

The Role of the National Green Tribunal in Ensuring Access to Environmental Justice: A Critical Evaluation

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Abstract—Environmental degradation has emerged as one of the most pressing challenges of the modern era. Rapid industrialization, urbanization, deforestation, pollution, climate change, and unsustainable exploitation of natural resources have significantly affected ecological balance and public health. In India, environmental disputes have increased considerably, requiring specialized mechanisms capable of addressing complex scientific and legal issues. Recognizing the limitations of conventional courts in dealing with environmental litigation, Parliament enacted the National Green Tribunal Act, 2010 and established the National Green Tribunal (NGT) as a specialized forum for environmental adjudication. The Tribunal was created to ensure effective and expeditious disposal of environmental disputes and to provide relief and compensation to victims of environmental damage. Since its establishment, the NGT has played a significant role in promoting environmental governance, enforcing environmental laws, and advancing principles such as sustainable development, the precautionary principle, and the polluter pays principle. However, concerns continue to exist regarding jurisdictional limitations, infrastructural challenges, implementation of orders, and accessibility. This paper critically evaluates the role of the National Green Tribunal in ensuring environmental justice in India. It examines the constitutional and statutory framework of the Tribunal, analyses landmark decisions, assesses its contribution to environmental protection, and identifies challenges that affect its effectiveness. The study concludes that while the NGT has substantially strengthened environmental governance, continuous reforms are necessary to enhance its institutional capacity and effectiveness.

Index Terms—National Green Tribunal, Polluter Pays Principle, Environmental Protection, Environmental Jurisdiction

I. Introduction

Environmental protection has become one of the most significant concerns of contemporary legal systems across the world. Economic development and industrial growth have undoubtedly contributed to improvements in living standards and national prosperity. However, these developments have also generated serious environmental consequences, including air pollution, water contamination, deforestation, biodiversity loss, and climate-related challenges. Environmental degradation affects not only natural resources but also human health, livelihoods, and the quality of life of present and future generations. Consequently, the pursuit of sustainable development requires effective legal and institutional mechanisms capable of balancing developmental objectives with environmental protection.¹

¹ Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India* 3–10 (Oxford University Press, New Delhi, 2nd edn., 2001).

India has experienced rapid economic growth during the past few decades, accompanied by increasing environmental pressures. Industrial expansion, urban development, mining activities, infrastructure projects, and population growth have intensified environmental conflicts throughout the country. These conflicts often involve complex questions relating to ecological sustainability, public health, resource utilization, and intergenerational equity. Traditional judicial institutions, while playing a significant role in environmental protection, frequently encountered difficulties in addressing the growing volume and technical complexity of environmental disputes.²

The Indian judiciary has historically played an active role in environmental jurisprudence. Through Public Interest Litigation, the Supreme Court and High Courts expanded the scope of environmental rights and developed several important legal principles. The interpretation of Article 21 of the Constitution transformed environmental protection into an essential component of the right to life and personal liberty. Judicial decisions established doctrines such as sustainable development, the precautionary principle, public trust doctrine, and the polluter pays principle.³ While these developments significantly strengthened environmental law, concerns remained regarding delays, technical expertise, and the effectiveness of conventional courts in handling specialized environmental disputes.

The need for a specialized environmental adjudicatory body became increasingly evident. International developments also influenced this process. Principle 10 of the Rio Declaration on Environment and Development emphasized public participation and access to judicial and administrative remedies in environmental matters.⁴ Similarly, India's obligations under various international environmental agreements highlighted the necessity of effective domestic mechanisms for environmental dispute resolution.

Responding to these concerns, Parliament enacted the National Green Tribunal Act, 2010 and established the National Green Tribunal. The Tribunal was designed as a specialized judicial institution possessing expertise in environmental law and science. Its primary objective is to ensure effective and expeditious disposal of cases relating to environmental protection, conservation of forests, natural resources, and enforcement of environmental rights.⁵ The Tribunal represents a significant institutional innovation aimed at improving access to environmental justice and strengthening environmental governance.

The concept of environmental justice extends beyond mere enforcement of environmental regulations. It encompasses the right of individuals and communities to live in a healthy environment, participate in environmental decision-making, and obtain effective remedies against environmental harm. Environmental justice seeks to ensure that environmental benefits and burdens are distributed fairly and that vulnerable communities are protected from disproportionate environmental risks. The National Green Tribunal plays a

² P. Leelakrishnan, *Environmental Law in India* 18–25 (LexisNexis, Nagpur, 4th edn., 2019).

