



RERA AND SUSTAINABLE URBAN DEVELOPMENT: A SOCIO-LEGAL ANALYSIS OF REAL ESTATE REGULATION AND ENVIRONMENTAL SAFEGUARDS

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Abstract

"The Real Estate (Regulation and Development) Act, 2016 also known as (RERA)" was established as a transformative legislative framework within real estate industry in India, which is majorly focused to redress imbalance of power between developers and allottees through strengthening transparency, accountability, and adjudicatory efficiency. However, its regulating nature extends beyond consumer protection into the area of sustainable urban development, a realm where legal regulation of the real estate environment cut across with constitutional environmental provisions provided under article 21, 48A and 51A(g). The researcher in this research paper undertakes a socio-legal interpretation of RERA in order to cross examine the extent to which its statutory framework incorporate principles of ecological safeguards and urban sustainability. The particular emphasis is on project registration protocols, obligations and the statutory bond with environmental clearance mechanisms under "the Environmental (Protection) Act, 1986, the Air and Water Acts," and land use planning statutes.

Keywords: *Environmental Constitutionalism; Socio-Legal Analysis; Regulatory Governance; Green Building Norms; Urban Planning Law.*

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I Introduction

THE trajectory of urban development in India has been profoundly influenced by forces of rapid urbanization, population growth, and the expansion of the real estate sector. As per the study of “the United Nations, India’s urban population is expected to reach 600 million by 2031”, putting an unwanted pressure on environmental resources, infrastructure, and land.¹ The real estate sector’s contribution to India’s GDP is approximately 7% and employing over 50 million people, and has been a both a source of socio-environmental challenges and a driver of economic growth.² The challenges like lack of transparency, unregulated expansion and weak enforcement of environmental norms have historically eroded not only the confidence of consumers but also the suitability of India’s urban landscape.

In response to these structural deficiencies, the Government of India has constituted “the Real Estate (Regulation and Development) Act, 2016 also known as (RERA)”. The primary aim of this legislation is to enhance transparency, accountability and efficiency in the real estate sector by mandating disclosure of all the details of project, registration of projects and establishment of state-level Real Estate Regulatory Authorities.³ As the RERA legislation is widely considered to be a consumer-protection legislation, but the provisions of this Act have significant implications for sustainable urban development. For example, there is Section 4 of the

¹ UN Department of Economic & Social Affairs, *World Urbanization Prospects: The 2018 Revision*, UN DOC ST/ESA/SER.A/420 (2019).

² Government of India, “Economic Survey of India 2022-23” Vol. II, at 213 (Ministry of Finance, January 2023).

³ Real Estate (Regulation and Development) Act, 2016 (Act 16 of 2016), Statement of Objects and Reasons.

Act⁴ which requires promoters to submit approvals and clearances, including those relating to environmental compliance, before advertising or selling units.⁵ Such provisions creates a legal interface between RERA and environmental safeguards enshrined in other legislations like “the Environmental Protection Act, 1986,⁶ the Air (Prevention and Control of Pollution) Act, 1981,⁷ and the Water (Prevention and Control of Pollution) Act, 1974.”⁸

So, from a wider perspective, a sustainable urban development is not merely a matter of regulatory compliance but a constitutional and international obligation. The “Article 21 of the Constitution of India” as expansively interpreted by the Supreme Court in “*Subhash Kumar Vs. State of Bihar*⁹ and *MC Mehta Vs. Union of India*,”¹⁰ guarantees “that the right to a clean and healthy environment is a part of the fundamental right to life. At the same time India has committed itself to the United Nations Sustainable Development Goals, particularly *SDG 11: Sustainable Cities and Communities*, which emphasize inclusive safe, resilient, and sustainable human settlements.”¹¹ This clearly shows that integration of environmental considerations into real estate regulation is, therefore essential to harmonize urban growth with constitutional rights and international obligations.

In short and simple words this research paper aims to scrutinize RERA legislation not merely as a real estate sector specific regulation statute

⁴ The Real Estate (Regulation and Development) Act, 2016 (Act 16 of 2016).

⁵ *Id.*, s. 4.

⁶ Environment Protection Act, 1986 (Act 26 of 1989).

⁷ Air (Prevention and Control of Pollution) Act, 1981 (Act 14 of 1981).

⁸ Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974).

⁹ *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.

¹⁰ *M.C. Mehta Vs. Union of India*, (1987) 4 SCC 463.

