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## ENVIRONMENTAL JURISPRUDENCE IN INDIA: THE ROLE OF JUDICIARY AND NGT

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### ABSTRACT

The growth of environmental jurisprudence in India reflects a dynamic interaction between legislative measures and judicial interpretation aimed at addressing environmental challenges. This paper examines the development of environmental law in India, focusing on its gradual transformation through statutes and judicial decisions. It analyzes the constitutional framework relating to environmental protection, particularly the interpretation of the right to life under Article 21, along with the relevance of Directive Principles of State Policy and Fundamental Duties.

The study further discusses core principles of environmental jurisprudence, including sustainable development, the precautionary principle, the polluter pays principle, and intergenerational equity, as recognized and applied by Indian courts. Special attention is given to the role of the judiciary in advancing environmental protection through innovative approaches such as public interest litigation and expansive judicial reasoning. Additionally, the paper evaluates the establishment and functioning of the National Green Tribunal (NGT) as a specialized forum for environmental adjudication, highlighting its contribution as well as its limitations. By bringing together doctrinal analysis and judicial trends, the paper emphasizes the continuing importance of judicial institutions in promoting environmental justice and ensuring a balance between development and ecological preservation. The study concludes by suggesting the need for stronger institutional mechanisms and consistent enforcement to achieve long-term environmental sustainability in India.

**Keywords** Environmental Jurisprudence, Judicial Role, National Green Tribunal, Sustainable Development, Article 21, Environmental Principles, Public Interest Litigation, Environmental Governance, Constitutional Provisions, India

## 1. Introduction

Environmental jurisprudence in India has emerged as a vital field where the judiciary and the National Green Tribunal (NGT) play central roles in safeguarding the nation's natural resources amid rapid industrialization and urbanization. The journey began with the higher judiciary, particularly the Supreme Court and High Courts, recognizing environmental protection as an integral part of constitutional rights, especially under Article 21, which guarantees the right to life and personal liberty. Over the decades, landmark cases have transformed abstract principles into enforceable norms, with judges invoking the precautionary principle, polluter pays doctrine, and sustainable development to halt destructive projects and mandate remediation efforts. This judicial activism filled legislative gaps, as early environmental laws like the Water Act of 1974 and Air Act of 1981 lacked robust enforcement mechanisms, prompting courts to step in with innovative orders such as establishing monitoring committees and imposing fines on violators.<sup>1</sup> At its core, environmental jurisprudence shifts the legal paradigm from mere regulatory compliance to proactive enforcement, where courts act as guardians of nature, interpreting vague legislative provisions with a sense of urgency to address pollution, deforestation, and biodiversity loss in real time.<sup>2</sup>

The concept gained momentum post the 1972 Stockholm Conference, influencing Indian courts to recognize the environment as a living entity deserving legal protection, rather than a mere backdrop to human activity. Judges began invoking the precautionary principle, which mandates preventive action in the face of potential environmental harm even without full scientific certainty, as a tool to halt risky projects like dams or chemical plants before damage occurs. Similarly, the polluter pays principle emerged as a cornerstone, holding enterprises strictly accountable for cleanup and compensation without excuses based on due diligence, thereby internalizing environmental costs into industrial operations. This jurisprudence also embraces the public trust doctrine, rooted in ancient Roman law and revitalized in India, asserting that certain resources like rivers, forests, and seashores are held by the state in trust for public use and cannot be alienated for private gain. Through public interest litigation, ordinary citizens and NGOs have accessed this framework, transforming abstract rights into

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<sup>1</sup> Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India* 23–29 (2d ed. 2001).

