

INTERNATIONAL ENVIRONMENTAL LEGAL RESEARCH JOURNAL

VOLUME 3 AND ISSUE 1 OF 2025

INSTITUTE OF LEGAL EDUCATION

INTERNATIONAL ENVIRONMENTAL LEGAL RESEARCH JOURNAL

APIS – 3920 – 0011 | ISSN - 2584-1904

(OPEN ACCESS JOURNAL)

Journal's Home Page – https://ielrj.iledu.in/

Journal's Editorial Page - https://ielrj.iledu.in/editorial-board/

Volume 3 and Issue 1 (Access Full Issue on - https://ielrj.iledu.in/category/volume-3-and-issue-1-of-2025/)

Publisher

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Published by

Institute of Legal Education

https://iledu.in

ROLE OF THE NATIONAL GREEN TRIBUNAL IN ENVIRONMENTAL GOVERNANCE

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BEST CITATION - YOGESH PRASAD KOLEKAR, ROLE OF THE NATIONAL GREEN TRIBUNAL IN ENVIRONMENTAL GOVERNANCE, *INTERNATIONAL ENVIRONMENTAL LEGAL RESEARCH JOURNAL,* 3 (1) OF 2025, PG. 67-73, APIS – 3920 – 0011 | ISSN - 2584-1904.

ABSTRACT

Environmental governance in India has witnessed a paradigm shift with the establishment of the National Green Tribunal (NGT) in 2010. The NGT has emerged as a specialized body to address environmental disputes, enforce legal rights related to the environment, and ensure sustainable development. This paper examines the role of the NGT in strengthening environmental governance, its effectiveness in delivering justice, and the challenges it faces. Through doctrinal and analytical research methods, the study highlights how NGT has transformed environmental jurisprudence and contributed to balancing economic growth with ecological preservation.

Introduction

The growing industrialization, urbanization, and exploitation of natural resources have intensified environmental degradation in India. Traditional courts, often burdened with pending cases, struggled to provide timely remedies in environmental matters. Recognizing this, the Government of India established the NGT under the National Green Tribunal Act, 2010, with the objective of providing expeditious and effective resolution of environmental disputes. This paper investigates the role of the NGT in environmental governance and its contribution to sustainable development.

Objectives of the Paper

1. To analyze the constitutional and statutory basis of the NGT in India.

2. To evaluate the role of NGT in strengthening environmental governance and ensuring compliance with environmental laws.

3. To examine key judgments of the NGT and their impact on environmental protection.

4. To identify challenges faced by the NGT in discharging its functions effectively.

5. To suggest measures for strengthening the role of NGT in environmental governance.

Hypothesis

The establishment of the National Green Tribunal has significantly improved environmental governance in India by providing speedy justice, enforcing environmental accountability, and promoting sustainable development, despite facing institutional and practical challenges.

Methodology

The research adopts a doctrinal and analytical approach:

Primary Sources: National Green Tribunal Act, 2010; Environment Protection Act, 1986; judicial pronouncements of NGT and the Supreme Court.

Secondary Sources: Books, research papers, reports of Ministry of Environment, Forest and Climate Change, journal articles, and online legal databases.

Analytical Method: Case studies of landmark NGT judgments will be examined to evaluate the effectiveness of the tribunal.

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Role of the National Green Tribunal in Environmental Governance

The National Green Tribunal (NGT) plays a pivotal role in environmental governance in India by acting as a specialized forum for adjudicating disputes that involve environmental protection and conservation of natural resources. Unlike ordinary courts, which are often burdened with a wide range of cases, the NGT has been designed to specifically handle environmental matters with speed, expertise, and focus. Its role is not limited to resolving disputes; rather, it extends to shaping environmental jurisprudence, holding violators accountable, and ensuring that developmental projects comply with ecological standards. By combining judicial authority with technical expertise, the NGT provides a unique platform where environmental issues are addressed comprehensively, balancing the competing demands of economic growth and ecological preservation.

One of the most significant roles of the NGT is to enforce environmental laws in a strict and timely manner. Many environmental statutes in India, such as the Environment Protection Act, 1986, and the Air and Water Acts, provide for regulatory mechanisms, but their implementation was weak before the tribunal came into existence. The NGT ensures that these laws are not merely symbolic, but actively enforced against polluting industries, negligent authorities, and even individuals. By interpreting and applying these laws, the tribunal ensures compliance with environmental standards and prevents degradation of natural resources. In this sense, its role goes beyond judicial decision-making and extends to actual governance, as its judgments often compel authorities and industries to take corrective and preventive actions.