¹¹ U.N. General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, U.N. Doc. A/RES/70/1 (Sept. 25, 2015).

but also as a potential instrument of sustainable urban transformation. By analysing its Statutory provisions, judicial interpretations, and coordination with environmental legislation, the research is focused to evaluate whether RERA Act, 2016 can be considered as a inspiration for achieving the twin goals of consumer protection and environmental sustainability. The findings have situated RERA within the broader discourse on sustainable urban development, in order to recognize that the future of cities in India depends not only on economic expansion but also equally on the creation of inclusive, liveable, and environmentally resilient urban spaces.

Comparative Table: State RERA Rules and Sustainable Provisions

State/ RERA	Relevant Rules/ Circulars	Sustainable/ Urban- Planning Provisions	Observations
Maharashtra (MahaRERA)	Maharashtra Real Estate (Regulation & Development) (Registration of Projects, Registration of Real Estate Agents, Rates of Interest & Disclosure on Website) Rules, 2017; MahaRERA Circular No. 27/2022 on Senior Living Projects). ¹²	Requires disclosure of all statutory approvals including environmental clearances before project registration; Circulars encourage eco- friendly measures (renewable energy, water efficiency, open spaces) in niche projects.	Strongest in terms of disclosure and innovation- MahaRERA issues regular circulars addressing project-level sustainability and planning concerns.

¹² Maharashtra Real Estate (Regulation and Development) (Registration of Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on website)

State/ RERA	Relevant Rules/Circulars	Sustainable/Urban-Planning Provisions	Observations
Karnataka (K-RERA)	Karnataka Real Estate (Regulation and Development) Rules, 2017 ¹³	Mandates submission of all “commencement certificates approvals and clearances”, which include environmental approvals.	Implements the Model Rules closely; sustainability is indirect via mandatory approval documentation.
Tamil Nadu (TNRERA)	Tamil Nadu Real Estate (Regulation and Development) Rules, 2017; TNRERA Advertising Amending Regulations (2024). ¹⁴	Explicitly requires urban planning compliance; advertising amendments promote transparency, indirectly supporting sustainability oversight.	Focuses on urban form and planning integrity rather than environmental measures; community connectivity is the sustainable entry point.
Delhi (Delhi RERA)	Delhi Real Estate (Regulation and Development) (Registration of Projects) Rules, 2016. ¹⁵	Requires submission of land use and building plan approvals; indirectly ensures that projects comply with planning and environmental approvals obtained under other statutes.	Limited explicit sustainability emphasis; more procedural and dependent on approvals from planning/environmental authorities.

Rules, 2017, G.O. No. RERA.2017/C.R.134/DV-1 (July 19, 2017); MahaRERA, *Circular No. 27/2022: Senior Living Projects Guidelines* (2022).

¹³ Karnataka Real Estate (Regulation and Development) Rules, 2017, G.O. No. HUD/16/2017 (Apr. 11, 2017).

¹⁴ Tamil Nadu Real Estate (Regulation and Development) Rules, 2017, G.O.Ms. No. 112 (June 22, 2017); Tamil Nadu RERA, *Advertising Regulations (Amendment 2024)*.

¹⁵ Delhi Real Estate (Regulation and Development) (Registration of Projects) Rules, 2016, Notification No. F.1(13) UD/Policy/RERA/2016 (Nov. 11, 2016)."

II The Real Estate (Regulation and Development) Act, 2016- An Overview

- **Historical Background and Legislative Intent of RERA in the Context of Sustainable Urban Development**

The legislation of the RERA Act should be placed within the wider trajectory of India's urbanization and housing policy. As the Post-liberalization, resulted in real estate sector emerging as a crucial driver of economic growth, and contributing heavily in the GDP of the India and ultimately generating employment. As the Post-liberalization, resulted in real estate sector emerging as a crucial driver of economic growth, and contributing heavily in the GDP of the India and ultimately generating employment. But, this sector is also marked by uncertainty, project delays, fund diversion, and a weak accountability.¹⁶ These imbalance and deficiencies has not only eroded the confidence of homebuyers but also resulted in a unplanned, unsustainable urban growth with a serious implications for land use, energy consumption, and environmental degradation. The statutory background of the RERA reflects a dual intent: to restore transparency and fairness in the real estate market, and to align the housing development with principles of orderly and sustainable urban planning. Moreover, the standing Committee on Urban Development in the year 2013 have emphasized that the regulatory reform was the need of the hour in order to safeguard interests of the

¹⁶ Anju S Nair, "Real Estate Law and Environmental Sustainability in Urban Development", Tuja Legal, *available at*: <https://tuljalegal.in/blog/real-estate-law-and-environmental-sustainability-in-urban-development> (last visited on November 25, 2025).