³ *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598; *M.C. Mehta v. Union of India*, (1987) 1 SCC 395.

⁴ Rio Declaration on Environment and Development, 1992, Principle 10.

⁵ The National Green Tribunal Act, 2010 (Act 19 of 2010), Preamble.

critical role in advancing these objectives by providing a specialized forum where environmental grievances can be addressed efficiently and effectively.

Since its establishment, the NGT has delivered numerous significant decisions concerning pollution control, waste management, mining activities, forest conservation, environmental impact assessment, and protection of ecological resources. These decisions have strengthened regulatory compliance and promoted accountability among governmental authorities and private actors. At the same time, the Tribunal has faced criticism relating to institutional limitations, vacancies, implementation challenges, and restricted geographical accessibility.⁶

This paper critically evaluates the role of the National Green Tribunal in ensuring access to environmental justice in India. It examines the evolution of environmental adjudication, analyses the constitutional and statutory framework governing the Tribunal, studies its jurisdiction and powers, evaluates landmark judgments, and identifies challenges affecting its effectiveness. The study seeks to assess whether the NGT has successfully fulfilled the objectives for which it was established and to propose reforms aimed at strengthening environmental governance in India.

II. Evolution of Environmental Jurisdiction in India

The development of environmental adjudication in India reflects the gradual recognition that environmental protection is essential for sustainable development and human well-being. Prior to the emergence of specialized environmental institutions, environmental disputes were primarily addressed through ordinary civil and criminal remedies. However, these mechanisms often proved inadequate due to procedural delays, limited expertise, and the technical complexity of environmental issues. As environmental challenges intensified, the need for more effective adjudicatory mechanisms became increasingly apparent.

The constitutional foundation of environmental protection in India emerged through judicial interpretation and constitutional amendments. The Forty-Second Constitutional Amendment introduced Article 48A, which directs the State to protect and improve the environment and safeguard forests and wildlife. Simultaneously, Article 51A(g) imposed a fundamental duty upon citizens to protect and improve the natural environment.⁷ These provisions established environmental protection as a constitutional objective and provided a foundation for future legal developments.

The judiciary played a transformative role in shaping environmental jurisprudence. Through a series of landmark decisions, the Supreme Court expanded the scope of Article 21 and recognized the right to a clean and healthy environment as an integral aspect of the right to life. In *M.C. Mehta v. Union of India*, the Court emphasized the importance of environmental protection and developed principles governing environmental

⁶ Gitanjali Nain Gill, *Environmental Justice and the National Green Tribunal in India* 45–53 (Routledge, London, 2017).

⁷ The Constitution of India, arts. 48A and 51A(g).

liability.⁸ Similarly, *Vellore Citizens Welfare Forum v. Union of India* introduced the principles of sustainable development, precaution, and polluter pays into Indian environmental law.⁹ These decisions significantly strengthened environmental governance and established a robust body of environmental jurisprudence.

Despite judicial activism, conventional courts faced practical limitations in dealing with environmental disputes. Environmental cases frequently involve scientific evidence, technical assessments, ecological considerations, and specialized regulatory frameworks. Ordinary courts often lacked the institutional capacity necessary to address such complexities efficiently. Delays in litigation further reduced the effectiveness of environmental remedies, particularly in situations where immediate intervention was necessary to prevent irreversible ecological damage.

Recognizing these challenges, the Law Commission of India and various expert committees recommended the establishment of specialized environmental courts. The Supreme Court also highlighted the need for dedicated environmental adjudicatory bodies possessing technical expertise. These recommendations eventually culminated in the enactment of the National Green Tribunal Act, 2010.¹⁰

The establishment of the National Green Tribunal marked a significant milestone in the evolution of environmental adjudication in India. Unlike ordinary courts, the NGT combines judicial and expert members, thereby ensuring that environmental disputes are examined from both legal and scientific perspectives. The Tribunal was conceived as a specialized institution capable of delivering speedy, effective, and informed decisions in environmental matters.