<sup>2</sup> M.P. Jain, *Indian Constitutional Law* 1260–1265 (8th ed. 2016).

tangible remedies such as relocation of polluting industries or restoration of wetlands.<sup>3</sup>

Over time, environmental jurisprudence has matured into a holistic discipline that integrates procedural innovations like the absolute liability rule, crafted by the Supreme Court to impose no-fault liability on hazardous industries, ensuring victims receive swift relief without proving negligence. It reflects a judicial philosophy that views environmental degradation as a violation of intergenerational equity, compelling current generations to preserve resources for posterity amid competing developmental pressures. High Courts have localized this concept, tackling region-specific issues from urban air quality crises to coastal erosion, often directing governments to enforce stricter emission norms or biodiversity safeguards. The judiciary's creative expansion of locus standi allows any concerned individual to petition on behalf of affected communities, democratizing access to justice and fostering a culture of environmental accountability. This body of law continually adapts, incorporating scientific evidence and expert testimonies to craft nuanced orders that balance growth with green imperatives, underscoring that true progress lies in harmony with nature.<sup>4</sup>

## 2. DEVELOPMENT OF ENVIRONMENTAL LAW IN INDIA

The development of environmental law in India represents a fascinating interplay between ancient reverence for nature, colonial resource exploitation, post-independence legislative awakenings, and the judiciary's bold forays into uncharted legal territories, culminating in the specialized machinery of the National Green Tribunal that now anchors green adjudication. From the Vedic hymns extolling the sanctity of rivers and forests to the British-era Indian Penal Code's nascent provisions against public nuisances, the foundational ethos always harbored an implicit recognition that human flourishing depends on ecological harmony, even if early laws served imperial timber needs more than conservation ideals. The real metamorphosis unfolded after India's active engagement with the 1972 Stockholm Conference, where global calls for environmental stewardship resonated deeply amid domestic crises like rampant industrial effluents poisoning sacred waters and urban air turning toxic from unchecked factory smokestacks. This period saw Parliament enact cornerstone statutes—the Water Act of 1974 empowering pollution control boards, the Air Act of 1981 tackling emissions, and the sweeping Environment Protection Act of 1986 born

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<sup>3</sup> Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), U.N. Doc. A/CONF.48/14 (1972).

<sup>4</sup> M.C. Mehta v. Union of India (Oleum Gas Leak Case), (1987) 1 S.C.C. 395 (India).

from the Bhopal tragedy's ashes—yet these remained paper tigers without robust enforcement until judges stepped in, breathing life through public interest litigations that redefined constitutional rights.<sup>5</sup>

Judicial dynamism truly propelled this development, with the Supreme Court pioneering the notion that a pollution-free environment forms the bedrock of Article 21's right to life, expanding it beyond mere existence to wholesome living amid clean air, water, and surroundings. Landmark interventions like the Vellore Citizens case imported international principles such as polluter pays and precautionary measures into Indian jurisprudence, compelling industries to internalize ecological costs while halting projects poised to devastate groundwater or biodiversity hotspots. High Courts complemented this national thrust with localized vigor, from Delhi's relentless war on vehicular smog ordering compressed natural gas conversions to Tamil Nadu's tannery relocations safeguarding the Ganga's southern tributaries, illustrating how regional benches translated abstract doctrines into tangible remediation across India's diverse landscapes. These rulings not only filled legislative gaps but also spurred policy innovations, like mandatory environmental impact assessments that now scrutinize every major infrastructure venture, ensuring developmental ambitions bow to sustainability mandates.<sup>6</sup>

### 3. CONSTITUTIONAL PROVISIONS RELATING TO ENVIRONMENT

Article 21 stands as the linchpin, guaranteeing no deprivation of life or personal liberty except by procedure established by law, which the Supreme Court has magnificently broadened to encompass the right to a pollution-free environment as inseparable from dignified existence, ruling in landmark cases that toxic air or contaminated water assaults human health and thus violates this core entitlement. Judges have meticulously linked this to Article 14's equality guarantee and Article 19's freedoms, holding that environmental hazards disproportionately burden vulnerable communities, from slum dwellers inhaling factory fumes to fishermen losing livelihoods from mangrove destruction, prompting orders for relocating hazardous industries away from habitations or mandating effluent treatment plants before operations commence. High Courts have echoed this by tying Article 21 to swift NGT interventions, as in Delhi's air crisis where vehicular emissions were curbed through odd-

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<sup>5</sup> Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India* 34–41 (2d ed. 2001).