consumers and also ensure the growth of Real Estate Sector is not on the cost of ecological balance and urban liveability.¹⁷

The Legislative intent of the RERA Act also resonates with the constitutional and International commitments of India. “As the Judicial Interpretation of Article 21 of the Constitution of India have expanded the right to life in order to encompass the right to a healthy and clean environment.¹⁸ Additionally, India’s endorsement of the United Nations Sustainable Development Goals (SDGs), specifically the SDG 11 on Sustainable cities and communities, positions RERA as a potential legal tool for advancing sustainable urbanization.” By having the provisions like disclosure requirements, enforcement compliance, and promoting development in a planned way, RERA has contributed in institutionalizing the sustainability within the real estate regulatory landscape.

Thus, the legislative framework and historical background of RERA reflect a socio-legal shift from fragmented and opaque real estate practices to a more transparent, regulated, and sustainability oriented housing regime. While RERA legislation is mainly a consumer-protection statute, but however, its provisions and institutional framework mechanisms create an opportunities for embedding ecological accountability and urban resilience within India’s real estate sector.

¹⁷ 23rd Report: The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012 (Ministry of Housing and Urban Poverty Alleviation), *available at*: https://prsindia.org/files/bills_acts/bills_parliament/2012/SCR_on_Street_Vendors_Bill.pdf (last visited on October 17, 2025).

¹⁸ Constitutionalization of Environmental Issues, May 21, 2024, *available at*: <https://visionias.in/current-affairs/monthly-magazine/2024-05-21/environment/constitutionalization-of-environmental-issues> (last visited on October 17, 2025).

- **Judicial Trends: Linking RERA with Constitutional Environmental Jurisprudence**

The Indian legislation on sustainable development has historically raised from the idea of constitutional expansion clearly stated under Article 21 of Indian Constitution, to which the Apex Court has time and again interpreted in order to include right to healthy and clean environment. “Some of the historical and landmark cases such as *M.C. Mehta Vs. Union of India*¹⁹ and *Subhash Kumar Vs. State of Bihar*”²⁰ has laid down that environmental protection is intrinsic to the right to life, so, thereby creating a constitutional obligation for the State in order to incorporate ecological considerations into development policies. The doctrine of Public Trust and principles like the Precautionary Principle, and the Polluter pays became a part of Indian environmental law by way of judicial innovation, most notably in a *Vellore Citizens Welfare Forum Vs. Union of India*.²¹ These principles and doctrines have thus shaped the manner in which regulatory statutes, including RERA, are interpreted and implemented.

“The recent judgments of the Supreme Court of India thus reinforces this convergence. In *Vanashakti Vs. Union of India* (2025), the clarification was given by the court that State Environment Impact Assessment Authorities (SEIAAs) and State Expert Appraisal Committees also known as (SEACs) have remained as the competent authorities for granting environmental clearances to large townships and housing projects.”²² So,

¹⁹ *M.C. Mehta v. Union of India*, (1987) 4 SCC 463.

²⁰ *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.

²¹ *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647.

²² *Vanashakti v. Union of India*, W.P.(C) No. 166 of 2022.

by resolving regulatory ambiguity and unblocking stalled projects, the Court have highlighted the necessity of prior environmental clearances as a non-negotiable prerequisite to urban development. In short the effect of this judgement is that it directly resonates with Section 4 of RERA, which makes environmental clearance a condition for project registration, thereby reinforcing the role of statute in sustainable regulation.

On the similar note the Supreme Court in case of *Vellore District Environment Monitoring Committee Vs. District Collector* (2025), was reasserted that the Precautionary and Polluter Pays principles, holding that a liability for environmental damage is continuous and extends until full ecological restoration.²³ The primary implications of this judgement is on developers in Real Estate operating under RERA i.e., registration of project and compliance cannot shield promoters from continuing environmental liability, and tribunals under RERA may play a role in constitutional obligations into their adjudication.

Moreover, at the institutional level, the Real Estate Appellate Tribunals (REATs) have also performed a significant role in applying of these Constitutional Principles. For instance, in numerous appeals dealing with non-disclosure of approvals, REATs have underscored that developers cannot bypass statutory requirements, which includes environmental clearance permissions, without violating the core spirit of RERA Act, 2016.²⁴ Thus, the judicial oversight from the Apex Court to specialized

²³ *Vellore District Env't Monitoring Comm. v. District Collector*, 2025 INSC 131.

