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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of

International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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THE ROLE OF THE NATIONAL GREEN TRIBUNAL IN STRENGTHENING ENVIRONMENTAL JUSTICE IN INDIA

AUTHORED BY - MOWNIKA G

Abstract

Environmental justice forms the foundation of sustainable development and human rights in India. The establishment of the National Green Tribunal (NGT) under the National Green Tribunal Act, 2010 marked a significant milestone in the evolution of Indian environmental jurisprudence. The Tribunal was envisioned as a specialized body to provide speedy, technical, and effective remedies to environmental disputes. This article analyses how the NGT has strengthened environmental justice by enforcing constitutional and statutory mandates, applying key environmental principles, and promoting accountability among stakeholders. It also explores the challenges faced by the NGT, including jurisdictional limitations, infrastructural constraints, and enforcement issues. The paper concludes that while the NGT has contributed immensely to the realization of environmental justice, further institutional reforms, increased public awareness, and strong political commitment are essential to enhance its efficacy and ensure environmental sustainability.

1. Introduction

Environmental protection has become one of the most pressing global concerns in the twenty-first century. India, being a rapidly developing country, faces the twin challenges of economic growth and environmental conservation. Environmental justice implies equitable access to a clean and healthy environment for all citizens, irrespective of social or economic status.

The Indian judiciary has played a proactive role in expanding the ambit of Article 21 of the Constitution to include the Right to a Healthy Environment. In *Subhash Kumar v. State of Bihar* (1991), the Supreme Court held that the right to life includes the right to enjoy pollution-free water and air. However, the growing number of environmental disputes and the technical nature of such issues necessitated the creation of a specialized forum — thus leading to the establishment of the National Green Tribunal (NGT) in 2010.

The NGT represents a paradigm shift from traditional litigation to expert adjudication, ensuring that environmental matters receive dedicated attention and prompt resolution.

2. Legal Framework and Establishment of the NGT

The National Green Tribunal Act, 2010 was enacted to provide for the establishment of a tribunal for effective and expeditious disposal of environmental cases. The Act was inspired by India's obligations under international instruments such as the Rio Declaration, 1992 and Stockholm Declaration, 1972, which emphasized the need for environmental justice and sustainable development.

3. Jurisdiction:

The NGT has jurisdiction over all civil cases where a substantial question relating to the environment arises under laws such as:

The Water (Prevention and Control of Pollution) Act, 1974
The Air (Prevention and Control of Pollution) Act, 1981
The Environment (Protection) Act, 1986
The Forest (Conservation) Act, 1980
The Biological Diversity Act, 2002

- **Composition:**
The Tribunal consists of a Chairperson, Judicial Members, and Expert Members with scientific or technical expertise. It functions through its Principal Bench in New Delhi and zonal benches in Chennai, Pune, Bhopal, and Kolkata.
- **Objective:**
To deliver environmental justice in a cost-effective, accessible, and speedy manner, ensuring that development does not compromise ecological balance.

4. Powers and Functions of the NGT

The NGT enjoys wide powers under the 2010 Act, including:

Adjudication of disputes relating to environmental protection and conservation of natural resources.

Appellate authority for decisions related to environmental clearances.

Award of compensation and restitution of damaged environment (Section 15). Application of principles such as:

Polluter Pays Principle
Precautionary Principle

Sustainable Development Principle

The Tribunal is not bound by the procedure laid down under the Civil Procedure Code, 1908, but is guided by principles of natural justice, enabling it to function flexibly and effectively.

5. The NGT's Contribution to Environmental Justice

a. Access to Environmental Justice

Before 2010, environmental litigation was mainly limited to Public Interest Litigations (PILs) before High Courts and the Supreme Court. With the NGT's creation, individuals and communities now have direct access to a specialized body dedicated solely to environmental issues.

b. Speedy and Expert Adjudication

The NGT's mixed composition ensures both legal and technical expertise, leading to informed judgments on complex environmental matters. The Act mandates disposal of cases within six months, promoting efficiency.

c. Landmark Judgments and their Impact

1. *Vellore Citizens Welfare Forum v. Union of India* (1996) – Though pre-NGT, this case laid the foundation for the polluter pays and precautionary principles later adopted by the Tribunal.
2. *Almitra H. Patel v. Union of India* (2015) – The NGT directed comprehensive measures for solid waste management, leading to policy reform.
3. *Sterlite Industries (India) Ltd. v. Tamil Nadu Pollution Control Board* (2018) – The Tribunal upheld closure of a polluting copper plant, reaffirming accountability of industries.
4. *M.C. Mehta v. Union of India* (2018, 2020) – The NGT monitored air pollution control in Delhi and river rejuvenation programs.
5. *Amazonia Reforestation v. Ministry of Environment* (2021) – Ordered compensation and afforestation, reinforcing environmental restitution.

