

ACCESS TO ENVIRONMENTAL JUSTICE IN INDIA: ASSESSING THE ADJUDICATORY ROLE OF THE NATIONAL GREEN TRIBUNAL

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ABSTRACT

India has a long history of valuing its natural resources, and a comparably longstanding commitment to justice as a constitutional value. The intermingling of the two, environmental justice as a distinct legal concept, is comparatively recent, arising from the tension between unplanned development and ecological preservation. The establishment of the National Green Tribunal by Act of Parliament in 2010 marked a decisive institutional step in this direction. This paper examines the concept of environmental justice, traces its origins in both comparative and Indian movements, and analyses the National Green Tribunal's adjudicatory record across a decade and a half of operation. It reviews the Tribunal's statutory powers, its treatment of major disputes involving industrial hazard, illegal mining, coastal degradation and river pollution, and its evolving use of suo motu jurisdiction and digital case management. The paper argues that while the Tribunal has become an indispensable, accessible forum for environmental redress, its statutory design, in particular its persistent shortfall of sanctioned members, its exclusion from wildlife and forest rights legislation, and the absence of a dedicated enforcement mechanism, continues to limit its effectiveness, and it proposes targeted legislative and administrative reforms to address these constraints.

KEYWORDS: *Environmental Justice; National Green Tribunal; Adjudication; Suo Motu Jurisdiction; Polluter Pays Principle*

1. INTRODUCTION

Environmental degradation has concerned humankind for decades, intensified in India by developmental activities and government policy that have produced displacement and loss of habitat, with tribal communities bearing a disproportionate share of the resulting harm. Environmental degradation of this kind generates poverty through the overuse and exploitation of natural resources and undermines the exercise of basic rights, a dynamic that gave rise, across several decades, to the modern concept of environmental justice.¹ India's experience of this dynamic has been distinctive in one important respect: unlike jurisdictions where environmental justice emerged primarily as a critique of discriminatory siting decisions within an otherwise functioning regulatory system, India's environmental justice movements arose alongside, and often in direct response to, the country's post-independence development trajectory itself, a trajectory in which large infrastructure and industrial projects were frequently sited on land occupied by communities with the least political and legal capacity to resist displacement. This context shapes the analysis that

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¹ International Union for Conservation of Nature, Report on Environment and Poverty Linkages (2007).

follows throughout this paper: the National Green Tribunal does not operate against a backdrop of settled environmental regulation supplemented by anti-discrimination principles, as in the American model from which the term "environmental justice" originates, but against a backdrop of continuing, high-stakes conflict between development imperatives and ecological and community protection.

The National Green Tribunal was established by Parliament through the National Green Tribunal Act, 2010, a specialised statutory response to the growing recognition that environmental disputes required a dedicated adjudicatory forum rather than continued reliance on the ordinary civil courts and the Supreme Court's public interest litigation jurisdiction, through which nearly all environmental matters had previously been routed.² By 2025, the Tribunal had expanded its institutional footprint significantly, exercising suo motu powers, adopting digital case-management tools, and addressing a widening range of environmental harms including deforestation, industrial pollution and waste management.³ This paper traces the doctrinal origins of environmental justice as a concept, examines the National Green Tribunal's statutory architecture, analyses its adjudicatory record through a review of significant decisions, and assesses the structural challenges that continue to constrain its effectiveness fifteen years after its establishment. The analysis proceeds in seven further parts: Part 2 traces the comparative and Indian origins of environmental justice as a concept; Part 3 examines the Tribunal's statutory architecture; Part 4 reviews its adjudicatory record across major categories of environmental harm; Part 5 assesses its evolving institutional role; Part 6 identifies the structural limitations that persist despite this record; Part 7 proposes targeted reforms; and Part 8 concludes.

