
GUARDIANS OR OVERREACHERS? THE NATIONAL GREEN TRIBUNAL'S JURISDICTIONAL DILEMMA

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ABSTRACT

The national green tribunal, a specialised judicial entity to address environmental conflicts and implement environmental regulations. Although its jurisdiction is clearly outlined in the national green tribunal act, cases of the tribunal acting beyond its legal boundaries have ignited discussions regarding judicial activism compared to overreach. This research paper explores the present jurisdiction of the national green tribunal, reviews case laws in which it has gone beyond its lawful authority, and assess whether such actions have been warranted for the sake of environmental protection. The paper ends with suggestions on whether the national green tribunal's jurisdiction should be expanded to enhance the delivery of environmental justice.

Keywords: Jurisdiction, National Green Tribunal, Overreaching, Suggestions, Cases

INTRODUCTION

Environmental degradation has been one of the most pressing issues of our times, threatening ecosystems, public health and posterity. In response to growing environmental concerns, India established the national green tribunal in 2010 as a special judicial body with broad powers to enforce environmental laws, provide relief to victims of environmental degradation, and prosecute offenders. While the national green tribunal actions have undoubtedly served to advance environmental protection, they have also resulted in controversies, with the apex courts and high courts occasionally rebuking the tribunal for exceeding its legal limits. This raises an intriguing question: Is the national green tribunal overstepping its jurisdiction?

Review of Literature

1. **Shibani Ghosh**, *Assessing the national green tribunal: environmental justice, judicial activism, and the role of expert bodies*, 5 *J Entvl.L & Poly* (2018)

The national green tribunal's function in India is critically assessed in Ghosh's article. The national green tribunal, according to the author, has taken the initiative to settle environmental disputes throughout the nation. Environmental laws are interpreted liberally by the tribunal. It has also worked to bring administrative power and judicial activism into harmony. Both judicial and expert members make up the tribunal's makeup, which the author examines. Complex environmental matters can be handled by the national green tribunal thanks to its makeup. The difficulties the tribunal faced are further examined by the author. These include making sure that its rulings are followed and safeguarding its autonomy from governmental and administrative meddling.

2. **Lavanya Rajamani**, *The national green tribunal of India: a new frontier for environmental justice*, 27 *J. Env'tl. L* 365(2015)

The formation and development of India's national green tribunal, a specialised environmental adjudicating body are examined by Rajamani. The enforcement of rights and the provision of relief and compensation for environmental injuries are among the many aspects of the tribunals extensive jurisdiction that are examined in this article. Rajamani explores the national green tribunals most significant rulings that have influences Indian environmental law and evaluates the tribunal's role in improving access to

environmental justice. The difficulty in carrying out the tribunal's rulings and the requirement for capacity building are among the issues covered in this article.

3. **P. Leelakrishna**, "*Environmental jurisprudence in India and the role of national green tribunal*", 34 Ind. J. Env'tl. L. (2020)

The article by Leelakrishna provides a comprehensive overview of the evolution of the environmental justice in India. the focus is on the role of national green tribunal. The author discusses the tribunal's role in the interpretation of environmental legislation and in addressing the problem of unequal environmental resources and obligations. It also talks some important cases in which the national green tribunal has defended environmental rights and the obstacles faced by national green tribunal has also been talked about. These include necessity to ensure the execution of its decisions and deal with complexity of environmental governance.

Research Questions

1. What are the legal limits of the power of the national green tribunal as defined under the national green tribunal Act, 2010?
2. What restrictions and constraints exist on the national green tribunal power?
3. In what ways has the national green tribunal acted beyond its juridical mandate in those circumstances?
4. Is there a need for jurisdiction of the national green tribunal to be officially extended to address current environmental issues?

