

THE NATIONAL GREEN TRIBUNAL AND ENVIRONMENTAL JUSTICE IN INDIA: EVALUATING THE EFFECTIVENESS OF SPECIALIZED ENVIRONMENTAL ADJUDICATION

by

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Abstract

Environmental degradation has emerged as one of the most pressing challenges facing contemporary societies. In India, rapid industrialization, urbanization, and developmental activities have intensified environmental concerns such as pollution, deforestation, biodiversity loss, and climate-related risks. These challenges often disproportionately affect vulnerable communities, raising concerns of environmental justice. To address complex environmental disputes effectively, Parliament enacted the National Green Tribunal Act, 2010, establishing the National Green Tribunal (NGT) as a specialized adjudicatory body. The Tribunal was designed to provide expeditious environmental justice by combining judicial expertise with scientific and technical knowledge. Since its establishment, the NGT has played a significant role in developing environmental jurisprudence through the application of principles such as sustainable development, the precautionary principle, and the polluter pays principle. This article examines the role of the NGT in advancing environmental justice in India, evaluates its achievements and limitations, and assesses its effectiveness as a specialized environmental adjudicatory institution.

I. Introduction

Environmental protection has become an essential component of modern governance. Economic development and industrial growth have undoubtedly improved living standards, yet they have also contributed to severe environmental degradation. Air and water pollution, depletion of natural resources, loss of biodiversity, and climate change have increasingly threatened public health and ecological sustainability. In India, these environmental challenges are closely linked with issues of poverty, inequality, and social justice, as marginalized communities often suffer the greatest environmental burdens while possessing limited access to legal remedies.¹

Recent empirical research has confirmed that the environmental burden falls disproportionately on socially marginalized communities in India. A peer-reviewed study published in Scientific Reports in 2023, drawing on data from over 28,000 village and urban-block clusters, found that increases in the prevalence of Scheduled Caste and Other Backward Class households in a locality were significantly associated with elevated PM2.5 concentrations, indicating that structural social inequalities are systematically reproduced in patterns of environmental harm.³⁸ These findings provide empirical grounding for the argument that environmental justice in India demands dedicated institutional mechanisms beyond those available through conventional civil litigation.

The concept of environmental justice seeks to ensure fair distribution of environmental benefits and burdens, meaningful participation in environmental decision-making, and access to effective legal remedies.² In India, environmental justice derives constitutional support from Article 21 of the Constitution, which has been judicially interpreted to include the right to a clean and healthy environment.³ Articles 48A and 51A(g) further impose obligations on the State and citizens to protect and improve the natural environment.⁴

Despite the judiciary's active role in environmental protection through public interest litigation, conventional courts often faced difficulties in resolving environmental disputes due to procedural delays and lack of technical expertise. Recognizing these limitations, Parliament enacted the National Green Tribunal Act, 2010, establishing the National Green Tribunal (NGT) as a specialized body for environmental adjudication.⁵ This article critically evaluates the effectiveness of the NGT in promoting environmental justice in India.

II. Research Methodology

This study adopts a doctrinal research methodology based on the analysis of primary and secondary legal sources. Primary sources include the Constitution of India, the National Green Tribunal Act, 2010, and relevant environmental statutes such as the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981. Judicial decisions of the Supreme Court of India and the National Green Tribunal constitute important sources of analysis.

Secondary sources include scholarly articles, books, Law Commission reports, and research studies relating to environmental governance and environmental justice. The article adopts an analytical and critical approach to evaluate the Tribunal's contribution to environmental justice and identify challenges affecting its effectiveness.

III. Environmental Justice and Constitutional Foundations in India

Environmental justice refers to the principle that all individuals are entitled to equal protection from environmental harm and equal access to environmental benefits regardless of social or economic status.⁶ The concept emerged from international environmental movements that highlighted the disproportionate impact of pollution and hazardous activities on disadvantaged communities. Over time, environmental justice evolved into a broader framework linking environmental protection with human rights and sustainable development.

The Indian Constitution provides a strong foundation for environmental justice. Although the Constitution does not expressly guarantee a right to a healthy environment, the Supreme Court has interpreted Article 21 to include environmental rights. In *Subhash Kumar v. State of Bihar*, the Court held that the right to life includes the right to enjoy pollution-free water and air.⁷ Similarly, in *M.C. Mehta v. Union of India*, the Court emphasized that environmental protection is an essential component of the right to life.⁸

The judiciary has also incorporated several important environmental principles into Indian law. In *Vellore Citizens Welfare Forum v. Union of India*, the Supreme Court formally recognized the precautionary principle and the polluter pays principle as part of Indian environmental jurisprudence.⁹ The precautionary principle requires preventive action where environmental risks are uncertain but potentially serious, while the polluter pays principle mandates that those responsible for environmental harm bear the costs of remediation and compensation.

Another important doctrine is the public trust doctrine, which recognizes that natural resources such as rivers, forests, and coastlines are held by the State in trust for present and future generations.¹⁰ These principles have become central to environmental adjudication in India and are extensively applied by the National Green Tribunal.