The creation of the NGT reflects a broader trend towards specialized adjudication in areas involving technical complexity and public interest considerations. By providing a dedicated forum for environmental disputes, the Tribunal seeks to enhance access to justice, strengthen environmental governance, and promote sustainable development. Its establishment represents the culmination of decades of judicial, legislative, and policy efforts aimed at creating a more effective environmental justice system in India.

III. Constitutional and Statutory Framework of the National Green Tribunal

The National Green Tribunal derives its legitimacy and authority from both constitutional principles and statutory provisions. Environmental protection in India is not merely a matter of policy but has evolved into a constitutional commitment supported by judicial interpretation, legislative action, and international obligations. The establishment of the National Green Tribunal reflects the recognition that environmental protection and access to justice are essential components of a democratic and welfare-oriented legal system. The Tribunal therefore operates within a broader constitutional framework that seeks to balance developmental objectives with ecological sustainability.

⁸ (1987) 1 SCC 395.

⁹ (1996) 5 SCC 647.

¹⁰ Law Commission of India, *186th Report on Proposal to Constitute Environment Courts* 15–24 (2003).

The constitutional foundation of environmental protection is primarily found in Articles 21, 48A, and 51A(g) of the Constitution of India. Although the Constitution originally did not expressly recognize environmental rights, judicial interpretation significantly expanded constitutional protection in this area. Article 21 guarantees the right to life and personal liberty and has been interpreted by the Supreme Court to include the right to live in a clean, healthy, and pollution-free environment.¹¹ Through a series of landmark judgments, the Court emphasized that environmental degradation directly affects the quality of life and therefore falls within the ambit of constitutional protection.

Article 48A, introduced by the Forty-Second Constitutional Amendment, directs the State to protect and improve the environment and to safeguard forests and wildlife.¹² Although contained within the Directive Principles of State Policy, the provision serves as an important guide for legislative and administrative action. It reflects the constitutional commitment towards sustainable development and environmental conservation. Complementing this provision is Article 51A(g), which imposes a fundamental duty upon every citizen to protect and improve the natural environment, including forests, lakes, rivers, and wildlife.¹³ Together, these provisions establish environmental protection as a shared responsibility of the State and citizens.

The constitutional jurisprudence relating to environmental protection has been significantly influenced by judicial activism. In *Subhash Kumar v. State of Bihar*, the Supreme Court held that the right to pollution-free water and air forms an essential part of the right to life under Article 21.¹⁴ Similarly, in *M.C. Mehta v. Union of India*, the Court emphasized the necessity of environmental protection and developed innovative principles to address environmental harm.¹⁵ These decisions laid the groundwork for the emergence of environmental justice as a constitutional objective.

The statutory framework governing the National Green Tribunal is provided by the National Green Tribunal Act, 2010. The Act was enacted to establish a specialized forum for effective and expeditious disposal of cases relating to environmental protection, conservation of forests, and enforcement of legal rights relating to the environment.¹⁶ The legislation was enacted in response to recommendations advocating the creation of dedicated environmental courts possessing technical expertise. It reflects the recognition that environmental disputes often involve scientific and technical issues requiring specialized adjudication. The Preamble to the National Green Tribunal Act emphasizes the objective of providing effective and expeditious remedies in environmental matters and implementing principles recognized in international environmental law.¹⁷ The Act seeks to reduce delays in environmental litigation and improve access to

¹¹ *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.

¹² *Supra* note 7, art. 48A.

¹³ *Id.*, art. 51A(g).

¹⁴ *Supra* note 11.

¹⁵ *Supra* note 8.

¹⁶ *Supra* note 5.

¹⁷ *Id.*

environmental justice by creating a forum capable of addressing complex environmental disputes in a timely manner.

Section 3 of the Act provides for the establishment of the National Green Tribunal.¹⁸ The Tribunal consists of a Chairperson, Judicial Members, and Expert Members possessing specialized knowledge and experience in environmental matters. The inclusion of expert members distinguishes the Tribunal from ordinary courts and enhances its ability to evaluate scientific and technical evidence. This multidisciplinary composition represents one of the most innovative features of the institution.

The jurisdiction of the Tribunal is primarily governed by Sections 14, 15, and 16 of the Act. Section 14 confers original jurisdiction over substantial questions relating to the environment arising from the implementation of specified environmental statutes.¹⁹ Section 15 empowers the Tribunal to provide relief and compensation to victims of pollution and environmental damage and to order restitution of damaged property and ecosystems.²⁰ Section 16 grants appellate jurisdiction over orders and decisions made under various environmental enactments. Together, these provisions create a comprehensive framework enabling the Tribunal to address a broad range of environmental disputes.