2. ENVIRONMENTAL JUSTICE: ORIGINS AND EVOLUTION

The idea of environmental justice as a distinct legal and political concept is comparatively new to India. It originated in the United States during the 1980s, prompted by protests from community groups against the repeated siting of polluting facilities and waste sites in predominantly Black neighbourhoods and on indigenous reservations. The United States Environmental Protection Agency defines environmental justice as the fair treatment and meaningful involvement of all people, regardless of race, colour, national origin or income, in the development, implementation and enforcement of environmental laws.⁴ The United Nations Development Programme offers a definition better suited to conditions prevalent in India, describing environmental justice as a mechanism

² The National Green Tribunal Act, No. 19 of 2010 (India); *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India).

³ Ministry of Law and Justice, Report on Digital Court Proceedings Implementation (2025).

⁴ United States Environmental Protection Agency, Environmental Justice (2013).

of accountability for the protection of rights and the prevention and punishment of wrongs arising from the unequal effects of growth on the poor and vulnerable, the degradation of ecosystem services, and discriminatory access to natural and extractive resources.⁵

In India, the concept was initially conflated with the broader idea of social justice before emerging as an analytically distinct concern by the close of the twentieth century, as it became evident that the country's economic policies were producing a catastrophic impact on both the environment and the livelihoods of forest-dependent communities.⁶ The Chipko movement, in which activists including Sunder Lal Bahuguna, Chandi Prasad Bhatt, Gaura Devi and Bachni Devi organised communities to physically embrace trees to prevent government-contracted logging, remains the most emblematic early expression of this concern.⁷ A second landmark episode arose from the Narmada Valley Development Project, which threatened to submerge nearly 376,000 hectares of land and displace an estimated 130,000 people across 245 villages; the resulting Narmada Bachao Andolan, led principally by Medha Patkar, foregrounded both displacement and gender as central axes of environmental injustice.⁸

A distinct second phase of the movement began with the Bhopal gas tragedy of 1984, in which a leak of methyl isocyanate from a Union Carbide India plant caused mass casualties, followed shortly afterward by a leak of oleum gas from a Shriram Foods and Fertiliser unit in Delhi.⁹ The combined effect of these disasters, and the sustained advocacy of environmentalists and lawyers that followed, prompted the Supreme Court to replace the nineteenth-century English rule of strict liability articulated in *Rylands v. Fletcher* with the more stringent doctrine of absolute liability, under which an enterprise engaged in a hazardous activity is liable for resulting harm without exception, regardless of whether it exercised reasonable care.¹⁰ The doctrinal significance of this shift for the analysis that follows can hardly be overstated: absolute liability, unmoderated by the exceptions and defences that had historically qualified the *Rylands* rule, supplied Indian environmental law with a standard capable of assigning responsibility swiftly and predictably in precisely the kind of mass-casualty industrial disaster that would later define much of the National Green

⁵ United Nations Development Programme, *Environmental Justice* (2014).

⁶ See generally S. Rajan, *A History of Environmental Justice in India*, 5(7) *Envtl. Just.* (2014).

⁷ See generally Shailja Kapoor, *Chipko and the Modern Environmental Movement* (Mar. 25, 2020).

⁸ D. Dwivedi, *People's Movement in Environmental Politics: A Critical Analysis of the Narmada Bachao Andolan in India*, Institute of Social Studies Working Paper No. 242 (Neth. 1997).

⁹ D.C. Sharma, *Bhopal: 20 Years On*, 365 *Lancet* 111 (2005).

¹⁰ *M.C. Mehta v. Union of India* (Oleum Gas Leak Case), (1987) 1 S.C.C. 395 (India); *Rylands v. Fletcher*, (1868) L.R. 3 H.L. 330 (UK).

Tribunal's own docket, as the discussion of the LG Polymers matter in Part 4 illustrates. A third phase, characterised by the participation of technical experts and a sustained debate over balancing economic development with environmental sustainability, followed the consolidation of this doctrinal shift, and it is against this backdrop that Parliament ultimately legislated the National Green Tribunal into existence, drawing together the substantive doctrine the courts had developed across the preceding three decades into a single, dedicated adjudicatory institution.

