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## TITLE: UNDERSTANDING THE NATIONAL GREEN TRIBUNAL (NGT)

~Sadia Muskan

### ABSTRACT:

*The National Green Tribunal (NGT) was established under the 'National Green Tribunal Act, 2010' with the aim of providing a specialized and effective mechanism for resolving environment-related disputes in India. Due to rapid industrialization, urbanization, and the resulting environmental damage, the need for a dedicated body capable of addressing complex environmental issues had become apparent. The NGT utilizes scientific and technical knowledge alongside legal expertise to expeditiously and effectively resolve matters related to environmental protection, forest conservation, and the management of natural resources. It examines the origin, objectives, composition, jurisdiction, powers, and functions of the NGT and also highlights the Tribunal's role in promoting environmental justice by providing relief and compensation for environmental damage and by implementing principles such as sustainable development, the precautionary principle, and the 'polluter pays' principle. The study also discusses significant judgments delivered by the NGT that have contributed to the development of environmental jurisprudence in India.*

**KEYWORDS:** *National Green Tribunal, Environmental Justice, Sustainable Development, Environmental Governance, Polluter Pays Principle, Environmental Protection, Environmental Impact Assessment, Hazardous substances*

### INTRODUCTION:

Environmental conservation has emerged as one of the most critical issues of the 21st century. Industrialization, urbanization, and the excessive exploitation of natural resources have caused unprecedented damage to the environment. Since environmental degradation impacts human health, living conditions, and the right to life, India established a specialized body known as the 'National Green Tribunal' (NGT) in 2010.

The NGT is a unique blend of judicial effectiveness and environmental expertise, ensuring that prompt justice is delivered in environmental matters whenever required.

## 1. BACKGROUND:

The NGT was established in view of the complexity of environmental disputes and the fact that traditional courts often failed to resolve such issues. Environmental cases frequently faced long delays because the evidentiary aspects were highly technical, and the judiciary's slow functioning meant that comprehending and resolving them took a considerable amount of time.

In this regard, India enacted the 'National Green Tribunal Act, 2010,' which came into force on October 18, 2010. This legislation was enacted to ensure the speedy and effective disposal of case related to environmental protection, forest conservation, and the enforcement of environmental legal rights.

The Supreme Court of India had initially suggested the creation of a dedicated environmental court in several landmark judgments, such as the “M.C. Mehta v. Union of India<sup>1</sup>” case. In this case, the Court emphasized the need for an expert body to resolve environment-related disputes.

In *Indian Council for Enviro-Legal Action v. Union of India*<sup>2</sup> and *A.P. Pollution Control Board v. Prof. M.V. Nayudu*<sup>3</sup>, Supreme Court opined that environmental cases frequently involved assessment of scientific data, setting up environmental courts on a regional basis with legally qualified judges and experts would help the speed of judicial process.

Parliament passed the National Environmental Tribunal Act, 1995, but it was never implemented. The National Environment Appellate Authority Act, 1997 was enacted, yet the Authority faced numerous operational difficulties. In its 186<sup>th</sup> report, the Law Commission of India recommended that the Central Government establish a separate environmental court in every state to adjudicate complex scientific and specialized cases related to the environment.

The National Green Tribunal was established under the National Green Tribunal Act, 2010. This Act came into force on June 2, 2010. It repealed the National Environment Tribunal Act, 1995, and the National Environment Appellate Authority Act, 1997, but retained all cases pending before the National Environment Appellate Authority.

## 2. OBJECTIVE:

The National Green Tribunal (henceforth referred as “NGT” or “Tribunal”) is established to redress the disputes relating to environment.

The main objective of NGT is to resolve the environmental dispute fast and quick. Also focus on environmental preservation, natural resources conservation, forest protection and the protection of the individual rights. It provides relief and reimbursement of property and other related issues.

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<sup>1</sup> M.C Mehta v. Union of India (1987) 1 SCC 395

<sup>2</sup> Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446

<sup>3</sup> A.P. Pollution Control Board. v. Prof. M.V. Nayudu, (1999) 2 S.C.C. 718.

The NGT needs expertise to handle and resolve the dispute. Additionally, its focus on the reduction of the burden of the court. NGT petition must have to verdict within 6 months after the submission.

