since its inception, the Tribunal has become one of the most active environmental judicial bodies in the world. It has played a crucial role in addressing issues such as industrial pollution, illegal mining, waste management, groundwater depletion, environmental clearances, and urban environmental governance. Despite its successes,

⁶ M.C. Mehta v. Union of India, (1997) 2 SCC 353 (India).

⁷ Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647 (India).

⁸ The National Green Tribunal Act, 2010, No. 19, Acts of Parliament, 2010 (India).

challenges remain. Limited resources, enforcement difficulties, compliance delays, and occasional jurisdictional conflicts constrain the Tribunal's effectiveness. Nevertheless, the Tribunal represents a significant step forward in environmental justice and has strengthened India's regulatory framework. The rise of specialised environmental adjudication reflects a broader recognition that environmental disputes require institutions capable of addressing complex scientific, economic, and legal problems. The Tribunal has thus become essential to India's efforts to balance environmental sustainability with economic development.

VII. EVOLUTION OF ENVIRONMENTAL LEGISLATION IN INDIA

India's environmental regulation has changed significantly over the past fifty years. While some colonial laws addressed issues such as public health, nuisance, and forest management, a comprehensive legal framework for the environment developed only after the global environmental movement gained traction in the late twentieth century. A major turning point came after the United Nations Conference on the Human Environment held at Stockholm in 1972. India's participation in this conference increased awareness of environmental issues in national policy, and Parliament consequently enacted several laws aimed at controlling pollution and conserving natural resources. The Water (Prevention and Control of Pollution) Act of 1974 was India's first major legislation focused on environmental protection.⁹ This statute created the Central Pollution Control Board and the State Pollution Control Boards to monitor and manage water pollution. The Air (Prevention and Control of Pollution) Act of 1981 subsequently extended regulation to air pollution and industrial emissions.¹⁰ The Bhopal Gas Disaster of 1984 had a significant impact on environmental policy in India, revealing serious flaws in industrial safety regulation and environmental governance. In response, Parliament enacted the Environment (Protection) Act in 1986, which remains the foundation of India's environmental regulation.¹¹ This Act confers on the Central Government broad authority to regulate industrial activities, set environmental standards, issue notifications, and implement safeguards.

Several additional statutes further strengthened environmental governance, including the Wildlife (Protection) Act of 1972, the Forest (Conservation) Act of 1980, the Public Liability Insurance Act of 1991, the Biological Diversity Act of 2002, and the National Green Tribunal Act of 2010. Together, these laws create a robust legal framework for pollution control, biodiversity conservation, forest protection, environmental impact assessment, and

⁹ The Water (Prevention and Control of Pollution) Act, 1974, No. 6, Acts of Parliament, 1974 (India).

¹⁰ The Air (Prevention and Control of Pollution) Act, 1981, No. 14, Acts of Parliament, 1981 (India).

¹¹ The Environment (Protection) Act, 1986, No. 29, Acts of Parliament, 1986 (India).

adjudication. Despite this extensive legislation, enforcement remains a problem. Regulatory agencies often struggle with resource limitations, technical challenges, political pressure, and inadequate monitoring systems. The success of environmental laws therefore depends not only on legal provisions but also on the capacity and commitment of institutions.

VIII. ENVIRONMENTAL REGULATION AND INDUSTRIAL DEVELOPMENT

The link between environmental regulation and industrial development has long been debated. Traditional economic theory has viewed environmental regulation as a barrier to industrial productivity, on the basis that meeting environmental standards adds costs for businesses. These costs may include investment in pollution control technology, waste management systems, environmental monitoring, and compliance measures. This view has led many policymakers in developing countries to regard environmental regulation as a hindrance to economic growth. Industries often contend that strict environmental standards raise production costs, reduce competitiveness, deter investment, and restrict industrial growth. Recent studies, however, increasingly question this assumption. Environmental harm can result in substantial economic costs through healthcare expenditure, productivity losses, environmental damage, resource depletion, and climate-related risks. Unchecked industrial growth may bring short-term economic benefits, but it often creates significant long-term social and economic problems. India's industrial experience illustrates this challenge. Manufacturing, mining, construction, energy, and infrastructure development have driven economic growth; yet these sectors also contribute significantly to environmental pollution and ecological harm. Air pollution from industry, river contamination from untreated waste, over-extraction of groundwater, and damage to forests and biodiversity are all consequences of rapid industrial growth.