The increasing complexity of environmental disputes highlighted the need for specialized adjudication. Environmental cases often involve scientific and technical questions relating to pollution, biodiversity, ecological impacts, and environmental clearances. Traditional courts frequently lacked the expertise and procedural flexibility necessary to address such issues effectively. Consequently, the establishment of the NGT represented a significant institutional advancement in India's pursuit of environmental justice.

IV. Establishment and Jurisdiction of the National Green Tribunal

The National Green Tribunal was established under the National Green Tribunal Act, 2010 to provide effective and expeditious disposal of environmental disputes.¹¹ The Tribunal was inspired by recommendations of the Law Commission of India and judicial observations emphasizing the need for specialized environmental courts. It also reflects India's commitment to international environmental principles, particularly Principle 10 of the Rio Declaration, which emphasizes access to information, participation, and justice in environmental matters.¹²

The NGT possesses a unique institutional structure combining judicial and expert members. The Chairperson must be a former Judge of the Supreme Court or Chief Justice of a High Court. Judicial Members are experienced judges, while Expert Members possess specialized knowledge in fields such as environmental science, forestry, ecology, engineering, and environmental management.¹³ This combination enables informed adjudication of technically complex environmental disputes.

The Tribunal exercises original jurisdiction under Section 14 of the NGT Act over civil cases involving substantial questions relating to the environment.¹⁴ It also possesses appellate jurisdiction under Section 16, allowing appeals against decisions made under major environmental statutes. Additionally, the Tribunal may award compensation for environmental damage, personal injury, property loss, and ecological restoration.¹⁵

The NGT's jurisdiction extends to disputes arising under key environmental laws, including the Water Act, 1974, Air Act, 1981, Environment (Protection) Act, 1986, Forest (Conservation) Act, 1980, and Biological Diversity Act, 2002.¹⁶ Unlike ordinary courts, the Tribunal is not bound by the Code of Civil Procedure and instead follows principles of natural justice.¹⁷ This procedural flexibility allows it to respond quickly to environmental emergencies and provide effective remedies.

The Tribunal is statutorily required to apply the principles of sustainable development, precaution, and polluter pays while adjudicating environmental disputes.¹⁸ These principles have become the foundation of NGT jurisprudence and significantly influence its approach to environmental governance.

V. NGT's Contribution to Environmental Justice: A Critical Analysis

The National Green Tribunal has played a significant role in strengthening environmental justice in India by providing a specialized forum for resolving environmental disputes. Since its establishment in 2010, the Tribunal has enhanced environmental governance by ensuring accountability of industries, government authorities, and other stakeholders whose actions affect the environment. Through its decisions, the NGT has reinforced the idea that environmental protection is not opposed to development but is an essential component of sustainable development.¹⁹

The scale of the Tribunal's activity over its first decade and beyond underscores the breadth of demand for specialized environmental adjudication. According to official government data, the NGT has instituted over 52,000 cases and disposed of approximately 47,000 since its establishment in 2010,

maintaining a disposal rate that exceeded the rate of new filings in several reporting periods, including 16,042 cases resolved against 15,132 instituted between July 2018 and July 2023.³⁹ This throughput reflects both the volume of unresolved environmental grievances in India and the Tribunal's capacity to serve as an effective institutional channel for environmental claims.

One of the major contributions of the Tribunal has been the effective application of environmental principles developed by the judiciary. The NGT has consistently relied upon the principles of sustainable development, the precautionary principle, and the polluter pays principle while deciding environmental disputes. These principles have enabled the Tribunal to balance developmental needs with ecological protection and ensure that environmental costs are borne by those responsible for causing environmental harm.²⁰

The Tribunal has also improved access to environmental justice. Traditional litigation in environmental matters often involved procedural complexities and delays. The NGT's flexible procedures and specialized expertise have enabled citizens, environmental groups, and affected communities to seek remedies more efficiently. This has strengthened the corrective dimension of environmental justice by providing accessible mechanisms for addressing environmental grievances.²¹

A. Landmark Cases and Their Impact

One of the most influential decisions shaping environmental jurisprudence in India is *Vellore Citizens' Welfare Forum v. Union of India*. In this case, the Supreme Court formally recognized the precautionary principle and the polluter pays principle as essential components of Indian environmental law.²² Although decided before the establishment of the NGT, the principles laid down in the judgment have become central to the Tribunal's functioning.

Similarly, in *Indian Council for Enviro-Legal Action v. Union of India*, the Supreme Court emphasized that industries responsible for environmental degradation must bear the costs of restoring damaged ecosystems.²³ The NGT has repeatedly applied this principle while imposing environmental compensation upon industries and public authorities responsible for pollution.

The Tribunal's decision concerning the Art of Living World Culture Festival on the Yamuna floodplains demonstrated its commitment to protecting ecologically sensitive areas. Environmental concerns were raised regarding the damage caused to the floodplain ecosystem. The NGT imposed environmental compensation and emphasized the need to preserve fragile ecological zones.²⁴ The decision highlighted the Tribunal's willingness to hold influential organizations accountable for environmental impacts.