This act also aims to put into effect the court ruling in “Subhas Kumar v. State of Bihar”<sup>4</sup>

In this case, the court held that: “The right to live in healthy environment is a part of the right to life under article 21<sup>5</sup> of the constitution”.

Some major objectives are:

- Expeditious redressal of the cases relating to the environmental protection and conservation and restoration
- Grant relief and compensation on any damages caused to the person or property.
- To balance the Art. 21,47,51 A(g) of the Constitution of India.
- To cover up and handle all others multidisciplinary issues.

### 3. COMPOSITION:

Under section 4<sup>6</sup> of this act, the Central Government by notification established the Tribunal to resolve the dispute and exercise the jurisdiction, power and authority. It is a statutory body.

- Chairperson
- Judicial Members
- Expert member
- Also, there should be a minimum of 10 and maximum of 20 full-time judicial as well as expert members are in NGT.

### 4. QUALIFICATION:

Section 5<sup>7</sup> of the Act specifies the requirements for the appointment of Chairperson, Judicial Member, and Expert Member. It offers that:

- The chairperson or judicial member of the NGT, served or served as a judge of the Supreme Court or the Chief Justice of High Court.
- For the judicial member, they can be also a judge of the High Court.
- The expert member must have experience in the relevant field, including five years of practical experience in the field of environment and forest, also having Master in Science, Master Engineering or Master in Technology.
- No other office hold by the Chairperson, Judicial Member and expert member of the Tribunal.

### 5. JURISDICTION:

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<sup>4</sup> Subhash Kumar v. State of Bihar, (1991) 1 SCC 598

<sup>5</sup> INDIAN CONST. art. 21

<sup>6</sup> The National Green Tribunal Act, 2010, § 4, No. 19, Acts of Parliament, 2010 (India).

<sup>7</sup> The National Green Tribunal Act, 2010, § 5, No. 19, Acts of Parliament, 2010 (India).

There are mainly two jurisdictions of the tribunal.

1. Original jurisdiction.
2. Appellate jurisdiction.

Original jurisdiction:

Given under section 14<sup>8</sup> of this act, when a major issue related to the environment arises, it hears civil cases concerning these laws:

- The Water Act, 1974<sup>9</sup>
- The Air Act, 1981<sup>10</sup>
- The Environment (Protection) Act, 1986<sup>11</sup>
- The Forest (Conservation) Act, 1980<sup>12</sup>
- The Biological Diversity Act, 2002<sup>13</sup>

The tribunal does not include:

- Wildlife protection Act, 1972 and<sup>14</sup>
- Forest Rights Act, 2006<sup>15</sup>

Because many cases that are related to wildlife will be notably criminal cases and the tribunal does not have jurisdiction over criminal cases.

Appellate jurisdiction:

Furthermore, it deals with appeals against order issued by authorities under the above-mentioned laws. Under section 16<sup>16</sup> of this act, the Tribunal has the authority to hear appeals or adjudicate matters concerning decisions, directions or orders passed under various environmental laws.

The individuals, organizations or entities aggrieved by such decisions may approach the NGT. This includes appeals against the following.

- Environmental approval
- Decisions made under the Water, Air, and Forest Conservation Acts.
- Orders related to biodiversity conservation and the handling or safety against hazardous substances.

## 6. NGT'S FUNCTIONS:

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<sup>8</sup> The National Green Tribunal Act, 2010, § 14, No. 19, Acts of Parliament, 2010 (India).

<sup>9</sup> The Water (Prevention and Control of Pollution) Act, 1974, No. 6 of 1974, Acts of Parliament, 1974 (India).

<sup>10</sup> The Air (Prevention and Control of Pollution) Act, 1981, No. 14, Acts of Parliament, 1981 (India).

<sup>11</sup> The Environment (Protection) Act, 1986, No. 29, Acts of Parliament, 1986 (India).

<sup>12</sup> The Forest (Conservation) Act, 1980, No. 69, Acts of Parliament, 1980 (India)

<sup>13</sup> Biological Diversity Act, No. 18 of 2003, Acts of Parliament, 2003 (India).

<sup>14</sup> The Wild Life (Protection) Act, 1972, No. 53, Acts of Parliament, 1972 (India).

<sup>15</sup> The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2, Acts of Parliament, 2007 (India).

<sup>16</sup> The National Green Tribunal Act, 2010, § 16, No. 19, Acts of Parliament, 2010 (India).