<sup>6</sup> Vellore Citizens Welfare Forum v. Union of India, (1996) 5 S.C.C. 647 (India).

even schemes and fuel quality upgrades, affirming that clean environs form the bedrock for exercising other freedoms like assembly or trade without the shadow of respiratory epidemics or groundwater poisoning. Through such interpretations, the judiciary has crafted absolute liability for ultra-hazardous activities, ensuring Bhopal-like tragedies trigger not just compensation but systemic reforms in chemical handling and emergency protocols nationwide.<sup>7</sup>

Article 48A directs the state to protect and improve the environment while safeguarding forests and wildlife, serving as a non-justiciable yet potent compass that courts invoke to scrutinize legislative and executive inaction, transforming policy platitudes into binding obligations through writ jurisdiction against deforestation for mining or wetland conversions for real estate. This principle synergizes with Article 47's mandate for public health elevation, compelling governments to phase out leaded fuels or enforce biomedical waste rules, as NGT benches have done by fining hospitals for improper disposals that contaminate aquifers feeding rural farmlands. Article 39(b) further aligns environmental goals with economic justice by promoting resource distribution for common good, leading judges to strike down projects displacing tribals without ecological offsets, ensuring hydroelectric dams incorporate catchment treatments to prevent silting downstream. Though unenforceable directly, these directives gain teeth via judicial creativity, as seen when Supreme Court panels monitored Ganga Action Plans, blending state duties with citizen rights to revive perennial flows choked by sewage from holy cities, illustrating how DPSPs infuse everyday governance with green imperatives amid rapid infrastructure pushes.

Article 51A(g) casts upon every citizen the obligation to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, while showing compassion for living creatures, a clause that courts have wielded to legitimize public interest litigations by any concerned individual, bypassing rigid standing rules to challenge illegal logging or poaching rings threatening tiger reserves. NGT has operationalized this by encouraging community monitoring committees in its orders against sand mafias eroding riverbanks, fostering grassroots vigilance that complements official enforcement in remote areas where bureaucratic reach falters. Judges often cite this duty alongside 51A(j)'s harmony with nature mandate, penalizing festivals involving animal cruelty or idol immersions laden with toxic paints that asphyxiate aquatic life in urban waterbodies, urging eco-friendly alternatives like

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<sup>7</sup> INDIA CONST. art. 48A

immersion-free celebrations. This provision democratizes environmentalism, empowering schoolchildren petitioning against plastic bans or villagers halting quarry blasts fracturing village wells, while Supreme Court directives link citizen compliance to state accountability, as in nationwide drives for tree transplantation during highway expansions. Together, these duties cultivate a societal ethos where environmental protection transcends courtroom battle embedding collective stewardship into daily life against the backdrop of population pressures and climate vulnerabilities.<sup>8</sup>

#### 4. PRINCIPLES OF ENVIRONMENTAL JURISPRUDENCE

Environmental jurisprudence in India rests upon a bedrock of foundational principles meticulously woven into the fabric of judicial reasoning by the Supreme Court, High Courts, and the National Green Tribunal, transforming abstract international norms into enforceable shields against ecological devastation from industrial sprawl and unchecked urbanization that once threatened to suffocate rivers, shroud cities in smog, and fragment wildlife habitats across the subcontinent. These doctrines—ranging from sustainable development's delicate equilibrium between growth and green imperatives to the polluter pays mandate holding factories accountable for toxic legacies—emerged through landmark pronouncements that filled legislative silences, empowering ordinary citizens via public interest litigations to halt dams drowning tribal heartlands or mining scars bleeding red mud into coastal estuaries. The judiciary's pioneering adoption of the precautionary principle preempted disasters by staying genetically modified crop trials amid scientific uncertainties, while the public trust doctrine reasserted rivers and forests as communal legacies inalienable for private resorts or thermal plant expansions, with NGT benches operationalizing these through expert audits quantifying biodiversity losses in monetary terms for swift restitutions.<sup>28</sup>

#### SUSTAINABLE DEVELOPMENT PRINCIPLE

The sustainable development principle lies at the heart of environmental jurisprudence in India, representing a judicially enshrined philosophy that reconciles relentless economic aspirations with the finite capacities of ecosystems, compelling the Supreme Court and National Green Tribunal to strike intricate balances in cases pitting thermal power expansions against airshed capacities or highway alignments through elephantine migratory paths in

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<sup>8</sup> INDIA CONST. art. 51A(g).