Statement of Research Problem

The National Green Tribunal (NGT) is also answerable for immense environmental regulation in India, though its jurisdiction has been criticized for extending legislative authority beyond the realms, which remains in doubt on matters of lawfulness and effectiveness. This paper tries to question the jurisdiction boundaries of the national green tribunal, review instances where it has crossed the jurisdictional ambit of the law, and analyse the implications of its extra-legal sphere jurisdiction on Indian environmental governance and justice

Objectives of the Study

1. To analyse the existing jurisdiction of India's national green tribunal.
2. To analyse cases where the national green tribunal has overstepped its legally empowered authority
3. To address the implications of the expanded jurisdiction of the national green tribunal on Indian environmental governance and justice
4. To suggest remedies to the national green tribunal and monitor their impact towards achieving environmental justice.

Significance of the Study

This study is significant because it aims to contribute to the ongoing debate on the role and jurisdiction of the National Green Tribunal in India. The findings provide significant insights into the jurisdiction of national green tribunal and its implications for environmental justice and governance. The recommendations of the study will also provide a framework for improving the jurisdiction of national green tribunal making it effective in promoting environmental justice. Also, the research helps in contributing to the broader literature on environmental justice and governance, and will be an important resource for policymakers, scholars, and practitioners working in this field.

Scope and limitations of the study

The study chiefly analyses the jurisdiction of the national green tribunal as per the national green tribunal act, 2010 and its judicial interpretations. The study includes comprehensive analysis of Indian case law without extensively covering international environmental tribunals, though it provides comparative analysis. The study relies upon secondary sources that may limit accessibility to recent policy updates or unheard judicial rationale. While the study is keen to highlight the tribunal's jurisdictional excess, it does not provide a full empirical analysis of every national green tribunal judgement, but instead concentrates on major decisions highlighting broader trends.

Research Methodology

The study is predominantly based upon secondary sources, draws on a doctrinal research methodology. The research entails an intensive analysis of provisions under the law of statutes, primarily the National Green Tribunal Act, 2010, and other relevant environmental laws. Judgments of the Supreme Court as well as various High Courts provide essential sources for understanding the emerging construction of the authority of national green tribunal. Key case laws in which the jurisdiction of the national green tribunal has been challenged or expanded are analysed to assess the legal reasoning behind such decisions. Scholarly articles, legal commentaries, and academic journals provide theoretical insights into the Tribunal's role in India's environmental governance framework. Additionally, comparative analysis with environmental tribunals in other jurisdictions helps to put the national green tribunal's jurisdictional scope into a global perspective. The blending of the legislative texts, judicial precedents, and learned discourses together offers a complete insight into the limitations as well as potential expansion of the authority of the national green tribunal.

Sources of Data

The research is mostly dependent on secondary sources of data. statutory documents like the national green tribunal act, 2010 and related environmental directive form the bedrock of legal analysis, court judgements of the HC and Apex court of the country, along with national green tribunal orders, provide real life instances of interpretation of the jurisdiction and overreach. Academic journals books, and articles by legal scholars provide theoretical and critical insights into the emerging environmental jurisprudence in India, reliable online legal databases, government reports and policy documents further augment the research by providing up to date information on legislative developments and environmental management techniques.

Statutory Scope of Jurisdiction Under the national green tribunal Act

The idea in establishing specialized tribunals for environmental issues started to gain momentum during the 1980s when India's Apex Court highlighted the requirement for dedicated environmental adjudicating authority in the Oleum gas leak case of 1986¹. In 2003, it was recognized that environmental cases demanded specialized technical knowledge and

¹ M.C Mehta vs union of India, (1986) 1986 SCR (1) 312

continuous supervision which standard courts failed to provide effectively. Through its 186th report India's emissions legislation confirms the need for a specialized body to address environmental conflicts.

The regulatory framework faced challenges even after attempts to address environment related matters through the National Environmental Tribunal Act of 1995² and the National Environmental Appellate Authority Act of 1997³. With a narrow mandate and several open seats, the national environmental appellate authority under 1997 act encountered several operating difficulties. This made it clear that a practical solution was required. After the act was approved by parliament in 2010, the national green tribunal was established on October 18th of that year. significant environmental concerns, such as the preservation of forests and natural resources, as well as environmental rights, led to the tribunal's establishment. In order to address complicated environmental concerns spanning several disciplines and provide timely justice, the national green tribunal was created as a distinct entity. The supreme court stepped in and obtained necessary conditions for the tribunals efficient operation after administrative obstacles caused by the act's 2010 announcement postponed the tribunals debut hearing until may 2011.