3. THE LEGAL FRAMEWORK GOVERNING THE NATIONAL GREEN TRIBUNAL

The National Green Tribunal's contribution to environmental justice is rooted in a legal framework that empowers it to resolve environmental disputes with a speed and flexibility unavailable to ordinary civil courts. The National Green Tribunal Act, 2010 establishes the Tribunal as a specialised body mandated to dispose of cases within six months of filing, and it directs the Tribunal to apply the principles of natural justice rather than the Code of Civil Procedure, 1908, ensuring procedural flexibility.¹¹ This departure from the Code of Civil Procedure is not a merely technical drafting choice; it reflects a deliberate legislative judgment that environmental harm, often continuing, diffuse and scientifically contested, is poorly served by a procedural regime designed for discrete civil disputes between two clearly defined parties, and that a specialist tribunal empowered to shape its own procedure around the scientific and factual complexity of each case would deliver more responsive justice than a court bound by conventional pleading and evidence rules.

Section 20 of the Act requires the Tribunal to apply the principles of sustainable development, the precautionary principle and the polluter-pays principle in reaching its decisions, embedding international environmental law directly into domestic adjudication.¹² This statutory command distinguishes the National Green Tribunal from ordinary courts applying general tort or property law principles: where a civil court would typically require a claimant to establish fault or a specific statutory breach before awarding damages, the Tribunal's mandate to apply the precautionary and polluter-pays principles permits it to shift the burden toward the party engaged in a potentially hazardous activity, a structural feature reflected repeatedly in the compensation awards reviewed in Part 4. The Tribunal possesses adjudicatory authority over civil disputes arising under seven specified environmental statutes, including the Environment (Protection) Act, 1986, and its remedial powers include awarding compensation, imposing penalties of up to three years' imprisonment

¹¹ The National Green Tribunal Act, No. 19 of 2010, §§ 4, 19 (India).

¹² The National Green Tribunal Act, No. 19 of 2010, § 20 (India).

or monetary fines, and issuing orders enforceable as decrees of a civil court; appeals from its orders lie to the Supreme Court within ninety days.¹³

The Supreme Court's 2021 decision in *Municipal Corporation of Greater Mumbai v. Ankita Sinha* affirmed the Tribunal's inherent authority to initiate proceedings suo motu, holding that the absence of an express statutory grant of such power did not preclude the Tribunal, given its wide jurisdiction and its statutory mandate to prevent irreparable environmental harm, from acting on the basis of letters, representations or media reports.¹⁴ The case itself arose when the Tribunal took cognisance of a media report on mismanagement at Mumbai's Deonar dumping ground and directed the reporting journalist to be impleaded as the applicant, ultimately imposing compensation on the Municipal Corporation of Greater Mumbai for non-compliance with the Solid Waste Management Rules, 2016, an order the Supreme Court upheld against the corporation's challenge to the Tribunal's jurisdiction. The Tribunal also enables access to justice by permitting individuals and non-governmental organisations to file applications without mandatory legal representation, and it operates through five benches, in New Delhi, Bhopal, Pune, Kolkata and Chennai, although the zonal benches have faced recurring operational difficulties that Part 6 examines further.¹⁵ This accessibility feature deserves particular emphasis given the socio-economic profile of many of the communities appearing before the Tribunal in the cases reviewed in Part 4, coastal fishing communities, forest-dependent villagers and residents of industrially exposed neighbourhoods, populations for whom the cost and procedural complexity of ordinary civil litigation would, as a practical matter, foreclose meaningful access to any remedy at all. The combination of relaxed standing rules, discussed further below, and dispensation from mandatory legal representation places the Tribunal considerably closer to the model of an accessible public-law forum than to a conventional civil court, a design choice that goes some way toward explaining both the volume of its caseload and the breadth of claimants who have successfully invoked its jurisdiction.