²⁴ Maharashtra REAT, *M/s Dosti Realty Ltd. v. MahaRERA*, Appeal No. AT00600000000529 (2021) (holding that project registration requires compliance with all statutory approvals including environmental clearance).

dedicated forums of RERA have concreted the idea that real estate regulation is not just an issue of consumer rights but also a broader governance mechanism for sustainable urbanization.

So, collectively these jurisprudential trends have revealed a consistent trajectory which clearly states that legislative intent of RERA must be read in harmony with constitutional environmental jurisprudence, while ensuring that urban growth is regulated not just for consumer protection and transparency but also for ecological sustainability and inter-generational equity.

- **Key Provisions of RERA Relevant to Sustainable Development**

Although the RERA Act, 2016 is mainly focuses on consumer protection, but there are number of its provisions which are directly related to advancement of sustainable urban development by just simply integrating environmental safeguards, enforcing planning compliance, and institutionalizing accountability.

- 1. Registration of Project and Environmental Clearances (Section 3 and 4).**

The Section 3 of the Act clearly states that it prohibits any of the promoter from advertising, marketing, booking, or selling units in “a real estate project” without registration with “the State Regulatory Authority.”²⁵ This provision helps in ensuring that projects are legally scrutinized before entering the market. Moreover, the Section 4 also

²⁵ Real Estate (Regulation and Development) Act, (Act 16 of 2016), s.3.

provides with the mandatory requirement for the promoters to submit a detailed project documentation, including sanctioned plans, layout approvals, and all “requisite permissions, clearances and approvals,” explicitly for covering environmental clearances.²⁶ The legislative intent here is to embed environmental compliance as a condition precedent to a lawful project initiation, and thus preventing an unsustainable developments from bypassing scrutiny.

2. Adherence to Sanctioned Plans and Quality Standards (Section 11 and 14).

The Section 11 of the Act imposes a duties on the promoters to provide an accurate information of the project and maintain adherence to a sanctioned plans and specifications.²⁷ Further the section 14 of the act also protects allottees by prohibiting alterations in sanctioned plans or structural features without the consent of the majority, so thereby preventing ad hoc changes that may compromise open spaces, amenities, or environmental approvals.²⁸ So, in short these provisions collectively safeguard planned development, thus ultimately helps in reducing the risks of haphazard urban growth, encroaching on ecological sensitive zones, and lastly strain on civic infrastructure.

3. Regulatory Oversight and Enforcement (Section 34).

The Section 34 of the Act empowers RERA with the power to register projects, ensure proper compliance with obligations, and take

²⁶ *Supra* note 25, s.4.

²⁷ *Id.*, s.11.

²⁸ *Id.*, s.14.

enforcement measures in case of any violations.²⁹ And by monitoring whether projects comply with environmental approvals and urban planning regulations, So in short the RERA act plays a role of an institutional watchdog for sustainable housing development. Most importantly, this monitoring role provides the continuity beyond project registration, and ensuring ongoing accountability.

4. Dispute Resolution and Judicial Oversight (Section 43-58).

These two provisions i.e., Section 43 and Section 44 of the Act talks about establishment of the Real Estate Appellate Tribunals (REATs), which is a specialized body formed “to hear appeals from the orders of the respective State Authorities.”³⁰ Moreover, Section 58 of the Act also talks about procedure for further appeals to the High Court if in case it involves any Substantial question of law. In short this layered dispute resolution mechanism enables a judicial review of compliance issues, which includes those involving environmental and planning approvals. So, at the ground level REATs have played a crucial role in enforcing disclosure obligations and penalizing non-compliance, thereby indirectly advancing the environmental governance within the real estate market.³¹

So although these provisions of RERA legislation have created a framework that promotes transparency, which not only helps in curtailing unregulated construction, and but also ensure a compliance with environmental approvals. While the statute directly does not mandate “green building standards” or renewable energy integration,

²⁹ *Supra* note 31, s.34.

³⁰ *Id.*, ss. 43,44.

³¹ *Supra* note 26.

but its design links market legality to environmental legality, thus making it as a key socio legal instrument for embedding sustainability in urban growth of India.

III Sustainable Urban Development and Environmental Concerns in Real Estate

- **Concept of Sustainable Urban Development under Indian and International Law**

The sustainable urban development represents a blueprint that integrates in it economic growth, ecological balance, and social justice into the process of urbanization. At the international level this concept derives its legitimacy from the *Brundtland Report* (1987), which clearly defines sustainable development as a “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”³²

This vision has since been codified in the international instruments like “the Rio Declaration on Environment and Development (1992) and the 2030 Agenda for Sustainable Development (2015), more specifically the Sustainable Development Goal 11 (SDG-11), which mandates the creation of safe, inclusive, resilient, and sustainable cities.”³³

³² UN Security Council, *Report of the World Commission on Environment and Development: Our Common Future*, UN DOC A/42/427 (August 4, 1987).