In order to safeguard natural resources, expedite environmental decision-making and promote sustainable economic growth, the national green tribunal was established. India is 3rd after New Zealand and Australia among the 3 nations that have established a specialised environment tribunal to date.

The national green tribunal came into being on the 18th day of October of the year 2010 through the passage of the National Green Tribunal Act 2010⁴ by the Central Government. The apparent object for the establishment of the Tribunal by the Union Government was to set up a specialist forum for the effective and speedy disposal of cases pertaining to environmental conservation, forest protection, and to seek compensation for damage to human life or property arising out of contravention of the environmental laws or conditions stipulated at the time of issuance of permits.

² National Environmental Tribunal Act, 1995

³ National Environmental Appellate Authority Act, 1997

⁴ National Green Tribunal Act, 2010

The national green tribunal is not obligated by the Civil Procedure Code of 1908⁵ but conducts its proceedings in conformity with the natural justice principle. The regulations of the Indian Evidence Act, 1872⁶, is not applicable in the case of the national green tribunal too. Thus, making it easier for conservation groups to submit its facts and issues to the Tribunal, such as bringing to light technical inadequacies into the project or putting forth a different thing that could reduce the damage of the environment yet, are ignored. In the National Green Tribunal's decision-making would be guided by the concept of sustainable development, prudence, and the principle of polluter pay. However, one thing to be understood is that when national green tribunal finds a claim *prima facie* false, it may also impose costs-loss, including any benefit lost from an interim injunction.

The tribunal shall have jurisdiction in civil cases in which a substantial question relating to environment (which includes the enforcement of the rights under the law concerning the environment) are involved, and all the questions arising out of application of the laws mentioned in schedule 1, granting compensation and relief to persons affected by pollution, any kind of damages by the environment under these laws and hearing plea in respect of certain laws included in schedule. Any such person aggrieved by an order or decision made by the appellate authority under the acts in schedule, one may prefer plea to the national green tribunal as per the proviso of the respective acts.

The Tribunal shall have the jurisdiction over all civil cases when significant environment issue emerges from the application of the laws listed in the schedule I and grant relief and compensation to the victims of pollution and other environmental damage arising under such enactments and to hear appeals under certain enactments in the Schedule. A person may appeal to the National Green Tribunal in line with the provisions of the relevant Acts if they feel wronged by an order or decision rendered by an Appellate Authority under the Acts listed in Schedule 1. the national green tribunal, according to the Act. The Act provides that the national green tribunal makes well-founded claims in the area of environmental justice for the very extent of its jurisdiction power, and it has jurisdiction over all civil disputes regarding the protection and conservation of the environment and natural resources, including disputes associated with serious environmental harm (section 14)⁷. matters with which the tribunal deals

⁵ Code of Civil Procedure, 1908

⁶ Indian Evidence Act, 1872

⁷ National Green Tribunal Act, 2010 § 14

are those in which communities are adversely affected by environmental degradation and provide for relief or compensation (section 15)⁸.

The authority to impose penalties for noncompliance with its orders is vested in the national green tribunal (section 26)⁹, and a civil court accords its cases to those set out under Bharatiya Nyaya Sanhiti (BNS), heretofore the Indian penal code, 1860. There is exemption from this provision as far as the code of civil procedure, 1908- at present, Bhartiya Nagarik Suraksha Samhita- is concerned and abides by the tenets of natural justice (section 19)¹⁰. The tribunal deals with violations under important environmental legislations like the Water (Prevention and Control of Pollution) Act, 1974¹¹; Air (Prevention and Control of Pollution) Act, 1981¹²; Environment (Protection) Act, 1986¹³; Forest (Conservation) Act, 1980¹⁴; Biological Diversity Act, 2002¹⁵; and Public Liability Insurance Act, 1991¹⁶ (Schedule I of the national green tribunal Act).