Assam's lush corridors. First crystallized in the Vellore Citizens Welfare Forum case of 1996, this doctrine mandates that developmental projects incorporate ecological foresight, as judges invoked Rio Declaration tenets to halt Tamil Nadu's tanneries from discharging chromium-laced effluents into Noyyal River tributaries, insisting on primary treatment infrastructure before resuming operations that once rendered farmlands infertile across Coimbatore's textile belt. Supreme Court pronouncements elevated sustainable development to constitutional stature under Article 21, affirming in *N.D. Jayal v. Union of India* that unchecked hydropower submersion of Tehri's valleys violated life's right absent cumulative impact modeling, prompting glacial lake outburst safeguards and catchment treatments preventing silty deluges downstream into Gangetic plains nourishing half of India's populace. NGT benches embody this principle through technical dissections, as in *Goa Foundation v. Union of India* where mining leases were suspended until sustainable extraction plans integrated dust suppression and overburden reclamation, transforming scarred laterite plateaus into stabilized grasslands supporting regrowth of endemic mynas and civets.<sup>9</sup>

## **PRECAUTIONARY PRINCIPLE**

The precautionary principle stands as a proactive cornerstone of environmental jurisprudence in India, mandating that where threats of serious or irreversible damage loom over ecosystems or public health, lack of absolute scientific certainty must not delay preventive measures, a doctrine the Supreme Court firmly embedded through the Vellore Citizens Welfare Forum ruling against tanneries spewing untreated chromium effluents into Tamil Nadu's rivers, thereby compelling primary treatment plants before chrome recovery units to avert groundwater salinization endangering rice paddies downstream. This principle empowers the judiciary and National Green Tribunal to intervene decisively against nascent risks, as seen when NGT halted the reconstruction of a dam perilously close to the Kas Plateau's fragile flower carpet in Maharashtra, a world heritage site harboring endemic carnivorous blooms, insisting on comprehensive safeguards absent conclusive data on seismic ripple effects through sensitive peatlands supporting rare microhabitats. High Courts invoke it routinely to pause municipal solid waste plants hugging residential fringes in Satara, where photographic evidence of leachate plumes signaled groundwater peril, ordering permanent closures and site remediations to shield aquifers feeding village handpumps from

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<sup>9</sup> *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India).

insidious heavy metal infiltration over unproven containment claims.<sup>10</sup>

### **POLLUTER PAYS PRINCIPLE**

The polluter pays principle forms a pivotal pillar of environmental jurisprudence in India, mandating that entities responsible for ecological degradation bear the full financial brunt of prevention, control, remediation, and compensation, a doctrine the Supreme Court unequivocally enshrined in the Vellore Citizens Welfare Forum case where Tamil Nadu tanneries faced closure unless they funded primary effluent treatment plants to halt chromium poisoning of Noyyal River catchment areas vital for Coimbatore's agrarian lifeline. This strict liability shifts the economic calculus for industries, compelling chemical factories in Bichhri village, Rajasthan, to disgorge compensation for groundwater devastation as ruled in Indian Council for Enviro-Legal Action, where hazardous sludge rendered wells undrinkable across tribal hamlets, pioneering judicial formulas quantifying soil revival costs alongside victim relief disbursements ring-fenced for bioremediation trenches neutralizing heavy metals leaching into seasonal rivulets. National Green Tribunal benches operationalize this daily, imposing crores on thermal plants for fly ash dyke breaches inundating Punjab farmlands with arsenic spikes, channeling penalties into leachate barriers and gypsum board repurposing that transforms waste into construction inputs sustaining rural economies without perpetuating contamination cycles.<sup>11</sup>

### **PUBLIC TRUST DOCTRINE**

The public trust doctrine forms a vital pillar of environmental jurisprudence in India, casting the state as a trustee duty-bound to preserve rivers, forests, seashores, and other natural resources for public enjoyment and ecological continuity, a principle invigorated by the Supreme Court's groundbreaking *M.C. Mehta v. Kamal Nath* ruling that annulled motel leases on Himachal Pradesh riverbanks where stream diversions for commercial luxury imperiled trout habitats and downstream flows sustaining terraced farmlands cascading into Beas valleys. This ancient Roman concept, revitalized through American precedents and rooted in Indian traditions of sacred groves policed by village panchayats, prohibits government alienation of trust properties to private entities for profit-driven exploitation, prompting High Courts to demolish multi-story apartments encroaching Bengaluru's lake

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<sup>10</sup> *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India).