4. THE NATIONAL GREEN TRIBUNAL'S ADJUDICATORY RECORD

Since its inception, the Tribunal has developed a substantial body of case law addressing environmental harm across industrial, extractive, coastal and riverine contexts. In the matter concerning the styrene gas leak at the LG Polymers plant near Visakhapatnam in May 2020, which killed approximately twelve persons and caused widespread illness, the Tribunal took suo motu cognisance of the incident and directed the company to deposit an interim amount of fifty crore rupees, applying the absolute liability standard the

¹³ The National Green Tribunal Act, No. 19 of 2010, §§ 15-16, 26 (India).

¹⁴ *Municipal Corp. of Greater Mumbai v. Ankita Sinha*, 2021 INSC 624 (India).

¹⁵ The National Green Tribunal Act, No. 19 of 2010, § 4(4) (India).

Supreme Court had developed in the aftermath of the Bhopal and Shriram disasters discussed in Part 2.¹⁶ In matters of illegal mining, the Tribunal has issued strict directions on multiple occasions: in *Prafulla Samantara v. Union of India*, it suspended the environmental clearance granted to POSCO, a South Korean steel manufacturer, following protests by residents of Jagatsinghpur, Odisha, over alleged violations of land acquisition procedure, and in *All Dimasa Students Union, Dima Hasao District Committee v. State of Meghalaya*, its full bench prohibited unregulated rat-hole coal mining in the Jaintia Hills following numerous fatalities among miners, directing the constitution of a committee to investigate and report on the practice.¹⁷ The Tribunal has extended a comparable regulatory rigour to less dramatic but cumulatively significant waste streams: in *Asim Sarode v. Maharashtra Pollution Control Board*, concerning the disposal of used tyres, the Tribunal underscored the need for regulation grounded in pollution-potential data, generation volumes, technological feasibility and societal impact, incorporating expert scientific input to recommend extended producer responsibility, advanced recycling fees, shared collection facilities and standardised barcoding to improve traceability across the disposal chain, an order that illustrates the Tribunal's willingness to engage with technical regulatory design rather than confining itself to post hoc compensation.

Coastal and riverine disputes have produced some of the Tribunal's most consequential compensation orders. In *Husain Saleh Mahmad Usman Bhai Kara v. OPG Power Generation Private Ltd.*, the Tribunal halted construction of a thermal power plant at Mundra, Gujarat pending requisite regulatory approval, following petitions from affected fishermen, salt workers and residents.¹⁸ In *Ramdas Janardhan Koli v. Secretary, Ministry of Environment, Forest and Climate Change*, traditional fishermen from Panvel Taluka sought compensation for the degradation of mangroves and fishing grounds caused by construction of a fourth berth at Jawaharlal Nehru Port; the Tribunal held the port trust, the City and Industrial Development Corporation of Maharashtra and Oil and Natural Gas Corporation jointly responsible and ordered payment exceeding ninety-five crore rupees to over sixteen hundred affected families.¹⁹ Both disputes share a common structural feature worth noting: in each, the harm complained of was not a single catastrophic event but the cumulative degradation of a livelihood-sustaining ecosystem, mangroves, fishing grounds,

¹⁶ In re: Gas Leak at LG Polymers Chemical Plant in R.R. Venkatapuram Village, Visakhapatnam, NGT Order (May 8, 2020) (India).

¹⁷ *Prafulla Samantara v. Union of India*, NGT Order (July 30, 2012) (India); *All Dimasa Students Union, Dima Hasao District Committee v. State of Meghalaya*, NGT Order (Feb. 24, 2015) (India).

¹⁸ *Husain Saleh Mahmad Usman Bhai Kara v. OPG Power Generation Pvt. Ltd.*, NGT Order (2012) (India).