The composition of the National Green Tribunal is set up under the National Green Tribunal Act, 2010¹⁷, which consequently proposes an optimal mix of judicial and expert members. After consulting with India's chief justice, the central government appoints a retired Supreme Court judge or high court chief justice to serve as the tribunal's chairperson. Judicial members in number of 10 to 20, are retired judges of high courts or supreme courts and are in office for a further 5 years or till the age of 67 (for high court judges) or 70 (for supreme court judges). Expert members between 10 and 20 in number must have a master's degree in science, engineering, or technology and extensive knowledge in environmental problems. They hold office for five years or until the age of sixty-five. By virtue of its hybrid structure, the tribunal being the first of its kind is able to hear complex environmental cases and can do so *Suo moto*, that is, without the filing of a formal application. It aims to dispose of the cases in 6 months' time as per section 18 and can provide restitution for lost property or restore the environment.

⁸ National Green Tribunal Act, 2010 § 15

⁹ National Green Tribunal Act, 2010 § 26

¹⁰ National Green Tribunal Act, 2010 § 19

¹¹ Water (Prevention and Control of Pollution) Act, 1974

¹² Air (Prevention and Control of Pollution) Act, 1981

¹³ Environment (Protection) Act, 1986

¹⁴ Forest (Conservation) Act, 1980

¹⁵ Biological Diversity Act, 2002

¹⁶ Public Liability Insurance Act, 1991

¹⁷ National Green Tribunal Act, 2010

Marginalized communities victimized due to environmental degradation, such as accidents arising from hazardous substances, have a right to receive relief and compensation.

Although this extensive jurisdiction enables the National Green Tribunal to respond rapidly and with authority, the seeming over-expansion of jurisdiction has, at times, amounted to judicial arbitrariness, as this essay contends. This development towards jurisdictional overextension emphasizes the necessity for reasonable discourse regarding the quest for the ultimate balance between legislation and judicial initiative, although its initiative consciousness in intruding into all causes linked to the environment praiseworthy. NGT has to handle handicaps with limited jurisdiction in the case of limited environmental legislation, a few directly dealing with the environment and forests, keeping its jurisdiction in mind and limiting its scope. They are The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006¹⁸, and The Wildlife Protection Act, 1972¹⁹.

Jurisdictional Overreach and Judicial Overstepping

The national green tribunal became established with the lofty aim of ensuring speedy and effective environmental justice. It's very specific composition, which includes judicial and expert members, gives it the mandate to address complex environmental issues with technical acuity. But the national green tribunal's assertive approach has sometimes created concerns about judicial overreach. The willingness of the tribunal to take cases by its own cognizance and enlarge its powers beyond statutory confines has raised controversy at the separation of powers and the limits of judicial intervention. In many cases, the supreme court has stepped in to check the national green tribunals expansive construction of its powers, weighing environmental security against constitutional propriety. This part of the chapter sets out major case legal principles where the NGT has been alleged to have transgressed its jurisdiction which are a lot of case laws that has been discussed below. Such episodes present precious reflections regarding the changing nature of the tribunal, placing particular emphasis upon each its unavailability its ecopolitics as well as upon dangers of deconstitution of the legislator review of these decisions will sift whether or not excesses on the part of national green tribunal amount to a necessary response to ecologically induced emergency situations or else violation

¹⁸ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

¹⁹ The Wildlife Protection Act, 1972

of the constitution, inviting the important observations upon whether or not the power of the tribunal need to be enhanced or further firmly checked.

The State of Himachal Pradesh vs Yogendra Mohan Sengupta²⁰

In this case, the State of Himachal Pradesh versus Yogendra Mohan Sengupta is a legal dispute that pertains to the state's disagreement with the decisions issued by the NGT on the development plan for environmentally sensitive regions in HP. It has been a fact that the national green tribunal was directly involved created queries about its powers and balance of power among the courts and the legislative arm of the state.