Since its inception, the NGT has played a significant role in shaping India's environmental jurisprudence.

It has addressed various issues relating to air and water pollution, illegal mining, waste management and forest deforestation and has issued orders to regulate these matters.

Such functions are:

1. Enforce accountability:

The tribunal has held industries and government accountable for violating environmental regulations. By imposing fine and compensation, it has demonstrated that there is a price to pay for negligence or interference.

2. Speedy justice:

While cases in ordinary courts can take years to be heard, the NGT is required to deliver a verdict within six months, thereby ensuring the speedy resolution of matters.

3. Access to justice:

The NGT provides an accessible platform for citizens, non-governmental organization and affected communities to raise their environmental concern without having to go through lengthy procedure, thereby enabling them to receive assistance.

4. Raising environmental awareness:

The tribunals proactive rulings and detailed judgment have raised public awareness regarding the environmental issues and highlighted the importance of complying with environment regulations.

7. POWER:

1. The NGT provide the way for resolving disputes developing environmental laws.
2. These helps reduce the court burden of High Court regarding environmental cases and ensures speedy hearings.
3. For restitution of property damage.
4. The NGT provides speedy resolution for various environment related disputes which are less costly in accordance with regular courts.
5. It prohibits activities that cause harm or damage to the environment. The NGT ensures strict adherence to the process of Environmental Impact Assessment (EIA).
6. It provides relief and compensation for any damage caused to people or property.
7. It considered as a fast-track resolution mechanism.

8. STRENGTH OF NGT:

- It helps reduce the burden of High Court in matter related to the environment
- The NGT resolves environment related disputes in a cost effective and in speedy manner.
- Fast-track resolution mechanism.
- Considered as an alternative dispute resolution.
- Reduce the burden of the regular court.

9. LIMITATION OF NGT:

- Two key laws – Namely, the wildlife (Protection) Act, 1972<sup>17</sup>, and the Scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006<sup>18</sup> has been kept outside the jurisdiction of the NG. This limits the NGT's jurisdiction and

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<sup>17</sup> The Wild Life (Protection) Act, 1972, No. 53, Acts of Parliament, 1972 (India).

<sup>18</sup> The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2, Acts of Parliament, 2007 (India).

sometimes hinders its functioning, given that the crucial issues of forest rights in directly linked to the environment.

- Decision of the NGT is challenged in various High Court under Article 226<sup>19</sup> (The High Court's power to issue specific orders or writs). Many consider the High Court to possess greater authority than the NGT, arguing that "the High Court is a constitutional body while the NGT is a statutory body". This represents one of the laws weaknesses, as there is a lack of clarity regarding which types of decisions can be challenged. Notably, under the NGT Act, the decisions are meant to be challenged in the Supreme Court.
- The NGT's decision have been criticised and challenged because they impact economic development and progress.
- During the "World Culture" event held in the Yamuna's floodplains, large-scale vegetation was cleared and construction work was carried out. However, instead of taking stringent action which was warranted. The NGT merely imposed a fine and failed to do much to prevent the destruction of the fragile ecosystem.
- The absence of a formula base mechanism for determining compensation has also drawn criticism from the tribunal.
- There are two obstacles to justice at the NGT. First, the rules regarding the limitation period and secondly, the fact that the NGT is located only in major Indian cities.
- NGT verdicts are not fully complied with by the concerned parties or the government. It is sometimes argued that implementing these decisions within the stipulated timeframe is not practical.
- The shortage of human and financial resources has led to a large number of pending cases thereby undermining the NGT's primary objective of disposing of appeals within six months.
- The limited number of regional benches hinders the process of delivering justice.

#### 10. IMPORTANT JUDGMENTS OF NGT:

1. In 2012<sup>20</sup>, POSCO a steelmaker company signed a MoU with the Odisha government to set up steel project. NGT suspended order and this was considered a radical step in favour of the local communities and forests<sup>21</sup>.
2. In a landmark judgment, the Kochi circuit bench of the NGT banned all diesel vehicles more than 10 years old from operating in six cities in Kerala<sup>22</sup>.
3. In 2012 in the case of Almitra H. Patel v. Union of India<sup>23</sup>, NGT gave a judgment of complete prohibition on open burning of waste on lands, including landfills regarded as the single biggest landmark case dealing with the issue of solid waste management in India. NGT directed the State Government to implement Solid Waste Management Rules, 2016<sup>24</sup>

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<sup>19</sup> INDIAN CONST. art. 226

<sup>20</sup> Praffula Samantra vs Union of India and Others (Appeal No. 8/2011).