Through these judgments, the NGT has reinforced the principle that economic growth cannot override ecological balance.

d. Promotion of Environmental Governance

The Tribunal has ensured compliance with environmental regulations and compelled authorities to act. It has also promoted transparency, accountability, and citizen participation in environmental decision-making.

6. Challenges and Limitations

Despite its achievements, the NGT faces several hurdles:

- 1. Limited Infrastructure:**
The Tribunal operates with only a few zonal benches, limiting accessibility for citizens in remote regions.
- 2. Implementation Gaps:**
Many NGT orders remain unimplemented due to lack of coordination with executive authorities.
- 3. Jurisdictional Conflicts:**
The overlapping powers of the High Courts and NGT sometimes cause delays and uncertainty.
- 4. Resource Constraints:**
Insufficient staff and funding hinder the Tribunal's effectiveness.
- 5. Awareness and Participation:**
Public understanding of environmental rights and the NGT's role remains limited, reducing community engagement.

7. Recommendations

To enhance the NGT's role in achieving environmental justice, the following measures are recommended:

Expansion of Regional Benches: Establish additional benches to improve accessibility.

Strengthen Enforcement Mechanisms: Create a monitoring cell for implementation of NGT orders.

Capacity Building: Provide continuous training for members on emerging environmental issues.

Legislative Support: Amend laws to clarify NGT's jurisdiction and reduce conflicts with other courts.

Public Awareness: Promote environmental literacy through education, campaigns, and NGOs.

Technological Integration: Encourage e-filing, virtual hearings, and digital tracking of cases to improve efficiency.

8. Recent Environmental Context Relating to the National Green Tribunal (2024–2025)

The National Green Tribunal (NGT) has remained at the forefront of India's environmental jurisprudence, addressing a wide range of ecological concerns and ensuring that environmental governance remains both accountable and participatory. The period of 2024–2025 has been particularly significant, reflecting the Tribunal's evolving role in strengthening environmental justice through proactive interventions and innovative remedial measures.

1. Strengthening Enforcement through Environmental Compensation (EC) Funds

As of April 2025, the Central Pollution Control Board (CPCB) reported that approximately ₹138.38 crores collected through NGT-mandated environmental compensation funds had been committed to restoration and remediation projects nationwide. These funds were utilized for projects such as the rejuvenation of the Phuldera drain and groundwater rehabilitation near the Panipat Refinery in Haryana. This demonstrates the Tribunal's focus on environmental restitution — ensuring that polluters not only pay fines but also actively contribute to ecological restoration, thus operationalizing the “Polluter Pays” principle in its true spirit.

2. Water Quality and River Pollution Cases

In 2025, the NGT initiated several suo motu proceedings concerning contamination of rivers and groundwater. One such instance involved fluoride contamination in the surface water of Arunachal Pradesh, where the Tribunal directed the state government to assess and mitigate the issue in accordance with WHO standards. Similarly, the NGT continued to monitor

compliance in long-standing cases related to the Yamuna and Ganga river rejuvenation, repeatedly emphasizing the duty of state pollution control boards to ensure real progress rather than procedural reporting.

3. Floodplain Encroachments and Urban Planning Oversight

The NGT has taken an assertive stance against unregulated urban expansion and illegal constructions on floodplains. In Greater Noida, the Tribunal directed the Uttar Pradesh government to take immediate remedial measures against more than 250 unauthorized structures along the Yamuna-Hindon floodplain. Comparable directions were issued in Punjab, where the state was required to digitally map the floodplains of the Satluj River to prevent future disasters. These actions underline the Tribunal's recognition that urban planning must align with ecological balance and disaster-risk reduction.

4. Coastal Zone and Sewage Pollution Issues

The Tribunal has also examined the environmental consequences of urban sewage discharge into ecologically sensitive coastal zones. In Tamil Nadu (Uthandi case, 2025), the NGT sought detailed reports on a flood-escape channel that risked polluting coastal waters and threatening the Blue Flag certification of nearby beaches. This indicates the Tribunal's vigilance in protecting marine ecosystems and ensuring sustainable coastal management.

9. Conclusion

The National Green Tribunal has emerged as a vital pillar of environmental governance in India. It has not only expanded access to environmental justice but has also reinforced the constitutional right to a clean and healthy environment under Article 21.

Although institutional and procedural challenges persist, the NGT's jurisprudence has set strong precedents in balancing development and ecology. To sustain its impact, there is a pressing need for greater governmental support, inter-agency cooperation, and public participation. Strengthening the NGT is essential not only for environmental protection but also for ensuring intergenerational equity and sustainable development — the true essence of environmental justice.

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