¹⁹ *Ramdas Janardhan Koli v. Secretary, Ministry of Environment, Forest and Climate Change*, NGT Order (May 27, 2014) (India).

coastal waters, caused by infrastructure development that had, at least nominally, proceeded through some form of regulatory approval process. The Tribunal's willingness to award substantial compensation notwithstanding that approval underscores its function as a check on regulatory clearance processes that may themselves fail to account adequately for downstream livelihood impacts. The Tribunal has also relaxed conventional standing requirements, holding in *Goa Foundation v. Union of India* that an applicant need not reside in the immediately affected area given the far-reaching consequences of environmental harm, and establishing in that case a statutory obligation on the State to protect the ecology of the Western Ghats from degradation.²⁰ In *Doaba Paryavaran Samiti v. State of Uttar Pradesh*, concerning pollution of the Kali, Krishna and Hindon rivers that produced significant disease and mortality among riverside residents, the Tribunal ordered prosecution of one hundred and eighteen industrial units and directed the state government to furnish a five-crore-rupee performance guarantee to ensure clean drinking water supply.²¹

In *Srinagar Bandh Aapda Sangharsh Samiti v. Alaknanda Hydro Power Co. Ltd.*, the Tribunal considered whether the 2013 Uttarakhand floods, though triggered by a cloudburst, could excuse a hydroelectric developer from liability for property damage caused by muck and debris discharged from its tunnel and canal excavation; finding roughly thirty per cent of the flood debris attributable to the excavation, the Tribunal held that the flood's natural origin did not amount to an act of God sufficient to displace liability, applied the "no-fault liability" standard under the National Green Tribunal Act, and awarded compensation to affected applicants, directly operationalising the polluter-pays principle against a private developer.²² The case is significant beyond its immediate facts because it demonstrates the Tribunal's willingness to apportion liability in a genuinely mixed-causation scenario, rather than treating the presence of a natural triggering event, the cloudburst, as an automatic defence; this apportionment approach, distinguishing the underlying natural hazard from the anthropogenic contribution that aggravated its consequences, offers a doctrinal template increasingly relevant to climate-related litigation more broadly, where natural and human-caused contributions to a single harm are frequently intertwined.

In *Samir Mehta v. Union of India*, arising from the sinking of the M.V. *Rak* off the coast of Mumbai and the resulting oil spill and mangrove damage, the Tribunal found several respondents negligent for failing to observe pre-voyage due diligence and ordered environmental compensation of one hundred crore rupees to the Ministry of Shipping, one of the largest such awards ever levied

²⁰ *The Goa Foundation v. Union of India*, NGT Order (July 18, 2013) (India).

²¹ *Doaba Paryavaran Samiti v. State of Uttar Pradesh*, NGT Order (Jan. 1, 2015) (India).

²² *Srinagar Bandh Aapda Sangharsh Samiti v. Alaknanda Hydro Power Co. Ltd.*, Original Application No. 3 of 2014, MANU/GT/0101/2016 (India).

against a private entity in India, together with a further five crore rupees from the vessel's original owner.²³ Institutionally, the Tribunal's throughput has been substantial: between July 2018 and July 2023, it received 15,132 new cases and disposed of 16,042, with the Chairperson's own bench accounting for 8,419 of those disposals.²⁴ Read across the decade and a half since its establishment, this body of case law reveals a consistent adjudicatory method: the Tribunal identifies a hazardous or degrading activity, applies the absolute or strict liability standard appropriate to the harm, quantifies compensation with reference to the scale of damage and the financial capacity of the responsible party, and, where the evidence supports it, orders structural or regulatory remedies alongside monetary compensation. This method, consistent across industrial, extractive, coastal and riverine contexts alike, is arguably the Tribunal's most significant doctrinal contribution: it has operationalised, case by case, the polluter-pays and precautionary principles that Section 20 of the Act requires it to apply, converting international soft-law principles into a body of binding, quantified domestic precedent in a way that the ordinary civil courts, encumbered by the procedural requirements of the Code of Civil Procedure, had never achieved at comparable speed or scale.