<sup>21</sup> Indian Kanoon, [www.indiankanoon.org](http://www.indiankanoon.org) (10<sup>th</sup> June 2026).

<sup>22</sup> SCC online, [www.scconline.com](http://www.scconline.com) (10<sup>th</sup> June 2026).

<sup>23</sup> Original Application (OA) No. 199 of 2014

<sup>24</sup> The Solid Waste Management Rules, 2016, Gazette of India, pt. II, sec. 3(i), notification S.O. 1357(E) (Apr. 8, 2016), Rule 4 (Ind.).

4. In 2013 in Uttarakhand floods case, the Alaknanda Hydro Power Co. Ltd. was ordered to compensate to the petitioner here, the NGT directly relied on the principle of 'polluter pay'.<sup>25</sup>
5. In 2015<sup>26</sup>, the NGT ordered that all diesel vehicles over 10 years old will not be permitted to ply in Delhi-NCR.<sup>27</sup>
6. In 2017, the Art of Living Festival on Yamuna Food Plain was declared violating the environmental norms, the NGT panel imposed a penalty of Rs. 5 Crore.<sup>28</sup>
7. The NGT, in 2017, imposed an interim ban on plastic bags of less than 50-micron thickness in Delhi because "they were causing animal deaths, clogging sewers and harming the environment".<sup>29</sup>

## 11. CONCLUSION:

With the establishment of the National Green Tribunal (NGT), significant progress has been made towards effective and unique environmental governance in India. The legislature established the NGT in view of the increasing complexity and urgency of environmental challenges. It has evolved into an institution possessing both judicial and scientific expertise, providing a platform for the speedy, impartial, and technically sound resolution of environmental disputes.

Its existence signifies India's constitutional and legislative commitments to environmental protection, as well as its growing capacity to fulfil obligations under international environmental treaties and declarations. Through its progressive judicial rulings, the NGT has developed and implemented key concepts such as the 'polluter pays' principle, 'sustainable development,' and the 'precautionary principle.' It has delivered several major and historic judgments regarding the importance of regulating solid waste management, industrial pollution, tree felling, and large infrastructure projects. By providing a platform to wage legal battles for environmental rights and enabling a dedicated authority to scrutinize environmentally sensitive activities, it has addressed a significant institutional gap.

However, the tribunal has not been fully successful due to structural issues, operational challenges, ambiguity regarding jurisdiction, and limitations in enforcing regulations. Although its directives are legally binding, they are not adequately implemented due to a lack of political will and insufficient action at the administrative level.

The NGT is failing to become fully accessible and effective due to factors such as a lack of a full complement of members, underutilization of regional benches, a lack of technology, and insufficient cooperation with other judicial bodies.

The future of environmental governance in India hinges on strengthening the NGT in terms of both capacity and institutional framework. Reforms should focus on expanding its jurisdiction and equipping it with the necessary staff, enforcement mechanisms, accessibility, and technological infrastructure to function effectively. If the tribunal is to truly serve as an impartial and competent guardian of the environment for the benefit of all, multi-disciplinary training, community engagement, and legal aid are also essential.

In an era marked by environmental uncertainty, climate change, and the pressures of unsustainable development, organizations like the NGT are crucial. Beyond acting as

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<sup>25</sup> Srinagar Bandh Aapda Sangharsh Samiti & Anr. v. Alaknanda Hydro Power Co. Ltd. & Ors. (Original Application No. 3 of 2014).

<sup>26</sup> Vardhaman Kaushik & Ors. V/s UOI (Original Application No. 21 of 2014).

<sup>27</sup> PIB, [www.pib.gov.in](http://www.pib.gov.in) (10<sup>th</sup> June 2026).

<sup>28</sup> Manoj Misra vs. Delhi Development Authority (DDA) & Ors. (Original Application No. 65 of 2016).

<sup>29</sup> Almitra H. Patel vs. Union of India & Ors. (Transferred from the Hon'ble Supreme Court Writ Petition No. 888/1996)

mediators, these bodies serve as instruments for ensuring environmental justice, accountability, and sustainability.