The key challenge is not to choose between industrial growth and environmental protection but to ensure that industrial development remains within sustainable limits. Effective regulation can prompt industries to adopt cleaner technologies, enhance resource efficiency, reduce waste, and lower environmental risks without sacrificing economic competitiveness. The integration of environmental considerations into industrial policy is therefore essential for achieving sustainable economic development.

IX. GREEN GROWTH AS A DEVELOPMENT PARADIGM

The concept of green growth has emerged as an important framework for reconciling economic development with environmental sustainability. Green growth seeks to promote economic expansion while ensuring that natural resources continue to provide the environmental services upon which human well-being and economic activity depend. Unlike traditional development

models that often treat environmental protection as a secondary concern, green growth incorporates sustainability into the core of economic planning. It emphasises efficient resource use, renewable energy, low-carbon technologies, sustainable consumption patterns, and environmentally responsible production systems.

The Organisation for Economic Co-operation and Development defines green growth as fostering economic growth and development while ensuring that natural assets continue to provide the resources and environmental services necessary for human welfare.¹² The concept thus recognises that economic prosperity and environmental sustainability are mutually reinforcing rather than inherently conflicting objectives. For India, green growth represents both a necessity and an opportunity. The country's increasing energy demands, rapid urbanisation, industrial expansion, and climate vulnerabilities require a development strategy that minimises environmental degradation while sustaining economic progress. Renewable energy initiatives, sustainable transportation systems, green infrastructure, waste-to-energy technologies, and circular economy models illustrate practical applications of the green growth approach. The transition towards green growth also offers significant economic benefits. Investment in renewable energy, environmental services, sustainable agriculture, and green technologies creates employment opportunities, stimulates innovation, and enhances long-term economic resilience. Environmental regulation should accordingly be viewed as an instrument for facilitating green transformation rather than as a barrier to development.

X. ECONOMIC ANALYSIS OF ENVIRONMENTAL REGULATION

A central question in environmental economics concerns whether environmental regulation enhances or impedes economic growth. The answer depends largely on the design, implementation, and enforcement of regulatory measures. The traditional cost-based approach views environmental regulation primarily as a burden on economic activity, since compliance requirements increase operational expenses and may reduce profitability in the short term. This perspective has historically informed resistance to environmental regulation among industrial stakeholders. By contrast, the innovation-based approach suggests that environmental regulation can generate economic benefits by encouraging technological advancement and resource efficiency. The Porter Hypothesis argues that properly designed environmental regulations stimulate innovation that may offset compliance costs and improve competitiveness. Empirical evidence increasingly supports the view that environmental regulation can contribute positively to economic performance. Firms that invest in cleaner technologies frequently

¹² ORG. FOR ECON. CO-OPERATION & DEV., TOWARDS GREEN GROWTH (2011).

achieve greater efficiency in energy consumption, raw material use, and waste management. Such improvements often lead to reduced production costs and enhanced productivity over time. Environmental regulation also creates incentives for the development of new markets and industries. Renewable energy technologies, environmental consulting services, sustainable manufacturing systems, pollution control equipment, and green finance mechanisms represent rapidly expanding sectors of the modern economy.

Moreover, environmental protection contributes to economic growth by preserving natural capital. Clean air, freshwater resources, fertile soils, forests, and biodiversity provide essential ecosystem services that support agriculture, industry, tourism, and human health. The degradation of these resources imposes substantial economic costs that frequently exceed the costs of environmental protection. Contemporary policy discourse therefore increasingly recognises that economic growth and environmental protection are not necessarily opposing objectives. Effective environmental regulation can enhance long-term economic performance by promoting innovation, improving efficiency, reducing environmental risks, and preserving natural capital.