5. THE EVOLVING INSTITUTIONAL ROLE OF THE TRIBUNAL

The Tribunal's institutional role has continued to develop along several distinguishable trajectories. Its use of *suo motu* powers has grown markedly since the Ankita Sinha decision, exemplified by its 2024 intervention in Delhi's air pollution crisis, initiated on the basis of media reporting and resulting in stricter emission-enforcement directives to the relevant authorities. This growth in *suo motu* practice marks a significant departure from the Tribunal's original design as a reactive, application-driven forum, and it reflects a broader pattern visible across Indian environmental adjudication more generally, in which specialist tribunals and courts have progressively assumed a more supervisory, ongoing role in environmental governance rather than confining themselves to resolving discrete disputes between named parties.

The Tribunal has also pursued digital transformation, adopting virtual hearings and electronic filing in line with the broader digitisation of criminal and civil procedure under the Bharatiya Nagarik Suraksha Sanhita, 2023; a 2025 Ministry of Law report attributed a twelve per cent increase in case resolution at the New Delhi principal bench to these measures, although the zonal benches continue to rely on video-conferencing sessions typically limited to one or two hours, producing procedural inefficiency relative to the principal bench.²⁵ This uneven digital transformation illustrates a recurring theme in the

²³ Samir Mehta v. Union of India, NGT Order (India).

²⁴ The Hindu, NGT Case Disposal Statistics 2018-2023 (July 23, 2023).

²⁵ Ministry of Law and Justice, Report on Digital Court Proceedings Implementation (2025).

Tribunal's institutional development: reforms that succeed at the well-resourced principal bench frequently fail to translate into comparable gains at the zonal benches, whose chronic under-resourcing, discussed further in Part 6, limits their capacity to absorb even efficiency-enhancing innovations at the same pace.

Waste management has emerged as a particular institutional priority, illustrated by the Tribunal's 2025 directive to the Uttar Pradesh government to address tannery-driven water pollution in Jajmau, Kanpur, a long-running pollution source along the Ganga.²⁶ This directive is consistent with a broader pattern across the Tribunal's recent docket, in which recurring, cumulative pollution sources, tanneries, solid waste sites, riverine industrial discharge, occupy an increasing share of its attention relative to the discrete, single-incident disasters that dominated its earlier case law, suggesting an institutional maturation from crisis response toward sustained regulatory oversight of chronic environmental degradation. The Tribunal has also seen a marked increase in public interest litigation concerning land acquisition and environmental degradation, with a 2024 Supreme Court ruling affirming an NGT finding that a state land acquisition policy violated Article 14, underscoring the Tribunal's growing relevance to public law questions beyond conventional pollution control.²⁷ Public assessment of these developments remains divided: some stakeholders credit the Tribunal with genuine effectiveness in pollution control and forest conservation, citing its accessibility and procedural efficiency, while others point to jurisdictional limitations and the operational difficulties affecting the zonal benches as evidence of an institution still short of its statutory potential. Both assessments are, on the evidence reviewed in this paper, defensible simultaneously: the Tribunal's substantive doctrine and case output are genuinely significant, while its institutional capacity to sustain that output across all five benches, and to enforce its own orders once issued, remains uneven.

6. STRUCTURAL CHALLENGES AND LIMITATIONS

Despite this record, the Tribunal's statutory design carries limitations that have proven durable across its history. The National Green Tribunal Act mandates a minimum of ten judicial and ten expert members, yet the Tribunal has never, since its inception, been staffed to this statutory minimum, a shortfall that has directly delayed both adjudication and the implementation of the Tribunal's own orders.²⁸ The consequences of this staffing gap compound over time: a Tribunal operating below its mandated strength must either extend its own case-disposal

²⁶ NGT Compliance Report, Jajmau Tanneries Water Pollution (Mar. 20, 2025) (India).

²⁷ Tamil Nadu Pollution Control Board v. Sterlite Industries (India) Ltd., (2019) 19 S.C.C. 479 (India).