The national green tribunal issued guideline to protect ecologically sensitive areas in Himachal Pradesh, and the state released a draft development plan. the plan attracted significant public comment, and 97 objections were filed against it. The first order of national green tribunal was to consider these objections and impose restrictions on the development plan, which the state argued was an encroachment of the national green tribunal's powers. The Himachal Pradesh state challenged the national green tribunal orders, stating that the tribunal has overstepped its mandate into the domain of the state's legislative functions. The state contended that the development plan had been formulated in accordance with the town and country planning act, which specifies the process for formulating and approving such plans. The national green tribunal intervention was viewed as a usurpation of the state's legislative rights to legislate and regulate its development process.

1. Whether the NGT has jurisdiction to pass directions relating to development plans.
2. Whether the national green tribunal's orders were valid while the High Court was already dealing with the matter.
3. Whether the national green tribunal overstepped its bounds by imposing restrictions on the law-making powers of the state.

The court ultimately ruled in in the state of HP favour, determining that the first order of the NGT was not sustainable. The tribunals directive was viewed as an invasion of the authority given to the state for enacting delegation legislation under the TCP Act. The court emphasized

²⁰ The State of Himachal Pradesh vs Yogendra Mohan Sengupta (2024), 2024 INSC 30

that the role of the national green tribunal is to handle environmental issues but not to meddle with the state's legislative proceedings.

Furthermore, the court quashed the second order of the NGT, which was based on the first one, confirming again that the national green tribunal has overstepped its jurisdiction. In order to ensure that the judiciary does not encroach into the state's legislative jurisdiction, the ruling underscored the significance of upholding a distinct separation of powers.

One case that demonstrates the shaky connection between environmental preservation and legislative authority is the state of Himachal Pradesh vs Yogendra Mohan Sengupta. The national green tribunal must respect the states authority and exercise jurisdiction within the parameters of the constitution, notwithstanding its vital role in defending environmental interests. To promote sustainable development without crossing constitutional lines, the courts ruling serves as a reminder that legislative institutions and environmental organisations should work together.

Techi Tagi Tara vs Rajendra Singh Bhandari²¹

Techi Tagi Tara v. Rajendra Singh Bhandari deals with National Green Tribunal's (NGT) jurisdiction over appointments to State Pollution Control Boards (SPCBs). It was enforced under the National Green Tribunal Act, 2010 to provide for the Cases involving environmental preservation and conservation of natural resources should be resolved quickly and efficiently. Notably, in this case, the NGT expressed issues over qualifications of the people appointed to the SPCB for their expertise and capabilities, that help control pollution and protect the environment. The Tribunal was particularly concerned with the idea that some appointees may not have the necessary impoverished and experience to effectively carry out their responsibilities. As a result of it, NGT headed the state governments to review such appointments and issued guidelines to be followed in the future.

1. Whether the NGT has given its jurisdiction to direct the state governments to review the appointments of chairpersons and members of the SPCBs.
2. Whether the national green tribunal could lay down guidelines to SPCB's for appointing

²¹ Techi Tagi Tara vs Rajendra Singh Bhandari (2017) AIR 2017 SC (SUPP) 962

the officials, as their appointments may fall outside its statutory jurisdiction.

3. Whether the conflict over SPCB member qualifications is a topic of interest, even, a private affair between removed officials and state governments.

The Apex Court of the country, in its judgement announced on September 22, 2017, determine that the NGT had indeed exceeded its jurisdiction. The Court stressed that the NGT's powers are limited by Section 14 of the National Green Tribunal Act, which allows it jurisdiction over civil matters involving significant questions pertaining to the environment. However, the appointment and dismissal of members of SPCBs do not fall under NGT's statutory authority.

The Court recognised that the NGT should have advised the claimant to seek redress from a constitutional court, instead of taking the role of issuing directives to state governments regarding appointments. The judgment highlighted that the removal of the officials from the SPCBs, including the appellant Techhi Tagi Tara, was between the individual and the state government, as opposed to a public interest issue that warranted the intervention of NGT.