³³ UN Conference on Environment & Development, *Rio Declaration on Environment and Development*, U.N. Doc. A/CONF.151/Rev.1 (Aug. 12, 1992); G.A. Res. 70/1, *Transforming Our World: The 2030 Agenda for Sustainable Development* (Oct. 21, 2015).

In the Indian Context the “sustainable development principle has been judicially recognized as an integral part of Article 21 of the Indian Constitution, which guarantees the right to life and a healthy environment. The Supreme Court of India also in case of Vellore Citizens Welfare Forum Vs. Union of India (1996) explicitly adopted the “precautionary” and “polluter pays” principles as essential elements of environmental governance.³⁴ Moreover, the Article 48-A of the Directive Principle of State Policy puts an obligation on the State to improve and protect the environment, while Article 51-A(g) imposes a fundamental duty on every citizen in order to safeguard natural resources.³⁵ These constitutional and judicial foundations, when read along with the environmental statutes like the Environmental (Protection) Act, 1986, provides a strong domestic framework for embedding sustainability in urban and real estate development.”³⁶

So, simply speaking the concept of sustainable urban development under both Indian as well as international law is not merely aspirational but a binding policy imperative demanding regulatory innovations in sectors like real estate, which has historically been a driver of ecological degradation.

- **Linkage between Construction Industry, Urban Planning, and Ecological Degradation**

It is the well versed fact that the construction and real estate industry constitutes one of the biggest contributors to environmental stress. It

³⁴ *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647.

consumes a huge amounts of natural resources like sand, water, and energy while at the same time generating a huge quantity of waste and altering land use patterns. Also, the inadequate planning and haphazard construction exacerbate ecological risks, more specifically in a fragile ecosystem like the Himalayas.

Recently in 2025, there was multiple incidents across Northern India which clearly illustrates how an unplanned construction, and a weak regulatory enforcement combine to magnify ecological degradation. The following examples have clearly shown that how development in real estate and infrastructure like widening of roads, hillside buildings, layout expansion combines with natural vulnerability in mountains/hill terrain or flood prone plains results in floods, landslides, and destruction.

Himachal Pradesh

- Heavy Rain, Landslides and Flash Floods (Monsoon 2025):

The state of Himachal Pradesh have suffered an extensive destruction in 2025 monsoon season. As per the SDMA (State Disaster Management Authority) there were “574 roads shut, 389 Power transformers and 333 water supply schemes were hit; and 394 people died.³⁷ the one of the particular case, National Highway 305 (Aut-Sainj road) was shut, along with 339 roads closed in Mandi & Kullu districts, due to large landslides triggered by heavy rainfall.”

³⁷ ANI, “Himachal monsoon havoc: 574 roads shut, 389 transformers and 333 water schemes hit; death toll 394, says SDMA”, *The Economic Times*, September 13, 2025, available at: <https://economictimes.indiatimes.com/news/india/himachal-monsoon-havoc-574-roads-shut-389-transformers-and-333-water-schemes-hit-death-toll-394-says-sdma/articleshow/123871425.cms?from=mdr> (last visited on: November 25, 2025).

These events clearly shows that how a construction of residential, roads, or institutional buildings on a near vulnerable slopes, combined with deforestation or slope cutting, poor drainage, and intense rainfalls due to climate change combines together and results in a disaster. It also highlights that how a unplanned or poorly planned real estate projects destabilizes fragile mountain slopes.

- Slope cutting & Road Construction Link:

As per the recent study of IIT-Ropar (2025) have found that nearly 49% of Himachal Pradesh falls under medium risk and 40% under high risk for avalanches, landslides and floods. There are some districts such as Kullu, Mandi, Chamba are among those with higher risk. Moreover, steep slopes, high elevations and human activity like road expansion, cutting into slopes for construction and widening of roads are cited as a major contributing factor. The experts have pointed out that the largescale construction of roads often involves slope blasting and removal of natural vegetation without adequate bioengineering or retaining structures, which destabilizes slopes.³⁸

Uttarakhand

Similarly, the flash floods and debris flows in Uttarakhand recently in Aug, 2025 near Dharali Village destroyed hotel, shops, houses. Also it was in 2021 chamoli disaster in Uttarakhand, where flash floods destroyed villages and infrastructure was aggravated by hydro-power