<sup>11</sup> *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 3 S.C.C. 212 (India).

beds where sewage overflows once triggered malarial outbreaks amid shrinking recharge zones feeding the city's parched aquifers. National Green Tribunal benches wield it routinely against sand mining cartels gouging Krishna River beds, ordering restitutions that dredge trapped sediments restoring perennial flows vital for delta paddy harvests supporting millions in Andhra lowlands.<sup>12</sup>

## **INTERGENERATIONAL EQUITY**

Intergenerational equity emerges as a profound axiom in India's environmental jurisprudence, compelling the Supreme Court, High Courts, and National Green Tribunal to safeguard natural endowments like pristine Himalayan glaciers, verdant Western Ghats canopies, and perennial river flows for unborn inheritors who cannot litigate their dispossession, a principle luminously articulated in the *State of Himachal Pradesh v. Ganesh Wood Products* where justices halted katha extraction from khair trees that would denude forests essential for future soil conservation amid intensifying monsoons scouring fragile slopes. This doctrine posits current stewards as mere custodians rather than owners, ensuring mining booms in Odisha's bauxite highlands or thermal sprawls across Indo-Gangetic basins bequeath restored ecosystems rather than toxic legacies, as NGT benches enforced in Goa mining suspensions demanding sustainable caps preserving laterite aquifers filtering monsoonal deluges into coastal rice bowls teeming with kingfishers darting over paddy reflections. High Courts invoke it to veto coastal concretizations devouring Tamil Nadu mangroves that buffer tsunamis safeguarding fisherfolk lineages dependent on tidal prawn nurseries for generational trades plied across Coromandel shores.<sup>13</sup>

## **ABSOLUTE LIABILITY PRINCIPLE**

The absolute liability principle represents a groundbreaking evolution in India's environmental jurisprudence, discarding traditional defenses like act of God or third-party interference to impose unrelenting responsibility on enterprises engaged in hazardous activities, a doctrine forged in the crucible of the 1987 Oleum gas leak case through *M.C. Mehta v. Union of India* where the Supreme Court rejected English strict liability exceptions, mandating Shriram Foods to compensate victims from toxic fumes engulfing Delhi neighborhoods while pioneering enterprise liability scaled to financial capacity ensuring

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<sup>12</sup> *M.C. Mehta v. Kamal Nath*, (1997) 1 S.C.C. 388 (India).

<sup>13</sup> *State of Himachal Pradesh v. Ganesh Wood Products*, (1995) 6 S.C.C. 363 (India).

deep-pocketed polluters fund full restitutions without escape clauses. This no-fault regime extends beyond personal injuries to ecological devastation, as affirmed in the Bichhri village ruling where Rajasthan's chemical units faced orders to excavate and bioremediate sludge-contaminated soils leaching arsenic into tribal wells, integrating polluter pays to compel industries bear cleanup costs transforming barren farmlands back into mustard fields sustaining village dairies. National Green Tribunal benches apply it routinely against styrene leaks in Visakhapatnam, levying fifty crore penalties on LG Polymers for mangrove die-offs endangering olive ridley turtle arribadas along Andhra coasts, channeling funds into desalination barriers reviving shrimp nurseries critical for fisherwomen cooperatives bartering catches at dawn mandis.<sup>14</sup>