Besides this, the Supreme Court appreciated the NGT's concern about the negligent approach adopted by some of the state governments while appointing persons to SPCBs on a scientific panel. However, it emphasized restraint and respect for jurisdictional restraints once more. The Court was sensitive towards the appointment of experts in the SPCBs since they hold a pivotal position in environmental policy, and advised the state governments to formulate an appropriate guideline or recruitment rule in the next six months. In addition to the legal framework established by the constitution and pertinent environmental legislation, these recommendations must take into account the institutional needs of the SPCBs. To put it briefly, the supreme court made it very evident that the NGT had overreached its authority in this case, even if it recognised the NGT's emphasis on environmental preservation and the necessity for SPCB specialists. It was made clear by the courts ruling how important it is to maintain the separation of powers and ensure that the statutory organisations operate within their designated parameters. The decision serves as a reminder that when choosing officials important environmental positions, careful consideration must be given, and that qualifications and experience should take precedence over personal or political connections.

The State of Meghalaya vs All Dimasa Students Union Hasao²²

This case was based on a petition presented by the All Dimasa Students Union, highlighting the extensive environmental damage caused by uncontrolled coal mining in Meghalaya's Jaintia Hills. The coal mining operations led to acid mine drainage polluting the Kopili River, with devastating impacts on aquatic life, agriculture, and even infrastructural damage at the Kopili Hydro-Electric Project. The petitioners alleged that the State of Meghalaya did not regulate coal mining operations, thereby violating environmental norms and endangering local communities. In response, the national green tribunal recognized the issue, passed a total prohibition on coal mining in the state, and ordered the state government to pay ₹100 crore into the Central Pollution Control Board to be used for ecological restoration.

1. Did the national green tribunal possess the authority to intervene in coal mining issues, which are regulated by the Mines and Minerals (Development and Regulation) Act, 1957²³ — a statute not included in Schedule I of the national green tribunal Act, 2010?
2. Was the national green tribunal justified in forming expert committees, ordering administrative actions, and establishing an environmental restoration fund without clear legislative support?
3. Had the directives of the national green tribunal infringed upon the sovereignty of tribal communities protected within the Sixth Schedule of the Indian Constitution?

The majority of the national green tribunal's directives were upheld by the Apex Court, validating its jurisdiction to deal with the issues of environmental degradation despite them being related to laws not listed in Schedule I of the national green tribunal Act. Court emphasized that NGT is to provide "complete justice" in environmental situations, especially when state governments fail in their responsibilities. Considering the scale of environmental destruction in Meghalaya and the failure of local administration, the Court found the intervention of the national green tribunal necessary to protect the environment and public health. However, the Court also cautioned against the Tribunal encroaching on its legal limits. It ruled that although broad remedial directions can be published by NGT, the formation of

²² **The State of Meghalaya vs All Dimasa Students Union Hasao (2019), 2019 (8) SCC 177**

²³ **Mines and Minerals (Development and Regulation) Act, 1957**

committees with administrative powers and the setting up of the Meghalaya Environment Protection and Restoration Fund without parliament's approval raised a question.

The Court noted that such measures, no matter how sincere, could impinge on the legislative and executive domains. The Court was also concerned at the effect on tribal autonomy protected under the Sixth Schedule and asked the Tribunal to be cautious while handling matters pertaining to locally based constitutional governance arrangements. Finally, the courts wise judgment demonstrated the NGTs audacity on environmental issues as well as the necessity to honour institutional boundaries. It reminded us that while courts bear a responsible role in protecting the environment, this has to be extremely tightly calibrated lest it attack democratic rule. The case illustrates the way the national green tribunal has to walk along a thin line between activist environmental justice and judicial intrusion. Its tendency to exercise executive authority generated valid concerns over jurisdictional lines, though its prompt action was necessary in a bid to counteract prevailing environmental damage from illicit coal mining.