Another important role of the NGT is to uphold key principles of environmental law, thereby embedding them firmly within India's governance framework. The tribunal consistently applies the "polluter pays principle," ensuring that those responsible for causing environmental harm bear the cost of restoration. It also relies on the "precautionary principle," directing preventive action even in the absence of scientific certainty if there is a risk of serious environmental damage. Similarly, by applying the doctrine of "sustainable development," the NGT ensures that developmental projects are pursued without compromising ecological balance. Through these applications, the tribunal not only resolves individual disputes but also institutionalizes these principles into the daily practices of governance, making them binding norms for industries and governments alike.

The NGT also plays a crucial role in promoting accountability. Industries that earlier operated with little regard for pollution norms now face strict scrutiny from the tribunal. In cases where industrial activities have caused pollution or displaced local communities, the NGT has directed companies to pay compensation, adopt cleaner technologies, and undertake restoration measures. For example, in cases of industrial pollution, the tribunal has ordered closure of polluting plants and imposed heavy fines, making it clear that profit cannot come at the cost of public health or ecological damage. This role has significantly altered the behavior of industries, which are now more cautious and responsible in their environmental practices. Similarly, the NGT holds government bodies accountable for failing to enforce environmental laws, directing them to perform their duties diligently. In doing so, it ensures that governance is not limited to rule-making but extends to effective rule-implementation.

Another central role of the NGT is in addressing specific environmental crises that require urgent intervention. Whether it is air pollution in Delhi, contamination of rivers like the Yamuna and Ganga, or the problem of illegal sand mining, the tribunal has consistently stepped in with corrective measures. By issuing binding directives, constituting expert committees, and monitoring compliance, the NGT ensures that urgent ecological concerns are addressed

without delay. Its interventions in controlling crop residue burning, regulating waste management, and checking vehicular emissions have contributed significantly to mitigating pressing environmental issues. In this sense, the NGT acts not just as a reactive dispute-resolution body but as a proactive institution shaping environmental policy and governance.

The NGT also plays a role in safeguarding the rights of citizens, especially marginalized communities, who are often the worst victims of environmental degradation. Pollution, deforestation, and industrial hazards disproportionately affect vulnerable groups, including rural populations, indigenous communities, and the urban poor. The tribunal provides these groups with access to justice by offering a relatively simple and affordable mechanism for filing petitions. By ensuring speedy remedies, the NGT empowers citizens to demand accountability from industries and government authorities. This democratization of environmental justice ensures that governance is participatory and responsive to the concerns of those most affected by ecological harm.

In addition, the NGT contributes to the role of environmental governance by shaping public policy. Its judgments often go beyond individual disputes and provide broader guidelines for sustainable development. For instance, when directing state governments to regulate construction activities or curb industrial emissions, the tribunal sets benchmarks that influence policy-making at both state and national levels. By interpreting environmental laws in light of constitutional provisions such as Article 21, which guarantees the right to life, the NGT reinforces the idea that a clean and healthy environment is a fundamental right of all citizens. This role of the tribunal strengthens the constitutional foundation of environmental governance in India.

The role of the NGT is also educational and awareness-oriented. Through its orders, the tribunal spreads awareness about environmental duties and responsibilities, both among industries and the general public. Its judgments are widely reported in the media and studied in academic and legal circles, thereby creating a ripple effect of awareness. Over time, this has contributed to the development of an environmental consciousness in governance and society. When industries adopt eco-friendly measures to avoid litigation, or when governments plan development projects with stricter environmental safeguards, the indirect influence of the NGT's role can be clearly seen.

Finally, the NGT plays a unifying role by bringing together law and science in the governance of the environment. Environmental disputes are often complex, involving technical issues such as pollution levels, environmental impact assessments, or biodiversity studies. By including expert members alongside judicial members, the tribunal ensures that its decisions are informed by both legal reasoning and scientific expertise. This multidisciplinary approach enables governance that is practical, evidence-based, and credible, setting the NGT apart from traditional courts.

In sum, the role of the National Green Tribunal in environmental governance is multifaceted. It enforces environmental laws, upholds key legal principles, holds violators accountable, addresses urgent environmental crises, safeguards citizens' rights, shapes policy, spreads awareness, and integrates science into legal decision-making. Through these functions, the tribunal has significantly enhanced the framework of environmental governance in India. While challenges remain in terms of enforcement and resources, its role as a guardian of ecological justice is undeniable. By ensuring that environmental protection is prioritized in governance, the NGT has helped India move closer to the goal of sustainable development, ensuring that economic growth does not come at the expense of ecological balance or human health.