²⁸ The National Green Tribunal Act, No. 19 of 2010, § 4(1) (India).

timelines beyond the six-month statutory target Part 3 describes, or concentrate an increasing caseload on a shrinking pool of members, a dynamic reflected in the disproportionate share of disposals attributable to the Chairperson's own bench noted in Part 4. Insufficient government financial and administrative support has compounded this problem; three judicial members resigned between 2012 and 2013 citing inadequate infrastructure, and no substantial increase in allocated resources had materialised as of 2025.²⁹

The Tribunal's jurisdiction remains constrained by statute in ways that limit its capacity to address significant environmental justice concerns: it possesses no jurisdiction over matters arising under the Wildlife (Protection) Act, 1972 or the Forest Rights Act, 2006, precluding it from resolving disputes that most directly implicate the relationship between indigenous and forest-dwelling communities and the ecosystems on which they depend.³⁰ This exclusion is difficult to reconcile with the Tribunal's own stated mission, since the communities most often invoked in the Tribunal's reasoning on standing and compensation, including the fishing and forest-dependent communities discussed in Part 4, are frequently the same communities whose most direct legal claims, arising specifically under forest rights or wildlife protection legislation, the Tribunal is statutorily forbidden from adjudicating. Enforcement remains a further weakness: numerous Tribunal directives, including those addressing Ganga pollution, Delhi air quality and solid waste management, have suffered from insufficient institutional mechanisms to ensure regulatory compliance, diminishing the practical effect of otherwise sound adjudication. An order compelling a state government to submit a performance guarantee, of the kind issued in *Doaba Paryavaran Samiti*, is only as effective as the mechanism available to verify that the underlying pollution has in fact abated, and the Tribunal presently possesses no standing investigative capacity of its own comparable to the committees it convenes on an ad hoc basis for individual disputes.

The Tribunal's expanding suo motu practice has itself generated a countervailing concern about jurisdictional overreach; in 2025 the Supreme Court directed the Tribunal to review specific orders following complaints that it had exceeded its statutory authority, illustrating the difficulty of calibrating an activist environmental forum's proper institutional boundaries.³¹ Compounding this difficulty, the statute nowhere defines the phrase "substantial question relating to environment" that determines the maintainability of appeals before the Tribunal, a definitional gap that has generated public confusion and

²⁹ Rajya Sabha, Unstarred Question on NGT Judicial Member Vacancies (2013).

³⁰ The Wildlife (Protection) Act, No. 53 of 1972 (India); The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, No. 2 of 2007 (India).

³¹ Business Standard, SC Directs NGT to Review Orders Amid Overreach Concerns (Jan. 2025).

inconsistent application, and the Tribunal continues to lack express suo motu authority in the statutory text itself notwithstanding the Supreme Court's affirmation of that power as an inherent incident of its jurisdiction.³² Taken together, these limitations suggest an institution whose adjudicatory ambition, evident from the case law reviewed in Part 4, consistently outpaces the resources and statutory clarity Parliament has been willing to provide it.

7. TOWARDS STRENGTHENING THE NATIONAL GREEN TRIBUNAL: RECOMMENDATIONS

Four reforms would meaningfully address the limitations identified above. First, the Government of India should appoint the statutorily mandated minimum of ten judicial and ten expert members without further delay, and should provide the financial and administrative support necessary to operationalise the zonal benches fully, reducing their present reliance on time-constrained video-conferencing sessions. A Tribunal staffed to its statutory minimum, and resourced comparably across all five benches rather than predominantly at the principal bench, would be positioned to sustain the six-month disposal target the Act itself contemplates, rather than relying, as the present arrangement effectively does, on the disproportionate output of the Chairperson's bench documented in Part 4.

Second, Parliament should amend the National Green Tribunal Act to bring disputes arising under the Wildlife (Protection) Act, 1972 and the Forest Rights Act, 2006 within the Tribunal's jurisdiction, enabling it to address environmental justice concerns affecting indigenous and forest-dependent communities that presently fall outside its statutory competence entirely. This jurisdictional extension would not require the Tribunal to develop an entirely new adjudicatory methodology; the polluter-pays and precautionary reasoning it has already applied to coastal and riverine disputes, reviewed in Part 4, translates readily to forest and wildlife contexts, where the same tension between development and community livelihood recurs in a different ecological setting.

