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NATIONAL GREEN TRIBUNAL: STRENGTHENING ENVIRONMENTAL JUSTICE IN INDIA

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INTRODUCTION

Environmental disputes today are not limited to questions of pollution alone. They involve concerns relating to forests, biodiversity, sustainable use of natural resources, industrial development, and public health. This raises an important question: can environmental protection be compromised in the name of development? The debate between development and environmental protection is not a new one. However, as environmental disputes became more complex, the need for a specialised forum to address such matters became difficult to ignore. It was in response to this need that the National Green Tribunal (NGT) was established in India. NGT was established under the National Green Tribunal Act, 2010. It was created to ensure effective and expeditious disposal of environmental disputes. Over the years, the NGT has played an important role in environment protection. This article focuses on the establishment, jurisdiction, significance, and challenges faced by the national green tribunal.

NEED FOR A SPECIALIZED ENVIRONMENTAL FORUM IN INDIA

The idea of a specialised environmental forum emerged gradually through judicial decisions. The need for a national tribunal was first recognised by the Supreme Court during the Oleum Gas Leak¹ case. Later, through decisions environmental disputes such as A.P. Pollution Control Board², the Court highlighted the importance of having a specialised forum for environmental matters. The Supreme Court observed that environmental disputes often involve scientific and technical questions which require specialised expertise. Similar recommendations were later

¹ M.C. Mehta v. Union of India, (1987) 1 SCC 395.

² A.P. Pollution Control Bd. v. M.V. Nayudu, (1999) 2 SCC 718.

made by the Law Commission of India in its 186th Report³ in 2003. These developments ultimately led to the enactment of the National Green Tribunal Act, 2010.

ESTABLISHMENT OF THE NGT

The National Green Tribunal was established under Section 3⁴ of the National Green Tribunal Act, 2010. It is a statutory body created for effective and expeditious disposal of environmental disputes. The establishment of the NGT was a significant development in environmental dispute resolution in India.

The establishment of the NGT is connected with the constitutional provisions of Articles 21, 48A and 51A(g). Through judicial interpretation, Article 21⁵ has been expanded and guarantees right to a clean, healthy environment as a fundamental right under Right to Life. At the same time, Article 48A⁶ directs the state to protect and improve the environment and safeguard the country's forests and wildlife, while Article 51A(g)⁷ places a similar responsibility on citizens under fundamental duties.

The primary objective of the NGT Act is to ensure effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources. The tribunal is empowered to provide relief and compensation in cases involving environmental harm and damage caused to persons or property. Further, NGT aims to strengthen environmental accountability and make environmental justice more accessible.

COMPOSITION AND JURISDICTION OF THE NGT

Section 4⁸ of the NGT Act provides for the composition of the tribunal. It consists of a Chairperson, Judicial Members and Expert Members. The Chairperson is generally a serving or retired judge of the Supreme Court or a Chief Justice of a High Court. Similarly, any person who is or has been a judge of the High Court shall also be qualified to be appointed as a Judicial Member. Expert Members are selected on the basis of their specialised knowledge and experience in environmental and related fields.

³ Law Comm'n of India, 186th Report on Proposal to Constitute Environmental Courts (2003).

⁴National Green Tribunal Act, No. 19 of 2010, § 3, India Code (2010).

⁵ India Const. art. 21.

⁶ India Const. art. 48A.

⁷ India Const. art. 51A, cl. g.

⁸ National Green Tribunal Act, No. 19 of 2010, § 4 (India).

The tribunal operates through five main benches across India, each covering specific states. The principal bench of NGT is in Delhi. The rest four zones are the Central Zone at Bhopal, Southern Zone at Chennai, Eastern Zone at Kolkata and Western Zone at Pune. This structure improves accessibility and addressing of environmental disputes from different regions of the country efficiently.

Section 14⁹ of the act mentions about the jurisdiction of the tribunal. The tribunal has jurisdiction over all civil cases where a substantial question of environment is involved.

Section 15¹⁰ of the act deals with relief, compensation and restitution. The tribunal has the power to provide relief and compensation to the victims of pollution and other environmental damage, restitution of property, and the restitution of environment of such area or areas.

The NGT is not bound by the procedure laid down by the Code of Civil Procedure, 1908 but is guided by the principles of natural justice. Further, under Section 20¹¹ the tribunal applies the principles of sustainable development, the precautionary principle and the polluter pays principle.

ROLE AND SIGNIFICANCE

The establishment of the NGT brought a significant change in the manner environmental disputes are addressed in India. Prior to its establishment, environmental cases were dealt with by ordinary courts, which were already burdened with a huge pendency of cases. The addition of environmental disputes only increased this burden. Over the years, the tribunal has played an important role in protecting environmental rights, strengthening environmental accountability, and promoting environmental justice. It has done so through its powers relating to relief, compensation, restoration, and its jurisdiction over civil cases involving substantial environmental questions.