## 5. ROLE OF JUDICIARY IN ENVIRONMENTAL PROTECTION

The judiciary in India has emerged as a formidable force in environmental protection, stepping into the breach left by faltering legislative enforcement and executive complacency to champion ecological integrity through bold interpretations of constitutional rights and innovative procedural tools that have reshaped governance across polluted river basins, smog-choked urban sprawls, and deforestation-threatened biodiversity corridors spanning the Himalayas to the Sundarbans. Since the post-Stockholm awakening of the 1970s, when courts first linked Article 21's right to life with pollution-free environs, the Supreme Court and High Courts have authored over a thousand verdicts transforming passive statutes into active remedies, relocating hazardous industries from sacred riverbanks, mandating cleaner vehicular fuels in megacities, and halting mining leases abutting tiger reserves where seismic blasts once reverberated through sal forests sustaining elephant migratory paths vital for genetic diversity. Public interest litigation revolutionized access, allowing fishermen and slum dwellers to invoke judicial might against upstream dams silting coastal estuaries or e-waste dumps exhaling dioxins over schoolyards, while the National Green Tribunal's 2010 inception infused technical precision into green adjudication, enabling swift penalties on fly ash dyke breaches flooding farmlands and sand mafias eroding perennial flows nurturing lotus wetlands teeming with sarus cranes.<sup>15</sup>

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<sup>14</sup> M.C. Mehta v. Union of India, (1987) 1 S.C.C. 395 (India).

<sup>15</sup> Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India* 73–80 (2d ed. 2001).

## **PUBLIC INTEREST LITIGATION AND ENVIRONMENTAL JUSTICE**

Public interest litigation has revolutionized environmental justice in India, dismantling traditional locus standi barriers to empower ordinary citizens, activists, and NGOs to invoke judicial authority against ecological depredations that once went unchallenged, allowing a simple letter from Rural Litigation and Entitlement Kendra to catalyze the Supreme Court's Dehradun limestone quarry closures where hillside scars threatened Doon Valley springs quenching terraced orchards cascading into fragile Himalayan foothills. This epistolary innovation transformed courts into accessible forums where fishermen could petition against upstream dams silting Sundarbans mangroves nurturing tiger prawns vital for coastal mandis, while slum dwellers filed against e-waste smelters exhaling dioxins over Mumbai schoolyards, with justices treating newspaper clippings as writ petitions to preempt disasters mirroring Bhopal's toxic legacy across chemical corridors. The M.C. Mehta Ganga series exemplified PIL's sweep, compelling relocation of thousands of polluting tanneries from Kolkata to Kanpur riverbanks, enforcing effluent treatment cascades that revived Noyyal tributaries teeming with otters darting through lotus thickets, ensuring sacred waters flowed clean for pilgrims and downstream fisheries sustaining Bengal's hilsa-centric festivals.<sup>16</sup> Supreme Court benches harnessed PIL to infuse environmental principles into verdicts, as in Vellore Citizens where precautionary mandates halted chromium discharges poisoning Tamil Nadu aquifers, channeling polluter restitutions into bioremediation trenches neutralizing heavy metals for Coimbatore's paddy belts dependent on monsoon-recharged wells ringed by palm groves. Delhi vehicle pollution PILs birthed CNG revolutions slashing smog veils shrouding Yamuna sunrises, with continuous mandamus verifying emission grids across auto rickshaw fleets powering migrant economies through congested bylanes, while High Courts in Chennai reclaimed Pallikaranai marsh from garbage mountains smothering flamingo flocks filtering urban runoff into Bay of Bengal nurseries.

## **JUDICIAL CONTRIBUTION TO ENVIRONMENTAL GOVERNANCE**

The Indian judiciary has profoundly shaped environmental governance by transforming constitutional provisions and statutory frameworks into dynamic instruments of ecological stewardship, filling institutional voids through continuous oversight that compels pollution control boards to enforce effluent standards across industrial clusters fouling sacred rivers

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<sup>16</sup> S.P. Gupta v. Union of India, 1981 Supp. S.C.C. 87 (India).

and urban bodies to expand green lungs amid concretized sprawls devouring city wetlands. Supreme Court interventions pioneered policy innovations like mandatory environmental impact assessments scrutinized through expert committees appointed in landmark Ganga rejuvenation writs, directing real-time monitoring grids tracking dissolved oxygen rebounds that revived dolphin habitats gliding through cleaner currents past Varanasi ghats while synchronizing multi-state sewage treatment timelines spanning Bihar to Bengal floodplains nourished by perennial flows. High Courts complemented this with region-specific mandates, as Delhi benches birthed graded response actions shutting construction during winter inversions when PM<sub>2.5</sub> veils endangered schoolchildren inhaling across Yamuna oxbows, while Kerala justices enforced coastal regulation zones preserving backwater karimeen fisheries powering toddy-tapped houseboat economies against resort encroachments fragmenting palm-fringed canals.<sup>17</sup>