Another important feature of the Act is Section 19, which provides that the Tribunal shall not be bound by the strict rules of procedure contained in the Code of Civil Procedure, 1908.²¹ Instead, it is guided by principles of natural justice. This procedural flexibility facilitates expeditious adjudication and enables the Tribunal to respond effectively to the unique requirements of environmental litigation.

The most significant provision in the Act is Section 20, which mandates the application of the principles of sustainable development, the precautionary principle, and the polluter pays principle.²² These principles constitute the cornerstone of modern environmental jurisprudence and guide the Tribunal in resolving environmental disputes. Their statutory incorporation demonstrates the commitment of Indian environmental law to internationally recognized standards of environmental governance.

The constitutional and statutory framework of the National Green Tribunal therefore reflects a comprehensive effort to strengthen environmental protection and access to justice. By combining constitutional values with specialized adjudicatory mechanisms, the framework seeks to ensure that environmental disputes are resolved efficiently, fairly, and in accordance with principles of sustainability and ecological responsibility. The creation of the Tribunal represents a significant step towards institutionalizing environmental justice within the Indian legal system.

¹⁸ *Id.*, s. 3.

¹⁹ *Id.*, s. 14.

²⁰ *Id.*, s. 15.

²¹ *Id.*, s. 19.

²² *Id.*, s. 20.

IV. Jurisdiction, Powers and Functions of the National Green Tribunal

The effectiveness of any adjudicatory institution depends upon the scope of its jurisdiction and the powers conferred upon it. The National Green Tribunal has been entrusted with extensive authority to address environmental disputes, provide remedies, and enforce environmental obligations. Its jurisdiction is broader than that of many conventional tribunals because it combines original, appellate, and remedial functions within a specialized environmental framework. These powers enable the Tribunal to play a crucial role in promoting environmental accountability and access to justice.

The original jurisdiction of the Tribunal is contained in Section 14 of the National Green Tribunal Act, 2010. The provision empowers the Tribunal to adjudicate civil cases involving substantial questions relating to the environment arising from the implementation of specified environmental enactments.²³ Such disputes may concern pollution, ecological degradation, environmental clearances, forest conservation, waste management, biodiversity protection, and related issues. The requirement that a substantial environmental question be involved ensures that the Tribunal focuses upon matters having significant environmental implications.

The Tribunal's jurisdiction extends to disputes arising under several major environmental statutes. These include the Water (Prevention and Control of Pollution) Act, 1974, the Water (Prevention and Control of Pollution) Cess Act, 1977, the Forest (Conservation) Act, 1980, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability Insurance Act, 1991, and the Biological Diversity Act, 2002.²⁴ The inclusion of these enactments provides the Tribunal with a broad mandate covering multiple dimensions of environmental governance.

Section 15 grants the Tribunal the power to award relief and compensation to victims of pollution and environmental damage.²⁵ The provision recognizes that environmental harm frequently affects communities, individuals, and ecosystems in complex ways. Compensation may therefore be awarded not only for personal injury and property damage but also for ecological restoration and environmental rehabilitation. This remedial jurisdiction distinguishes the Tribunal from many conventional judicial forums and strengthens its role in ensuring environmental justice.

The appellate jurisdiction of the Tribunal is provided under Section 16 of the Act.²⁶ Parties aggrieved by orders, decisions, directions, or determinations made under specified environmental statutes may appeal before the Tribunal. This function enables the NGT to review administrative decisions and ensure compliance with environmental laws and principles. The appellate mechanism strengthens accountability and provides affected persons with an effective avenue for challenging environmentally harmful decisions.

²³ *Id.*

²⁴ *Id.*, Sch. I.

²⁵ *Id.*

²⁶ *Id.*, s. 16.

A notable feature of the Tribunal is its power to grant interim relief. Environmental damage is often irreversible if preventive action is delayed. Consequently, the Tribunal may issue interim directions, stay harmful activities, and impose restrictions pending final adjudication. Such powers are essential for preventing ecological harm and preserving environmental resources while disputes remain under consideration.