³⁸ PTI, "Frequency of Landslides increasing in Himachal Pradesh", *The Hindu*, March 12, 2023, available at: <https://www.thehindu.com/news/national/other-states/frequency-of-landslides-increasing-in-himachal/article66610402.ece?utm> (last visited on November 25, 2025).

and road construction³⁹ in ecologically sensitive zones.⁴⁰ The destruction was worsened by unregulated building close to riverbanks, insufficient buffer zones, lack of natural barriers like vegetation or floodplain preservation, and poor stormwater flow paths. There are many hotels and houses in these sensitive zones were swept away as protection measures were inadequate

Jammu & Kashmir

In 2025, floods in various parts of Kashmir have caused severe losses to apple growers. The floods and landslides disrupted the flow of the traffic in a major highways specially in Jammu and Srinagar route, resulting in delayed harvest shipments, damaged orchards, and destroyed infrastructure. These disruptions have accentuated that how a highways and roads constructed across slopes or flood prone zones, mainly due to absence rigorous environmental clearance or resilience planning gets quickly compromised.

Punjab

The Punjab has experienced a worst floods in a decade in its 30 years in 2025 with massive inundation of farmland, damage to houses located in a low lying urban and semi urban areas, resulted in loss of livestock, electric power and clean water disruptions. However, the urbanization has led to loss of wetlands and natural drainage channels. In many place, there are unplanned residential layouts that have encroached on flood-

³⁹ Gaurav Talwar, "Massive damage after glacier burst triggers flood in Uttarakhand; 7 dead, 170 missing", *Times of India*, February 8, 2021, available at: <https://timesofindia.indiatimes.com/india/massive-damage-after-glacier-burst-triggers-flood-in-uttarakhand-7-dead-170-missing/articleshow/80740908.cms> (last visited on December 26, 2025).

zones or water bodies, leading to poor discharge of stormwater during heavy rains. Also, the upstream rainfall and floods in Jammu and Kashmir & Himachal have contributed to river flow increasing in Punjab's plains, thus testing the capacity of local drainage.

In short these instances have clearly established a direct correlation between unchecked construction practices, weak or poor regulatory oversight, and environmental disasters. Moreover, they have emphasized the urgent requirement for real estate regulation to incorporate not only consumer rights but also environmental safeguards, while ensuring that urban growth does not come at the cost of ecological stability.

- **Existing Environmental Safeguards in Real Estate**

The Indian legal regime incorporates various environmental safeguards that have directly or indirectly apply to the real estate sector. The umbrella legislation is the *Environmental (Protection) Act, 1986*, which gives the power to the central government to regulate industrial and construction activities that poses a risks to the environment. Under this framework, the Environmental Impact Assessment (EIA) Notification, 2006 mandates a prior environmental clearance for construction projects beyond certain thresholds for e.g., built up area of more than 20,000 sq. meters.⁴¹ The EIA process requires the appraisal of potential impacts on air, water, land, and biodiversity before a project is allowed to commence.

There are also other complementary statutes that further reinforce these safeguards. "The Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974" which

⁴¹ *Supra* note 36.

imposes the mandatory obligations on project proponents in order to prevent and control pollution arising from construction activities.⁴² Moreover, the *Forest Conservation Act, 1980* and the *Wildlife Protection Act, 1972* restrict diversion of forests and habitats for urban projects without approval. There are also the judicial pronouncements like the Apex court decision in *M.C. Mehta Vs. Union of India* on compliance with environmental standards that have elevated environmental safeguards to the level of fundamental rights enforcement.

But however, the effectiveness of these safeguards in the real estate sector remains inconsistent. The procedural lapses in the EIA process, project fragmentation to bypass clearance thresholds, and a weak enforcement by State pollution Control Boards have diluted the environmental protection. The RERA has acted as a saviour by requiring the developers to submit all the statutory approvals including environmental clearances at the stage of project registration, and by introducing a mechanism of cross compliance that could strengthen the enforcement of these safeguards if integrated with sustainability mandates.

IV Socio-Legal Interface of RERA and Environmental Safeguards

- **RERA's Requirement for compliance with Local and Environmental Approvals Before Project Registration**

The Real Estate (Regulation and Development) Act, 2016 i.e., (RERA) establishes a mandatory precondition for promoters to secure requisite

⁴² *Vanashakti v. Union of India*, W.P. (C) No. 000166-000166.

approvals before registering a project with the concerned state RERA. Subsequently there is section 4(2)(c) of the Act which makes the compulsory requirement for promoters to submit authenticated copies of approvals and commencement certificates which are issued by an competent authorities, which includes use of land permissions, building plan sanctions, and environmental clearances under applicable statutes like “the *Environmental (Protection) Act*, 1989 and the *EIA Notification*, 2006.” This mechanism make sure that the projects are not to be launched or advertised without first undergoing scrutiny under existing planning and environmental regimes. As we know that the RERA is not itself an environmental law, but its disclosure-based model integrates environmental compliance into the project lifecycle, thereby creating a regulatory overlap that foster accountability. In reality, the RERA operationalizes the principle of *ex ante* environmental due diligence, compelling the builders to internalize environmental responsibilities at the very stage of project registration.