Judicial creativity fused public interest litigation with administrative directives, appointing amicus curiae to audit fly ash dyke compliances in Singrauli coalfields where thermal plumes once mercury-laced horizons, channeling NGT penalties into electrostatic precipitators capturing particulates for rural brickmaking offsetting sal scarcities amid riparian fuelwood pressures filtering monsoon runoff into Ganga headwaters. The Godavarman forest governance revolutionized resource mapping, enforcing dictionary-based woodlands beyond revenue records to ban unapproved diversions, blanketing Odisha bauxite plateaus with compensatory sal groves buffering landslides ravaging cashew orchards sustained by langur-dispersed seeds cascading through Eastern Ghats rainshadows sustaining Adivasi millet terraces. Continuous mandamus sustained long-term executive accountability, from Taj Trapezium coke oven conversions where Mathura refineries funded marble saviors encircling Agra's icon against acid rains to stubble burning writs subsidizing pelletizers across Punjab-Haryana breadbaskets, pelletizing residues into cattle fodder slashing Indo-Gangetic smog while bolstering MSP-strapped farmer incomes through residue markets.

## 6. NATIONAL GREEN TRIBUNAL (NGT) AND ENVIRONMENTAL JUSTICE

The National Green Tribunal stands as a revolutionary institution in India's environmental jurisprudence, bridging the chasm between visionary judicial doctrines and practical

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<sup>17</sup> Ministry of Environment & Forests, *National Environment Policy* (2006) (India).

enforcement by blending legal acumen with scientific expertise to deliver swift justice against ecological violations that once overwhelmed regular courts bogged down by procedural formalities and backlogs spanning decades. Established in 2010 as the third country globally after Australia and New Zealand to create such a specialized environmental forum, the NGT has handled thousands of cases involving river pollution choking sacred Ganga stretches, illegal mining scarring Goa plateaus, and urban waste mountains smothering Chennai wetlands, issuing time-bound orders that compel industries to fund their own remediation from effluent treatment cascades to mangrove restorations buffering cyclone-prone coasts. Its multi-disciplinary benches strategically positioned across New Delhi, Bhopal, Pune, Kolkata, and Chennai ensure regional accessibility, allowing fishermen from Yamuna banks or Adivasi villagers from Niyamgiri hills to seek redress against sand mafias eroding perennial flows or bauxite digs threatening sacred pollinator corridors sustaining millet terraces across Eastern Ghats rainshadows. Complementing Supreme Court activism, the NGT operationalizes principles like polluter pays through quantified penalties channeling crores into leachate barriers neutralizing fly ash toxins flooding Punjab farmlands, while precautionary halts preempt genetically modified crop trials amid unresolved biodiversity risks to Punjab's berseem fodder chains vital for dairy herds traversing verdant Indo-Gangetic lowlands.<sup>18</sup>

## **ESTABLISHMENT OF THE NATIONAL GREEN TRIBUNAL**

The NGT's genesis traces back to India's Rio Summit commitments in 1992, where vows for judicial remedies to pollution victims evolved through Supreme Court calls for specialized environmental courts post-Oleum gas leak and Bhopal tragedies, culminating in the National Green Tribunal Act of 2010 enacted on October 18th that year to replace the ineffective National Environment Appellate Authority with a robust forum drawing Article 21 inspiration for healthy environs as life's fundamental entitlement. Operationalized in 2011 with Justice L.S. Panta's appointment as first chairperson, the tribunal addressed glaring gaps where regular courts struggled with technical complexities like groundwater arsenic modeling from thermal ash ponds or carrying capacity audits for Himalayan hydropower fracturing trout streams in Lohit Valley, establishing principal benches in New Delhi alongside regional outposts in Bhopal serving central pollution hotspots, Pune overseeing Western Ghats mining threats, Kolkata tackling Sundarbans mangrove encroachments, and Chennai confronting

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<sup>18</sup> National Green Tribunal Act, No. 19 of 2010 (India).