The Tribunal also possesses powers relating to environmental restoration. In numerous cases, it has directed governmental authorities, industries, and project developers to undertake remedial measures aimed at restoring damaged ecosystems. These powers reflect the recognition that environmental adjudication should focus not merely upon compensation but also upon ecological recovery and sustainability.

The flexibility provided by Section 19 significantly enhances the Tribunal's effectiveness. As noted earlier, the Tribunal is not bound by strict procedural rules and may regulate its own procedure according to the principles of natural justice.²⁷ This flexibility enables the Tribunal to adopt a problem-solving approach suited to environmental disputes and facilitates participation by affected communities and stakeholders.

Perhaps the most distinctive aspect of the Tribunal's functioning is the mandatory application of environmental principles under Section 20. The principles of sustainable development, precaution, and polluter pays guide the Tribunal in all decision-making processes.²⁸ These principles ensure that environmental protection remains central to adjudication and that decisions are aligned with long-term ecological sustainability.

The Tribunal has exercised these powers in numerous significant cases involving industrial pollution, mining operations, environmental clearances, waste management, river conservation, and biodiversity protection. Through its interventions, it has contributed substantially to environmental governance and demonstrated the practical importance of specialized environmental adjudication.

The jurisdiction, powers, and functions of the National Green Tribunal therefore establish it as one of the most significant environmental institutions in India. Its broad authority, combined with technical expertise and procedural flexibility, enables it to address environmental disputes more effectively than conventional judicial forums. These features have strengthened access to environmental justice and enhanced the enforcement of environmental rights throughout the country.

V. Landmark Judgments and Contribution of the National Green Tribunal to Environmental Justice

The National Green Tribunal has emerged as one of the most significant environmental institutions in India since its establishment in 2010. Through a series of landmark decisions, the Tribunal has strengthened environmental governance, promoted accountability, and enhanced public participation in environmental decision-making. The Tribunal's contribution extends beyond dispute resolution; it has

²⁷ *Id.*

²⁸ *Id.*

played a transformative role in developing environmental jurisprudence and ensuring that environmental rights receive effective legal protection. Its decisions have frequently reflected the principles of sustainable development, precaution, intergenerational equity, and the polluter pays principle, thereby reinforcing the broader objectives of environmental justice.

One of the most important cases illustrating the Tribunal's role in environmental governance is *Save Mon Region Federation v. Union of India*.²⁹ The matter concerned environmental clearance granted for a hydroelectric project in Arunachal Pradesh. The Tribunal emphasized the importance of proper environmental impact assessment and public participation in environmental decision-making. It highlighted that environmental clearances cannot be treated as mere administrative formalities and must be granted only after careful consideration of ecological consequences. The decision reinforced the principle that developmental projects must be evaluated in light of their environmental impact and sustainability.

The Tribunal also demonstrated its commitment to environmental protection in matters concerning industrial pollution. In several cases involving industries operating without adequate environmental safeguards, the NGT directed closure of polluting units, imposed environmental compensation, and ordered restoration of damaged ecosystems. Such interventions have strengthened compliance with environmental laws and emphasized that economic development cannot occur at the expense of ecological sustainability.³⁰

A notable contribution of the Tribunal relates to waste management. Rapid urbanization has generated serious challenges concerning solid waste, plastic waste, biomedical waste, and hazardous waste management. The NGT has repeatedly issued directions to municipal authorities and governmental agencies to implement waste management rules effectively. These decisions have contributed significantly to improving environmental governance and public health standards.³¹

The Tribunal has also played a crucial role in addressing river pollution and water conservation. In numerous proceedings concerning the pollution of rivers such as the Ganga and Yamuna, the NGT has directed governmental authorities to strengthen pollution control measures, regulate industrial discharges, and improve sewage treatment infrastructure. Such interventions demonstrate the Tribunal's proactive approach towards protecting natural resources and ensuring ecological sustainability.³²

The Supreme Court's decision in *Municipal Corporation of Greater Mumbai v. Ankita Sinha* further strengthened the role of the Tribunal by recognizing its power to initiate proceedings suo motu in appropriate circumstances.³³ The Court observed that environmental issues frequently affect public interests and may require intervention even in the absence of formal complaints. This recognition significantly enhanced the Tribunal's capacity to address environmental harm and protect ecological resources.

²⁹ Appeal No. 39 of 2012 (National Green Tribunal).