- **Socio-Legal Impact: Protection of Consumer Rights Vs. Ecological Responsibilities**

The RERA is primarily designed as a consumer protection statute, addressing the chronic issues such as of project delays, non-disclosure, and asymmetry of information in the housing market. However, the statute have also incorporates a socio-legal balance between consumer rights and ecological responsibilities. On one hand there is consumer protection from fraudulent or stalled projects by way of mandatory disclosures, escrow accounts, and dispute resolution mechanisms under RERA. On the other hand there is mandatory submission of environmental clearances indirectly protecting the communities from

unsustainable urban growth, air and water pollution, and over-extraction of natural resources. So, this dual function is particularly important in rapidly urbanizing cities where consumer aspirations for affordable housing often leads to conflict with the ecological imperative of sustainable development. The socio-legal interface thus positions RERA as a statute that safeguards both private interests (homebuyers) and collective goods (environmental sustainability). the practicality of this balance, however, depends on strict enforcement, transparent disclosure, and judicial vigilance in harmonizing consumer and environmental rights.

- **Analysis of Select RERA-Registered Projects Incorporating Green Building Norms**

There are various RERA registered projects across different states which has begun incorporating green building and sustainable design principles, which are often part of market differentiation strategies. Like in Maharashtra, the projects are registered under MahaRERA which have voluntarily adopted GRIHA and IGBC certifications, emphasizing energy efficiency, rainwater harvesting, and waste management systems.⁴³ The state of Karnataka has also seen similar type green projects like integration of rooftop solar, waste recycling plants, and compliance with Bureau of Energy Efficiency (BEE) codes in high end residential developments.⁴⁴ In Tamil Nadu, too RERA-registered projects are increasingly required to align with urban planning norms that safeguard

⁴³ Government of India, "Eco-Niwas Samhita 2018: Energy Conservation Building Code for Residential Buildings" (Bureau of Energy Efficiency, Ministry of Power, December 2018).

⁴⁴ Tamil Nadu Real Estate Regulatory Auth., Project Registration Guidelines (2022).

connectivity of road and avoid encroachments on public resources. While these practices are largely developer-driven, they reflect an emerging trend of aligning market competitiveness with sustainability goals. However, such practises remain uneven and voluntary across states, thus indicating the absence of a uniform legal mandate. A Model Sustainability Addendum to RERA Rules could institutionalize these innovations by requiring minimum green standards, thereby ensuring that the ecological responsibility is not left solely to market forces or voluntary compliance.

V Challenges and Gaps in Integrating RERA with Environmental Protection

- **Loopholes in Monitoring and Enforcement Mechanisms**

Although RERA has created an institutional framework to enhance transparency and accountability, its monitoring mechanisms remain largely confined to consumer protection issues such as project delays, financial irregularities, and disclosure obligations. The Act does not empower Real Estate Regulatory Authorities to actively monitor environmental compliance once the initial approvals are submitted. In practice, promoters upload environmental clearances and related documents at the stage of registration, but there is no structured mechanism for verifying ongoing compliance with conditions imposed under the Environment (Protection) Act, 1986 or clearance terms granted by the Ministry of Environment, Forest and Climate Change (MoEFCC). This loophole results in a “file-based compliance” approach, where the mere existence of documents substitutes for actual enforcement. As a result, projects may proceed even when

environmental safeguards such as sewage treatment plants, rainwater harvesting systems, or greenbelt requirements are not fully implemented.

- **Overlaps and Conflicts between RERA and Other Environmental Laws**

RERA exists in parallel with a complex web of environmental and planning laws, leading to overlaps and occasional jurisdictional conflicts. For instance, while RERA requires promoters to disclose all statutory approvals including environmental clearances, the substantive regulation of environmental impact rests with institutions such as the State Environment Impact Assessment Authority (SEIAA) under the EIA Notification, 2006. This duality sometimes results in conflicting interpretations—developers argue that once a project is registered with RERA, environmental concerns should be deemed settled, whereas environmental regulators maintain independent jurisdiction to impose conditions or halt projects. Judicial decisions such as *Vanashakti v. Union of India* (2025) have clarified that environmental clearance processes remain distinct and mandatory, yet the absence of explicit coordination mechanisms between RERA authorities and environmental regulators continues to cause regulatory friction and delays. This uncertainty undermines both investor confidence and the enforcement of environmental safeguards.