coastal regulation violations salinizing Tamil Nadu aquifers nurturing paddy belts dependent on monsoon-recharged bores ringed by coconut groves. Parliamentary debates highlighted urgency amid escalating industrial effluents fouling eight Ganga states and illegal sand dredging eroding perennial Yamuna flows vital for oxbow sarus crane habitats, positioning NGT as democracy's green sentinel unbound by Civil Procedure Code rigors yet guided by natural justice principles ensuring litigants from beedi clusters or fisher cooperatives access expert adjudication without protracted delays crippling traditional writ jurisdictions.<sup>19</sup>

## **JURISDICTION AND POWERS OF NGT**

NGT wields original jurisdiction over civil environmental disputes under Water Act, Air Act, EPA, Forest Acts, Biological Diversity, and Public Liability statutes excluding criminal matters, empowering benches to grant permanent injunctions halting illegal sand dredging eroding Krishna banks or issue compensation awards quantified through scientific audits for coastal aquaculture salinizing Andhra groundwater where once freshwater lagoons quenched paddy thirsts supporting palm leaf artisan trades. Appellate powers review environmental clearances within 30 days via stay capacities pausing hydropower drownings fracturing Himalayan fragile slopes until glacial outburst models confirm downstream safety for Assam tea estates harvesting amid riparian figs fruiting for hornbill seed dispersers across floodplains, while discovery-inspection-verification mechanisms compel polluters submit effluent logs verifying zero-liquid discharge cascades irrigating peri-urban farms sans antibiotic cascades disrupting poultry microbiomes feeding urban proteins. Civil court-like powers summon witnesses, enforce discovery from reluctant pollution boards concealing groundwater arsenic spikes wilting mustard fields, and execute decrees through district magistrates recovering penalties as land revenue arrears funding plasma gasification converting Mumbai landfill mounds into energy grids powering slum streetlights amid monsoon deluges. Supreme Court appellate oversight within 90 days tempers authority yet upholds NGT primacy, as seen when Thoothukudi Sterlite closures withstood industry stays despite sulfur plumes asphyxiating harbor fisheries, channeling fifty crore restitutions into desalination grids reviving shrimp belts navigating ancestral olive ridley currents past Tamil Nadu shores where dawn mandis echoed with cooperative barterers.<sup>20</sup>

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<sup>19</sup> National Green Tribunal Act, No. 19 of 2010, § 3 (India).

<sup>20</sup> National Green Tribunal Act, No. 19 of 2010, §§ 14–20 (India).

## 7. CONCLUSION

India's environmental jurisprudence reveals a judiciary and National Green Tribunal relentlessly championing ecological integrity against relentless developmental pressures, where Supreme Court benches transformed Article 21's life protections into wholesome environment entitlements through Dehradun quarry closures restoring Mussoorie springs quenching terraced apple orchards cascading fragile Himalayan foothills, while NGT technical benches quantified Goa mining scars in hectare equivalents funding cashew reclamations sprouting amid scarred plateaus buffering monsoonal erosion nurturing coastal rice bowls teeming with juvenile crabs powering Kutch cooperatives through tidal prawn nurseries darting mangrove mazes. This doctrinal evolution imported sustainable development balancing Taj Trapezium coke conversions preserving Agra's marble icon against acid rains with tourism economies sustaining downstream weavers, alongside precautionary halts shielding Punjab berseem fodder chains from Bt brinjal pollinator uncertainties traversing Indo-Gangetic dairy migrations, and absolute liability discarding negligence defenses post-Oleum gas leaks compelling chemical giants fund nationwide insurance pools preempting styrene clouds endangering Visakhapatnam fisherwomen bartering shrimp hauls past olive ridley arribadas navigating ancestral currents shadowed by industrial haze. Public interest litigation democratized access where beedi clusters invoked public trust against quarry blasts fracturing village aquifers feeding mustard paddies ringed by banyan groves, while continuous mandamus sustained Ganga rejuvenations synchronizing sewage grids across eight states reviving dolphin habitats gliding cleaner Varanasi flows past holy ghats nourishing hilsa fisheries central to Bengal's cultural hearths resonant with dawn mandibarters.

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