³⁰ *Sterlite Industries (India) Ltd. v. Tamil Nadu Pollution Control Board*, (2013) 4 SCC 575.

³¹ *Almitra H. Patel v. Union of India*, Original Application No. 199 of 2014 (National Green Tribunal, Principal Bench, New Delhi).

³² *Manoj Mishra v. Union of India*, Original Application No. 06 of 2012 (National Green Tribunal, Principal Bench, New Delhi).

³³ (2021) 8 SCC 733.

The contribution of the NGT to environmental justice is also evident in its application of environmental principles. The Tribunal consistently applies the polluter pays principle by directing polluters to bear the cost of environmental restoration and compensation. It similarly relies upon the precautionary principle when scientific uncertainty exists regarding potential environmental harm. These principles have become integral to environmental adjudication and have strengthened the preventive dimension of environmental law.³⁴

The Tribunal has further promoted access to environmental justice by providing a specialized forum where citizens, communities, environmental organizations, and affected individuals can seek remedies against environmental harm. Compared to conventional litigation, proceedings before the Tribunal are generally more accessible, efficient, and technically informed. The presence of expert members ensures that scientific and environmental considerations receive appropriate attention during adjudication.

Another significant aspect of the Tribunal's contribution is its role in promoting sustainable development. Rather than adopting an exclusively preservationist approach, the NGT seeks to balance environmental protection with developmental needs. This balanced approach recognizes that economic growth and environmental conservation are not necessarily conflicting objectives but must be pursued in a manner that ensures long-term sustainability and ecological integrity.

Through its decisions and institutional practices, the National Green Tribunal has therefore emerged as a vital instrument for strengthening environmental governance and ensuring access to environmental justice. Its contribution extends beyond adjudication and encompasses broader objectives relating to environmental awareness, regulatory accountability, and sustainable development. The Tribunal has demonstrated that specialized environmental institutions can play a crucial role in protecting ecological resources while promoting the constitutional vision of environmental protection.

VI. Challenges and Limitations

Despite its significant achievements, the National Green Tribunal faces several challenges that affect its ability to fully realize the objectives of environmental justice. A critical assessment of these limitations is necessary to understand the areas requiring reform and institutional strengthening.

One of the most significant challenges concerns infrastructural and administrative constraints. The Tribunal has often faced shortages of judicial and expert members, resulting in delays and increased workloads. Vacancies in key positions have affected the efficiency of proceedings and reduced the Tribunal's capacity to address environmental disputes promptly.³⁵

Geographical accessibility constitutes another major concern. Although the Tribunal has established regional benches, many affected communities continue to face practical difficulties in accessing its services.

³⁴ *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647.

³⁵ *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 3 SCC 212.

Environmental disputes frequently arise in remote and ecologically sensitive regions where access to specialized legal forums may be limited. Consequently, the benefits of environmental justice are not always distributed evenly across different parts of the country.

The implementation of NGT orders remains a persistent challenge. While the Tribunal possesses substantial adjudicatory powers, effective enforcement often depends upon governmental authorities and regulatory agencies. Delays in compliance, inadequate monitoring mechanisms, and bureaucratic inefficiencies may reduce the practical impact of Tribunal decisions. Environmental restoration frequently requires coordinated efforts among multiple agencies, which can complicate implementation processes.³⁶

Another limitation relates to the restricted scope of the Tribunal's jurisdiction. The NGT can adjudicate disputes only under statutes specified in Schedule I of the National Green Tribunal Act. Certain environmental issues falling outside these enactments may therefore remain beyond its jurisdiction. This limitation occasionally creates gaps in environmental protection and restricts the Tribunal's ability to address emerging environmental challenges comprehensively.

The increasing complexity of environmental disputes presents additional difficulties. Issues relating to climate change, biodiversity conservation, renewable energy, environmental impact assessment, and technological risks often involve intricate scientific and technical questions. Although the Tribunal benefits from expert membership, continuous capacity building and access to specialized knowledge remain essential.

Concerns have also been expressed regarding the balance between environmental protection and developmental objectives. Critics occasionally argue that stringent environmental regulations may delay infrastructure projects and economic development. Conversely, environmental groups sometimes contend that development considerations receive excessive emphasis. Maintaining an appropriate balance between these competing interests remains one of the most challenging aspects of environmental adjudication. Financial and institutional independence represent further areas of concern. Effective environmental adjudication requires adequate funding, administrative autonomy, and long-term institutional stability. Strengthening these aspects is essential for ensuring that the Tribunal can perform its functions without undue constraints.