Overall, the case stipulates the level of strengthening of India's system of environmental governance required so that it addresses complicated environmental issues without affecting the rule of law. The case also places the necessity to make legislative guidance more specific so that the national green tribunal could be effective without affecting constitutional balances and checks

Tamil Nadu Pollution Control Board vs Sterlite Industries (I) Ltd²⁴

At the heart of this lawsuit is sterlite industries (India) lts, which operated a copper smelting facility in thoothukundi, Tamil Nadu. In 1994, the Tamil Nadu pollution control board (TNPCB) granted the company a no objection certificate to operate. Nonetheless, the TNPCB had long voiced its concerns about plants operations negative effects on the environment and public health. a series of legal actions ensued when the TNPCB sent sterlite a show cause notice in response to these issues. The TNPCB ordered the plants shutdown on April 9, 2018 citing serious environmental infractions. In the national green tribunal, which is responsible for resolving environmental problems sterlite contested this decision. However, the TNPCB's ruling was overturned by the national green tribunal, which ruled that it had overreached its authority and failed to provide sterlite with sufficient notice or a chance to defend itself. The

²⁴ Tamil Nadu Pollution Control Board vs Sterlite Industries (I) Ltd (2019), AIRONLINE 2019 SC 89

judgment raised key questions regarding the power of the national green tribunal and the ambit of its authority under the concerned environmental legislations.

1. Whether the NGT Was empowered to revoke the order of TNPCB in view of an appeal pending before the authority.
2. Whether NGT possessed judicial review jurisdiction akin to the jurisdiction possessed by HC under Article 226 of the Constitution of India²⁵.
3. Whether the actions of the TNPCB constituted violations of natural justice principle by not providing Sterlite adequate notice or an opportunity for a hearing prior to the closure of the plant.

In its judgment, the Apex Court of the country underlined the limitations of jurisdiction of the NGT. It held that the national green tribunal's cancellation of the TNPCB's closure order had been done in the absence of jurisdiction since an appeal was already filed with the concerned appellate authority.

The Court observed that the jurisdiction of the NGT is clearly delineated by the Water Act, Air Act, and the national green tribunal Act, none of which empower it to interfere with original orders passed by the TNPCB. The Court further clarified that national green tribunal doesn't possess the general powers of judicial review in the nature provided to the High Courts under Article 226. It opined that the national green tribunal exists only to deal with appeals made against the orders of the appellate authority and it cannot leapfrog over to determine issues still being pondered upon by the correct appellate authority. Such distinction is important because it shows how hierarchical appeals are in environmental law. In addition, the Court rejected the argument that the national green tribunal, being an expert institution, must have unlimited jurisdiction in matters of the environment. Although acknowledging the expertise of the national green tribunal, the Court maintained that expertise does not mean unlimited jurisdiction. The national green tribunal has to operate within legal parameters, and its rulings must comply with the statutory framework established by the relevant environmental legislation.

²⁵ Constitution of India § 226

As the shutdown action of the plant by the TNPCB was in regard to bona fide environmental deviation grievances, the directive also touched upon the aspect of procedural fairness. Still, the court laid special emphasis on the respect for invoking the canons of natural justice along with the grant of opportunity to all participants to resist the case on merits before venturing into invoking any adverse step against one and all. In short, this particular judgment is a reminder, timely indeed, of the limits of the national green tribunals' jurisdiction. It ensures the need for a reasonable hearing in the case of administrative procedures and the requirement of abiding by law during appeals. In order to ensure that its activities are both lawful and equitable, the ruling clarifies that, despite the NGT's crucial role in resolving environmental challenges, it should adhere to the legislatively established legal framework.

This case emphasises the fine line that separates industry rights from environmental protection, underscoring the importance of an impartial and open legal system in cases that impact the environment and public health.

Citizens for Green Doon vs Union of India²⁶

The case revolves around the chardham mahamarg vikas pariyojna, a project planned to widen national highways to better access four major pilgrimage sites in Uttarakhand. The environmental organization citizens for green doon had filed a petition raising the alarm over the projects impact on the sensitive Himalayan ecosystem, citing issues such as deforestation, landslides, and poor muck disposal. The petitioners alleged breached of environmental law, such as environmental protection act, 1986²⁷, the forest (conservation) act, 1980²⁸. They alleged the project was disproportionately fragmented into mini projects in order to exclude environmental impact assessment requirements. The national green tribunal, noting these points directed the appointment of an oversight committee to supervise environmental adherence despite finding the project exempt from approval under EIA.