XI. CHALLENGES IN ENVIRONMENTAL REGULATORY ENFORCEMENT

Despite significant legal and institutional developments, environmental governance in India continues to face substantial challenges. The effectiveness of environmental regulation is often undermined by weak enforcement mechanisms, administrative inefficiencies, and institutional limitations. One of the most persistent challenges is inadequate regulatory capacity. Pollution Control Boards frequently operate with limited financial resources, insufficient technical expertise, and inadequate monitoring infrastructure, which reduces their ability to enforce environmental standards effectively. Political and economic pressures also influence environmental decision-making. Development projects often receive priority over environmental concerns, resulting in diluted regulatory scrutiny and weak compliance mechanisms. In some instances, environmental clearances have been criticised for prioritising economic considerations at the expense of ecological sustainability.

Another significant challenge is the complexity of environmental governance itself. Environmental issues often involve multiple stakeholders, overlapping jurisdictions, scientific uncertainty, and competing policy objectives. Effective regulation therefore requires coordination among governmental agencies, local authorities, industries, civil society organisations, and affected communities. Climate change introduces additional challenges. Rising temperatures, extreme weather events, biodiversity loss, and resource scarcity

necessitate new regulatory approaches that extend beyond conventional pollution control measures, and existing legal frameworks must evolve to address these emerging risks. Public participation and environmental awareness also remain critical concerns. Effective environmental governance requires informed citizens capable of holding public authorities and private actors accountable. Strengthening environmental education, transparency, and community participation is therefore essential for improving regulatory outcomes.

Ultimately, the success of environmental regulation depends not only on the existence of legal frameworks but also on their effective implementation. Regulatory institutions must be strengthened, compliance mechanisms improved, and environmental considerations integrated into all levels of policymaking.

XII. CONCLUSION AND WAY FORWARD

Environmental regulation and economic growth are not opposing goals but can complement each other when supported by effective governance. India's constitutional framework, and particularly the judicial interpretation of Article 21, has elevated environmental protection to the status of a fundamental right. Judicial activism, through Public Interest Litigation and the development of key environmental principles, has strengthened accountability and enforcement. Although India possesses a comprehensive environmental legislative framework, implementation challenges continue to limit its effectiveness. This paper highlights the significant economic costs of environmental degradation and emphasises that environmental protection is an investment in sustainable development. Green growth offers a practical pathway to achieving both economic prosperity and ecological sustainability.

India's environmental governance can better support sustainable growth through stronger regulatory institutions, improved enforcement, market-based instruments, the integration of environmental concerns into economic planning, the promotion of green innovation, enhanced public participation, and climate-focused regulatory reform. Future development must move beyond a pollution-control approach towards a sustainability-oriented model that balances economic growth with ecological integrity and social well-being. Technological innovation, renewable energy, circular economy practices, environmental, social, and governance standards, and sustainable finance will play key roles in this transition. Achieving sustainable and inclusive development requires coordinated efforts by policymakers, industries, civil society, and citizens to address environmental challenges while ensuring equity and long-term resilience.

This paper concludes that environmental regulation and economic growth are complementary rather than conflicting objectives. India has strengthened environmental governance through constitutional protections, legislative measures, judicial activism, and institutions such as the National Green Tribunal. However, challenges including weak enforcement, limited institutional capacity, and regulatory fragmentation continue to hinder its effectiveness. This paper emphasises the need for proactive sustainability governance and recognises environmental regulation as a tool for innovation, competitiveness, resource conservation, and economic resilience. Sustainable development and green growth provide a framework for balancing ecological protection with economic progress, and the integration of environmental sustainability into policymaking is essential for India's long-term prosperity and development.

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