- **Lack of Explicit Provisions for Sustainability in RERA**

Another major limitation is that RERA, despite being enacted in the era of global commitments to sustainable development and India's own

adoption of the United Nations Sustainable Development Goals (SDGs), contains no explicit provisions mandating environmentally sustainable construction or urban planning practices. The Act is mainly formed as a consumer-centric statute, which focuses on timely delivery of projects and financial accountability. Consequently, aspects such as energy efficiency, water conservation, waste management, and mandatory open space requirements are relegated to local building bye-laws or environmental regulations. While some state RERAs, notably MahaRERA, have experimented with guidelines promoting eco-friendly practices, these remain advisory rather than binding. This fragmented approach means that RERA does not currently serve as a driver for sustainable real estate, but merely as a procedural regulator dependent on the robustness of other legal frameworks.

- **Role of State Authorities and Municipal Bodies**

The effectiveness of integrating RERA with environmental protection is also shaped by the fragmented roles of state authorities and municipal bodies. Municipal corporations and urban local bodies are primarily responsible for enforcing building codes, granting occupancy certificates, and ensuring compliance with environmental norms such as solid waste disposal and sewage treatment. However, their coordination with RERA authorities is often minimal. In many cases, municipal authorities issue occupancy certificates even when environmental clearance conditions are only partially fulfilled, creating a compliance gap that RERA is ill-equipped to address. Furthermore, state-level RERA authorities vary in institutional capacity—while MahaRERA has developed a relatively strong regulatory presence, others like Delhi RERA and smaller state bodies lack resources and enforcement strength. This unevenness across

states reinforces a fragmented system where the integration of RERA with environmental safeguards is inconsistent, highly localized, and vulnerable to bureaucratic inefficiencies.

VI Conclusion and Suggestions

The present study has sought to critically examine “the Real Estate (Regulation and Development) Act, 2016 (RERA)” through the lens of sustainable urban development and environmental safeguards. The analysis reveals that while RERA has been successful in establishing “transparency, accountability, and consumer protection in the real estate sector,” its potential as an instrument for advancing sustainability remains underutilized. RERA primarily focuses on financial discipline and disclosure mechanisms, leaving environmental concerns to the domain of parallel statutes such as the Environment (Protection) Act, 1986 or municipal planning laws. As a result, the interface between real estate regulation and ecological governance is fragmented and inconsistent across states.

Judicial trends, particularly recent interventions of the Supreme Court, underscore the growing recognition of environmental principles such as “the polluter pays principle, precautionary principle, and the necessity of mandatory environmental clearances in large housing and township projects.” These decisions highlight that real estate development cannot be divorced from ecological concerns and that sustainability must be embedded in the regulatory framework. Similarly, state-level RERA authorities, especially MahaRERA, have demonstrated that proactive circulars and sector-specific guidelines can bridge statutory gaps by encouraging developers to adopt renewable energy, water management, and community-friendly planning practices. However, such initiatives are

scattered and lack uniformity, underscoring the need for a harmonized policy response at the national level.

Going forward, RERA can evolve into a more comprehensive tool for sustainable urban development if its framework is reoriented to explicitly integrate environmental safeguards. First, a Model Sustainability Addendum to RERA Rules should be developed by the Ministry of Housing and Urban Affairs, requiring mandatory disclosure of green building features, renewable energy provisions, waste and stormwater management, and compliance with energy efficiency standards. Second, RERA registration portals can be upgraded to include sustainability metrics alongside financial and legal disclosures, enabling regulators and consumers alike to evaluate the ecological footprint of projects. Third, there is a pressing need for institutional coordination between RERA Authorities, State Pollution Control Boards, and Urban Local Bodies to ensure seamless monitoring of compliance with environmental norms. Fourth, citizen participation mechanisms under RERA can be expanded to allow resident welfare associations and civil society groups to play a role in monitoring environmental obligations.

Finally, aligning RERA's mandate with India's constitutional obligations under Article 21, as well as international commitments under "the United Nations Sustainable Development Goals particularly SDG 11 on sustainable cities and communities" would ensure that the Act transcends its consumer protection roots and becomes a cornerstone of sustainable urban governance. Thus, the future trajectory of RERA lies not merely in regulating real estate transactions but in shaping an urban landscape that is ecologically resilient, socially inclusive, and legally accountable.