The Sterlite Industries dispute represents another significant example of environmental adjudication. Residents alleged that industrial activities caused air and water pollution, adversely affecting public health and the environment. The NGT scrutinized issues relating to environmental compliance and regulatory oversight, thereby reinforcing industrial accountability and environmental governance.²⁵

The Tribunal has also played a crucial role in addressing urban environmental challenges. In several cases concerning municipal solid waste management, the NGT directed local authorities to comply with statutory waste management obligations and improve disposal systems. These decisions are particularly important because environmental burdens associated with improper waste disposal are often borne by economically disadvantaged communities.²⁶

The NGT has further contributed to environmental justice through decisions relating to air pollution and river conservation. By directing authorities to regulate polluting industries, control vehicular emissions, and implement pollution-control measures, the Tribunal has sought to protect public health and environmental quality. Such interventions recognize that access to clean air and water forms an essential component of the constitutional right to life under Article 21.²⁷

B. Advancing Environmental Principles

The NGT has institutionalized environmental principles within India's environmental governance framework. The principle of sustainable development has become a guiding norm in the Tribunal's decision-making process. Rather than treating environmental protection and economic growth as competing objectives, the Tribunal has emphasized the need to reconcile development with ecological sustainability.²⁸

The precautionary principle has enabled the Tribunal to adopt preventive measures where environmental risks are uncertain but potentially serious. This approach recognizes that environmental damage is often irreversible and therefore requires early intervention.²⁹

The polluter pays principle has similarly strengthened accountability by ensuring that those responsible for environmental harm bear the costs of remediation and restoration. The Tribunal's frequent use of environmental compensation has contributed significantly to deterrence and environmental compliance.³⁰

VI. Challenges and Limitations

Despite its achievements, the National Green Tribunal faces several challenges that limit its effectiveness. One of the most significant concerns relates to the enforcement of its orders. Environmental restoration frequently requires long-term monitoring and cooperation from regulatory authorities. However, administrative inefficiency and inadequate compliance often reduce the practical impact of Tribunal decisions.³¹

The enforcement gap is rendered particularly stark by data on the utilization of environmental compensation funds. According to information placed before the NGT by the Central Pollution Control Board, by mid-2024 more than Rs 620 crore had accumulated in environmental compensation accounts, of which under Rs 81 crore had been spent on actual ecological restoration projects, representing a disbursement rate of under fifteen per cent.⁴⁰ This considerable gap between the imposition of compensation and its deployment for recovery reveals a systemic weakness in the institutional infrastructure required to translate Tribunal directions into tangible environmental outcomes.

Institutional capacity also remains a concern. Delays in the appointment of judicial and expert members have affected the Tribunal's functioning and increased the burden on existing benches. The absence of adequate technical expertise may hinder effective evaluation of complex environmental disputes involving scientific uncertainty.³²

The vacancy problem has attracted attention at the highest levels of parliamentary oversight. According to the Parliamentary Standing Committee on Science and Environment, as of early 2026 only six of the twenty sanctioned judicial member posts were filled, a situation the Committee characterised as a functional crisis for the Tribunal's operations.⁴¹ On occasion, acute vacancies at regional benches have compelled litigants from remote parts of the country to travel to the Principal

Bench in New Delhi or pursue matters through video conferencing, effectively negating the geographical accessibility that the Tribunal's multi-bench structure was designed to provide.

Geographical accessibility presents another challenge. Although regional benches exist in major cities, affected communities in rural and remote areas may face substantial financial and logistical barriers in accessing the Tribunal. This issue is particularly significant because vulnerable populations often experience the greatest environmental harms.³³

The Tribunal must also navigate the difficult task of balancing environmental protection with developmental objectives. India continues to pursue rapid industrialization and infrastructure expansion, frequently generating conflicts between ecological preservation and economic growth. Determining the appropriate balance remains one of the most challenging aspects of environmental adjudication.³⁴

VII. Recommendations and Conclusion

The effectiveness of the National Green Tribunal can be enhanced through several reforms. First, stronger enforcement mechanisms should be developed to ensure compliance with Tribunal orders. Periodic monitoring and transparent reporting systems may improve accountability and facilitate environmental restoration.³⁵

Second, vacancies among judicial and expert members should be filled promptly to strengthen institutional capacity and reduce delays. Additional regional benches and greater use of digital hearings may further improve accessibility and expand access to environmental justice.³⁶

Third, collaboration with scientific institutions and environmental experts should be strengthened to enhance technical decision-making. Environmental disputes increasingly involve complex scientific questions, making expert assistance essential for informed adjudication.³⁷

In conclusion, the National Green Tribunal represents one of the most significant innovations in Indian environmental law. Through its specialized structure, broad jurisdiction, and progressive jurisprudence, the Tribunal has substantially advanced environmental justice in India. While challenges relating to implementation, accessibility, and institutional capacity continue to exist, the NGT has played a transformative role in strengthening environmental governance and promoting sustainable development. Its future effectiveness will depend upon continued institutional support, stronger enforcement mechanisms, and meaningful public participation in environmental decision-making.

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