1. Did the national green tribunal exceed its jurisdiction by overseeing compliance and creating oversight mechanism beyond its legislative purview?

²⁶ **Citizens for Green Doon vs Union of India (2021)**

²⁷ **Environmental protection act, 1986**

²⁸ **Forest (conservation) act, 1980**

2. Was the national green tribunal justified in bypassing EIA requirements and relying on a mere oversight committee to safeguard environmental interests?
3. Did the national green tribunal violate the line separating judicial and executive functions by asking committees with administrative authority?
4. How to balance environmental concerns with national security as the project was strategic in nature?

The supreme court upheld some decision of the national green tribunal but also identified moments where the tribunal has transgressed its remit. Although the court acknowledged the important role of the national green tribunal in environmental conservation, it emphasized that the tribunal could not determine project wide monitoring on its own without legislative mandate. The court held that the national green tribunals creation of an oversight committee was justified for environmental risks but warned against assuming continuous administrative responsibilities as diluting jurisdictional lines. The court also condemned the rejection by the national green tribunal of the requirement for an environmental inspection about its results, commenting that dividing the project in order to avoid statutory requirements was doubtful. In conclusion, the court emphasized that though the national green tribunal should exercise proactive action in preserving the environment, it has to stick within legislative limits and avoid encroaching on executive functions. This decision struck a balance between affirming the NGT major contribution to environmental administration and cautioning it to do so within legal parameters of the act.

CONCLUSION AND SUGGESTIONS

In India, the National Green Tribunal (NGT) has unquestionably been a shining example of environmental justice, bridging significant gaps left by the failure of the legislative and administrative branches' institutions. The individuals who were needy because their surroundings were contaminating have been given instant relief since its assertive strategy has resolved a massive number of monstrous environmental issues. But empowering the tribunal more has largely conflicted with constitutional constraints and caused issues like judicial overreach and the delicate balance of power like in the case of citizens for green door and the all dimasa student union case. The most significant among them is parliamentary vagueness on jurisdiction of NGT. National Green Tribunal Act, 2010, may be amended as a step in deciding

the jurisdiction of NGT, especially suo moto powers. For long-term monitoring powers or issuance of orders with executive powers, such as the act can stipulate that the NGT would require prior sanction from the apex or higher courts. In this way, the tribunal would be generous but not intrude into the domain of the administrative authorities.

There could also be constituted a review body to decide upon NGT orders by giving a special environmental appellate council. There will be lighter burden on the top court and it will also have a well-balanced institutional mechanism to figure out if the NGT action is in pursuance to its constitutional role or not. Such an institution can be empowered with a holistic and multidisciplinary framework of environmental regulation through judges, environmental scientists and policy experts.

Provision such as the 6th schedule, which protects tribal self-rule, should receive greater attention from a constitutional perspective. Compulsory consultations with local govt bodies and indigenous communities should be part of the NGT rulings, particularly in ecologically sensitive regions. This could be achieved by integrating environmental conservation with trust in local self-rule by amending the NGT act to mandate community impact assessments before issuing directives that damage traditional territories.

For example, university and law school environmental justice clinics can provide independent fact-finding and legal analysis assistance to NGT hearings, which will be a new form of assistance to enable the NGT to operate.

They may act as third-party inquiry committees in order to limit the intrusion of the tribunal into executive branch activities. In addition, a shift away from punitive community reconciliation may be achievable through the application of restorative justice tenets, such as offender participation in environmental rehabilitation. The overreach by the ngt is ultimately an indication of boarder structural deficits in India's environmental regulation and judicial activism.

The Tribunal acts as a check from within the institutions to environmental abandonment in the face of weak enforcement and policy breakdown. Reforms ought to strive to channel its vitality within the ambit of the constitution and not lower its mandate. Through modifying the law, building popular mobilization, and instituting alternate support mechanisms, India can develop an environmental justice regime that is sturdy and participatory.

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