Third, Parliament should supply a statutory definition of "substantial question relating to environment," removing the present ambiguity that affects both appeal maintainability and public understanding of the Tribunal's jurisdiction, and should consider codifying the suo motu power the Supreme Court has already recognised as inherent, so that the Tribunal's authority to act on its own motion no longer rests solely on judicial interpretation. Codification of this kind would also supply the occasion for Parliament to address the overreach concerns noted in Part 6, by specifying the categories of media report, representation or complaint sufficient to trigger suo motu jurisdiction

³² Municipal Corp. of Greater Mumbai v. Ankita Sinha, 2021 INSC 624 (India).

and the procedural safeguards, such as a requirement of prima facie evidentiary support, that should attend the exercise of that power, thereby answering the Supreme Court's 2025 concerns through legislative clarity rather than case-by-case judicial correction.

Fourth, the Government should establish a dedicated enforcement mechanism, whether a standing compliance unit within the Ministry of Environment, Forest and Climate Change or an analogous body reporting directly to the Tribunal, tasked specifically with monitoring and securing compliance with Tribunal orders, closing the persistent gap between adjudication and implementation that Part 6 identifies as one of the Tribunal's most consequential weaknesses. Such a unit could usefully draw on the ad hoc committee model the Tribunal already deploys in individual cases, discussed throughout Part 4, standardising and institutionalising what is presently reconstituted anew for each major dispute. These reforms would not alter the Tribunal's fundamental character as an accessible, procedurally flexible forum; they would instead supply the institutional capacity necessary for that accessibility to translate reliably into environmental outcomes, and would bring the Tribunal's statutory resourcing into line with the scale of adjudicatory responsibility it has, in practice, already assumed.

8. CONCLUSION

The Indian judiciary has consistently produced progressive doctrine in the field of environmental protection, and the National Green Tribunal represents a natural institutional extension of that tradition, streamlining environmental adjudication and minimising the procedural technicality that once confined such disputes to protracted civil litigation. Guided by the principles of natural justice and empowered to apply sustainable development, precaution and polluter-pays reasoning directly, the Tribunal has decisively applied its penalty powers against both industrial entities and government agencies, and has established itself as a trusted, if imperfect, protector of communities whose environmental rights are most acutely at risk. The case law reviewed in this paper, spanning industrial disaster, illegal mining, coastal degradation and river pollution, demonstrates a tribunal willing to hold powerful private and public actors to account under a consistent doctrinal framework, and its increasingly confident use of suo motu jurisdiction since *Ankita Sinha* suggests an institution still expanding the practical reach of its statutory mandate rather than one that has settled into a fixed institutional role.

Yet the persistent shortfall in its sanctioned membership, its exclusion from wildlife and forest rights jurisdiction, and the absence of a dedicated enforcement mechanism reveal an institution whose statutory ambition has not been matched by the resources and legislative clarity required to realise it fully. These are not the kind of limitations that further judicial innovation, however

creative, can resolve on its own; the Tribunal's core adjudicatory doctrine, absolute and strict liability, purposive standing, polluter-pays quantification, is by now well settled and has proved itself capable of producing significant compensation awards and regulatory directions across a wide range of environmental harms. What remains outstanding is a legislative and administrative response commensurate with that doctrinal maturity: adequate staffing, expanded jurisdiction, statutory definitional clarity, and dedicated enforcement capacity. As environmental challenges in India continue to intensify, alongside the growing climate-related pressures explored elsewhere in Indian environmental scholarship, closing this gap between adjudicatory ambition and institutional capacity should be treated as a legislative priority rather than an incidental administrative matter, since a Tribunal capable of writing sound judgments but unable to see them enforced offers only a partial answer to the environmental justice concerns with which this paper began.

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