These challenges do not diminish the importance of the National Green Tribunal but highlight the need for continuous reform. Addressing these limitations would significantly enhance the Tribunal's effectiveness and strengthen its contribution to environmental governance and access to justice.

VII. Conclusion and Suggestions

Conclusion

³⁶ *Hanuman Laxman Aroskar v. Union of India*, (2019) 15 SCC 401.

The establishment of the National Green Tribunal under the National Green Tribunal Act, 2010 represents a significant milestone in the development of environmental governance and environmental justice in India. The Tribunal was created to provide a specialized forum capable of addressing complex environmental disputes through efficient, informed, and expeditious adjudication. Its emergence reflects the growing recognition that environmental protection is intrinsically linked to the constitutional values of life, dignity, health, and sustainable development.

The study demonstrates that the National Green Tribunal has played a crucial role in strengthening environmental accountability, enforcing environmental laws, and promoting access to environmental justice. Through its application of the principles of sustainable development, precaution, and polluter pays, the Tribunal has significantly contributed to the evolution of Indian environmental jurisprudence. Its decisions have enhanced regulatory compliance, protected ecological resources, and provided effective remedies against environmental harm.

At the same time, the Tribunal continues to face several institutional and practical challenges, including vacancies, infrastructural limitations, enforcement difficulties, and accessibility concerns. These challenges indicate that while the NGT has achieved considerable success, its full potential can only be realized through continuous reforms and stronger institutional support. Environmental protection in the twenty-first century requires not merely legal regulation but also effective implementation, scientific expertise, public participation, and administrative accountability.

In conclusion, the National Green Tribunal has emerged as one of the most important institutions for environmental adjudication in India and has substantially advanced the cause of environmental justice. By providing an accessible and specialized forum for the resolution of environmental disputes, it has strengthened the protection of environmental rights and promoted sustainable development. With appropriate reforms and enhanced institutional capacity, the NGT can continue to serve as a vital guardian of environmental justice and a cornerstone of environmental governance in India.

Suggestions

- **Strengthening Institutional Capacity of the NGT** - The Government should ensure the timely appointment of judicial and expert members to prevent vacancies and reduce pendency of environmental cases. Adequate staffing is essential for maintaining the efficiency and credibility of the Tribunal.
- **Expansion of Regional Benches** - Additional regional benches should be established in environmentally sensitive and geographically remote areas to ensure that affected communities can easily access environmental justice without incurring substantial costs.

- **Effective Enforcement of NGT Orders** - Mechanisms should be developed to monitor and enforce compliance with NGT directions. Environmental protection can be achieved only when Tribunal orders are implemented promptly and effectively by regulatory authorities.
- **Enhancement of Technical Expertise** - Continuous training programmes should be conducted for judicial officers, expert members, environmental regulators, and supporting staff to enable them to address emerging environmental challenges involving climate change, biodiversity conservation, and technological risks.
- **Strengthening Public Participation** - Greater opportunities should be provided for local communities, environmental organizations, and affected individuals to participate in environmental decision-making processes. Public participation enhances transparency and accountability in environmental governance.
- **Promotion of Environmental Awareness** - Environmental education and awareness programmes should be strengthened to educate citizens regarding environmental rights, duties, and available legal remedies under environmental laws.
- **Broadening Jurisdictional Scope** - The scope of environmental disputes that can be adjudicated by the NGT should be periodically reviewed to ensure that emerging environmental concerns are adequately addressed within its jurisdiction.
- **Utilization of Technology** - Digital filing systems, virtual hearings, and electronic case management mechanisms should be expanded to improve accessibility, reduce delays, and facilitate participation by litigants from distant regions.
- **Improved Coordination among Regulatory Authorities** - Environmental regulators, pollution control boards, local authorities, and governmental agencies should coordinate more effectively to ensure compliance with environmental standards and implementation of Tribunal directions.
- **Strengthening Sustainable Development Frameworks** - Developmental projects should be subjected to rigorous environmental scrutiny to ensure that economic growth is pursued in accordance with the principles of sustainable development and intergenerational equity.