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Case study showcasing role of NGT

Sterlite Industries (Tamil Nadu) Ltd. v. Tamil Nadu Pollution Control Board (2013)

Background:

Sterlite Industries, a subsidiary of Vedanta Group, operated a large copper smelting plant in Thoothukudi (Tuticorin), Tamil Nadu. Over the years, local residents and activists raised concerns about hazardous emissions, toxic leaks, and groundwater contamination caused by the plant. Reports indicated high levels of air pollution and release of sulfur dioxide, leading to respiratory problems, crop damage, and contamination of nearby water sources. The Tamil Nadu Pollution Control Board (TNPCB) initially ordered the plant's closure, which Sterlite contested before the NGT.

Issues:

Whether the Sterlite copper smelter was operating in violation of environmental laws.

Whether the pollution caused by the industry posed a serious threat to human health and ecology.

Whether closure of the industry was justified despite its economic contribution.

Decision:

The NGT, after considering expert reports and evidence, held that the plant had indeed caused environmental damage and was not in full compliance with environmental norms. The tribunal ordered the closure of the Sterlite copper plant and directed it to take stringent corrective measures before any consideration of reopening. It reinforced the *polluter pays principle*, holding that industries must internalize the cost of environmental damage and cannot externalize it onto society.

Impact:

The judgment highlighted that industrial development cannot override environmental and health concerns. It empowered local communities and reinforced the role of the NGT in protecting the constitutional right to a healthy environment. Although the plant later became the subject of prolonged litigation and political controversy, the NGT's order marked a milestone in environmental accountability.

Art of Living Foundation Case – Yamuna Floodplains (2016)

Background

In March 2016, the Art of Living Foundation (founded by Sri Sri Ravi Shankar) organized a three-day cultural festival on the Yamuna river floodplains in Delhi. The event attracted thousands of participants and involved massive constructions of stages, roads, and other temporary structures. Environmentalists and NGOs approached the NGT, arguing that the large-scale event caused irreparable damage to the fragile Yamuna floodplain ecosystem, destroying natural vegetation, compacting the soil, and affecting biodiversity.

Issues:

Whether the event organizers had obtained necessary environmental clearances.

Whether the floodplains, considered ecologically sensitive, could be used for large gatherings.

Whether restoration costs should be imposed on the organizers for ecological damage.

Decision:

The NGT held that the Art of Living Foundation had caused serious ecological harm to the Yamuna floodplains. It imposed an initial environmental compensation of 5 crore on the organization and directed that the funds be used for restoration work. The tribunal noted that the event was permitted despite warnings from environmental experts and that authorities failed to prevent ecological damage. It emphasized that public or cultural activities cannot justify the destruction of ecologically fragile zones

Impact:

The decision underscored the importance of protecting river floodplains as ecological

buffers. It highlighted that even cultural and religious organizations are not above environmental accountability. The case set an important precedent for regulating events in sensitive ecological areas and raised public awareness about the need to preserve rivers and their ecosystems.

Delhi Air Pollution Cases (2015–2017)

Background

Delhi and the National Capital Region (NCR) have faced severe air pollution crises, particularly during winter months when smog levels rise due to crop residue burning, vehicular emissions, construction dust, and industrial pollution. Public interest litigations and complaints led the NGT to take up the matter as a series of environmental cases. The tribunal examined multiple sources of pollution and issued several binding orders to tackle the crisis.

Issues:

Whether state governments were failing to implement measures to reduce air pollution.

Whether systemic causes of pollution, including stubble burning and construction dust, were being addressed.

Whether citizens' right to clean air, linked to the right to life under Article 21, was being violated.

Decision:

The NGT passed several significant orders, including:

Ban on diesel vehicles older than 10 years and petrol vehicles older than 15 years in Delhi NCR.

Directions to state governments of Punjab, Haryana, and Uttar Pradesh to prevent stubble burning and provide farmers with alternatives.

Orders to stop construction activities during high pollution days and impose fines for non-compliance.

Instructions to industries in NCR to adopt cleaner technologies and control emissions.

The tribunal held that the right to clean air is a fundamental right and that governments have a constitutional duty to protect it.