The NGT also plays an important role in promoting sustainable development. Through the application of principles such as sustainable development, the precautionary principle, and the polluter pays principle, the tribunal seeks to balance developmental needs with environmental protection.

⁹ National Green Tribunal Act, No. 19 of 2010, § 14 (India).

¹⁰ National Green Tribunal Act, No. 19 of 2010, § 15.

¹¹ National Green Tribunal Act, No. 19 of 2010, § 20 (India).

Another significant feature of the tribunal is the inclusion of expert members. Environmental disputes often involve scientific and technical issues that may require specialised knowledge. The presence of expert members enables the tribunal to examine such issues more effectively and make informed decisions.

CHALLENGES FACED BY THE NATIONAL GREEN TRIBUNAL

The NGT faces several challenges in practice despite its significance. One of the major issues relates to vacancies and shortage of members, which can affect the functioning of the tribunal. This becomes particularly important since one of the primary objectives behind the establishment of the NGT was the speedy resolution of environmental disputes. Another challenge relates to implementation and compliance with NGT orders. Delays in implementation often reduce the practical impact of the directions issued by the tribunal. Furthermore, the increasing number of environmental disputes also creates difficulties. Matters relating to pollution, industrial activities, and waste management continue to contribute to the tribunal's workload. As a result, balancing a growing number of cases with the objective of speedy disposal remains a challenge for the tribunal.

LANDMARK CONTRIBUTIONS OF THE NGT

NGT has dealt with several important environmental disputes and has contributed significantly towards environmental protection in India. The tribunal has addressed issues relating to pollution, environmental degradation, and conservation of natural resources. Some of its decisions also reinforce important environmental principles and strengthen environmental accountability.

One of the notable cases decided by the NGT is the Art of Living Foundation's World Culture Festival¹² on the Yamuna floodplains. In this case, concerns regarding the environmental impact of the event on the floodplain ecosystem were raised. The tribunal emphasised the importance of protecting environmentally sensitive areas, while allowing the event to proceed. This case highlighted the role of the NGT in balancing cultural activities with environmental concerns.

Another significant case is the Sterlite Copper Plant¹³ controversy in Tamil Nadu. The dispute was related to concerns regarding industrial pollution and its impact on public health and the

¹² Manoj Misra v. Delhi Dev. Auth., Original Application No. 65 of 2016 (M.A. No. 130 of 2016) (NGT, Dec. 7, 2017).

¹³ Tamil Nadu Pollution Control Bd. v. Sterlite Indus. (I) Ltd., (2019) 19 SCC 479.

environment. The case attracted widespread public attention and highlighted the growing importance of environmental accountability. The controversy highlighted the difficulties involved in balancing industrial development with environmental protection and public welfare.

Through such decisions, the NGT plays an important role in enforcing environmental standards and also encourages greater accountability among industries and authorities in matters relating to environmental protection.

CONTINUING RELEVANCE OF THE NATIONAL GREEN TRIBUNAL

NGT's importance continues even today as environmental disputes are a recurring issue. Questions relating to environmental protection, conservation of natural resources, industrial development, and urban expansion continue to arise across the country. As a result, the need for effective environmental adjudication remains as important as ever.

A recent example of this can be seen in the controversy of Kancha Gachibowli¹⁴ relating to the Telangana Government's decision to allocate approximately 400 acres of land in Hyderabad for IT and infrastructure projects. The proposal led to widespread protests from students and environmental activists who raised concerns regarding its impact on the ecology and biodiversity. The issue eventually reached the Supreme Court, which took suo motu cognisance of the matter. The controversy once again brought attention to the continuing tensions between development and environmental protection.

Such incidents demonstrate that the debate between development and environmental protection continues even today and highlight why specialised environmental institutions remain necessary for addressing environmental concerns in an effective manner.

CONCLUSION

The establishment of the National Green Tribunal marked an important development in environmental dispute resolution in India. The tribunal has contributed significantly towards environmental protection, environmental justice, and accountability.

Over the years, the NGT has played a crucial role in promoting sustainable development by dealing with several important environmental disputes. Its unique structure, consisting of both

¹⁴ In re Kancha Gachibowli Forest, State of Telangana, Suo Motu Writ Petition (Civil) No. 3 of 2025 (S.C., Apr. 3, 2025).

judicial and expert members, enables it to address complex environmental issues more effectively than ordinary courts.

Despite challenges relating to vacancies, implementation of orders, and increasing environmental disputes, the relevance of the NGT continues. As environmental concerns become more significant and the debate between development and environmental protection continues, the role of specialised environmental institutions such as the NGT is likely to remain important in the years ahead.