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UNDERSTANDING THE NATIONAL GREEN TRIBUNAL

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INTRODUCTION

National green tribunal is a judicial body of India that handles the matter related to environmental cases. In Oleum gas leak case of 1986¹, the Supreme Court of India for the first time felt that there should be a National Green Tribunal to handle environmental issues. In the case of *Subhash Kumar v. State of Bihar (1991)*², the Supreme Court declared the 'Right to a Clean Environment' as a fundamental right under Article 21 of the Indian Constitution. This led to the establishment National Green Tribunal (NGT). Rapid urbanization, industrialisation and Population growth has led to increase. To address these issues, there was a need for a separate specialized court. In the blog, we will examine Why NGT was established, Powers and Function of NGT, Composition of NGT, Benches for National green tribunal, Penalty for non-compliance to landmark cases decided by NGT.

WHY NGT WAS ESTABLISHED?

The National Green Tribunal (NGT) was established in 2010 to provide a specialized forum for the effective disposal of environmental cases, reduce the burden on courts, leverage expertise in environmental matters, promote environmental justice, implement environmental laws, and time bound disposal of cases within 6 months, ultimately strengthening India's environmental governance and promoting sustainability. National Green Tribunal (NGT) is a statutory body in India under National Green Tribunal Act, 2010 that plays a crucial role in protection and conservation of environment. National Green Tribunal (NGT) primarily deals with cases related to environmental protection, including issues concerning forests, and natural resources such as air, water, and land. In the *Municipal Corporation of Greater*

¹ MANU/SC/0092/1986

² MANU/SC/0106/1991

*Mumbai v. Ankita Sinha and others*³, the Supreme Court held that National Green Tribunal (NGT) do have the powers to take Suo Moto actions when they see any act which causes hindrance to the environment.

POWERS AND FUNCTION OF NGT

The National Green Tribunal (NGT) has been vested with the power to hear all civil cases related to environmental issues and questions that are connected to the implementation of laws which are listed in **Schedule I of the National Green Tribunal Act, 2010**⁴ which includes the following:

- The Water (Prevention and Control of Pollution) Act, 1974;
- The Water (Prevention and Control of Pollution) Act, 1977;
- The Forest (Conservation) Act, 1980;
- The Air (Prevention and Control of Pollution) Act, 1981;
- The Environment (Protection) Act, 1986;
- The Public Liability Insurance Act, 1991;
- The Biological Diversity Act, 2002.

COMPOSITION OF NGT

National Green Tribunal consist of following members:

1. Chairperson – Appointed by the Central Government of India in accordance with the Chief Justice of India.
2. Judicial Members (Min-10 & Max-20)
3. Expert Members (Min-10& Max-20)

BENCHES OF NATIONAL GREEN TRIBUNAL (NGT)

The National Green Tribunal Act of 2010 provides for a principal bench as well as regional benches of the National Green Tribunal (NGT).

1. Principal Bench of NGT

The Principal Bench of the National Green Tribunal (NGT) is constituted in New Delhi (Northern Zone Bench of the Country).

³ AIRONLINE 2021 SC 861

⁴ https://www.indiacode.nic.in/bitstream/123456789/2025/1/AA2010__19green.pdf

2. Regional Benches of NGT

There are 4 Regional Benches of the National Green Tribunal as follows:

- Bhopal (Central Zone Bench)
- Pune (Western Zone Bench)
- Chennai (Southern Zone Bench) and
- Kolkata (Eastern Bench)

PENALTY FOR NON- COMPLIANCE

- Imprisonment for a term which may extend to 3 years.
- Fine which may extend to 10 crore rupees,
- Both fine and imprisonment.

LANDMARK CASES DECIDED BY NGT

Almitra H. Patel and Ors. Vs. Union of India (UOI) and Ors.⁵

The case is a landmark judgment in Indian environmental jurisprudence, particularly concerning solid waste management and the constitutional right to a clean environment under Article 21.

Samir Mehta v. Union of India & Ors.⁶

This case before the National Green Tribunal (NGT) is a pivotal moment in Indian environmental jurisprudence, particularly concerning marine pollution and liability for ecological damage.

Save Mon Region Federation and Ors. vs. Union of India and Ors⁷

This case is a landmark judgment in Indian environmental jurisprudence, particularly concerning hydroelectric development in ecologically sensitive zones.

State of MP v. Centre for Environment Protection, Research and Development⁸

In the case, the NGT had passed an order that no fuel shall be supplied by the petrol pumps to vehicle owners whose vehicle PUC had expired. The Supreme Court held that though the

⁵ MANU/SC/2767/2000

⁶ MANU/GT/0104/2016

⁷ Appeal No. 36/2012

⁸ AIRONLINE 2020 SC 708

NGT has the power to impose penalty upon the persons not complying with the rules, it cannot pass blanket orders that are not within its jurisdiction as per the NGT Act, 2010.

CONCLUSION

The National Green Tribunal plays a pivotal role in protecting and conserving the environment in India. By providing a specialized forum for environmental disputes and promoting sustainable development, the NGT contributes significantly to environmental accountability and justice. However, dealing with NGT's challenges, such as expansion of its jurisdiction, enhancing facilities and ensuring judicial independence is vital for upgrading its effectiveness.