Impact:

The NGT's proactive stance forced governments and agencies to adopt emergency measures during smog episodes. While enforcement remains a challenge, the tribunal brought unprecedented attention to the issue of urban air pollution and made it a matter of legal accountability rather than mere policy debate. The case also reinforced the NGT's role as a watchdog ensuring environmental governance in urban contexts.

Challenges Faced by the National Green Tribunal

The National Green Tribunal (NGT), since its establishment in 2010, has emerged as a pioneering institution in India's environmental governance framework. It has played a critical role in enforcing environmental laws, ensuring accountability, and advancing the principles of sustainable development. However, despite its remarkable contributions, the NGT faces several challenges that limit its effectiveness and undermine its potential as a strong guardian of environmental justice. These challenges stem from structural, institutional, legal, and political factors, which collectively create hurdles in the smooth functioning of the tribunal.

One of the most significant challenges before the NGT is the issue of enforcement of its orders. While the tribunal has the authority to issue binding directives, the responsibility of implementing them lies with government agencies such as the Ministry of Environment, Forest and Climate Change, state governments, and pollution control boards. In many cases, these authorities lack the will, resources, or capacity to enforce the tribunal's decisions effectively. This results in non-compliance or partial compliance with NGT's orders, diluting the impact of its judgments. For example, despite the NGT's strong stance on issues such as air pollution in Delhi or illegal mining,

enforcement on the ground often remains weak due to bureaucratic inertia or political interference.

Another challenge relates to jurisdictional limitations of the NGT. Its authority is confined to specific environmental laws, such as the Environment Protection Act, 1986, and the Water and Air Acts, but does not comprehensively cover areas like wildlife protection or tribal rights linked to forest conservation. Since these issues are often interconnected with broader environmental concerns, the restricted jurisdiction prevents the tribunal from adopting a holistic approach in many cases. This leads to fragmented environmental governance and forces litigants to approach multiple forums, reducing the efficiency of legal remedies.

The limited accessibility of the tribunal is another hurdle. The NGT has only a few regional benches located in major cities such as Delhi, Bhopal, Pune, Chennai, and Kolkata. For citizens living in remote or ecologically sensitive regions, especially tribal or rural communities directly affected by environmental degradation, approaching the tribunal remains difficult and costly. Environmental justice, therefore, risks becoming inaccessible to the most vulnerable populations who need it the most. Expanding the number of benches and improving outreach mechanisms is necessary, but progress has been slow.

The NGT also faces challenges arising from conflicts with economic and developmental policies. In a developing country like India, industrial growth, infrastructure projects, and urban expansion are often prioritized by governments. When the NGT passes strict orders against polluting industries or large-scale projects, it is sometimes criticized as being "anti-development." This creates friction between the judiciary and the executive, and in some cases, governments have attempted to dilute the tribunal's powers or bypass its decisions. Balancing ecological preservation with developmental aspirations thus remains a difficult challenge for the tribunal.

The NGT has made notable progress in advancing environmental governance, challenges such as weak enforcement, jurisdictional limitations, limited accessibility, inadequate resources, and conflicts with developmental policies restrict its full potential. Overcoming these hurdles requires strong political will, better institutional support, and broader public awareness. If these challenges are addressed, the NGT can function more effectively as a robust guardian of India's environment and ensure that sustainable development becomes a reality rather than a mere aspiration.

Conclusion

From industrial pollution to ecological preservation and urban air quality, the tribunal has intervened decisively to protect the environment and safeguard public health. Each judgment reinforced environmental principles like polluter pays, precautionary principle, and sustainable development. Together, they highlight how the NGT serves as a vital institution bridging law, policy, and science to secure environmental justice in India.

The National Green Tribunal represents a landmark innovation in India's approach to environmental governance. By combining judicial authority with technical expertise, it has emerged as a crucial institution for protecting the environment and promoting sustainable development. Its judgments have established important precedents, strengthened environmental accountability, and highlighted the importance of ecological balance in India's developmental trajectory. At the same time, the tribunal's effectiveness is undermined by structural limitations, inadequate enforcement, and conflicts with developmental priorities. Strengthening the NGT through institutional reforms, wider public engagement, and greater political support is imperative for ensuring that environmental governance in India remains robust and effective in the face of mounting ecological challenges. Ultimately, the NGT embodies the principle that environmental

protection is not a luxury but a constitutional necessity, essential for securing the right to life and health for present and future generations.

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