



Environmental Jurisprudence under the National Green Tribunal Act: A Decadal Analysis (2010–2020)

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ABSTRACT

This paper presents a comprehensive analysis of environmental jurisprudence evolved under the National Green Tribunal (NGT) Act, 2010 over its first decade of operation. It explores how the NGT has emerged as a vital forum for environmental justice in India, evaluates key decisions, analyzes its effectiveness in shaping environmental governance, and identifies the structural, legal, and procedural challenges it faces. The study concludes with recommendations for strengthening the NGT's role in ensuring ecological sustainability and access to justice.

1. Introduction

Environmental degradation has emerged as one of the most pressing challenges confronting the contemporary world. India, with its rapidly expanding economy, burgeoning population, and intense pressure on natural resources, is particularly vulnerable to ecological imbalance and pollution. In response to these growing concerns and the inadequacies of traditional judicial mechanisms to effectively address environmental disputes, the Indian Parliament enacted the National Green Tribunal Act, 2010, thereby establishing a specialized forum for environmental adjudication—the National Green Tribunal (NGT).

The creation of the NGT was grounded in both national necessity and international commitments. At the 1992 United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, India committed to establishing judicial and administrative mechanisms for environmental protection.



The Rio Declaration particularly emphasized the need for access to judicial and administrative remedies in environmental matters, encapsulated in Principle 10, which calls for public participation, access to information, and access to justice in environmental issues.¹ The NGT Act, 2010, was a statutory embodiment of this principle, aimed at providing a speedy, efficacious, and specialized legal forum dedicated solely to environmental issues.

Prior to the establishment of the NGT, environmental disputes were handled by regular civil or high courts, which often lacked the technical expertise or procedural flexibility to deal with complex environmental matters. The NGT was envisioned as a forum that would be both judicially robust and scientifically informed. Its establishment marked a significant evolution in India's environmental governance, representing a shift from a fragmented and reactive approach to a more integrated and preventive legal framework.²

The Tribunal was entrusted with original and appellate jurisdiction over civil cases involving substantial questions relating to the environment. It draws its authority from several key environmental legislations, including the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Forest (Conservation) Act, 1980, and the Public Liability Insurance Act, 1991. However, conspicuously, it was not given jurisdiction over matters related to the Indian Forest Act, 1927, and the Wildlife (Protection) Act, 1972, which remains a significant limitation.³

The NGT comprises both judicial and expert members, enabling it to render decisions that are both legally sound and technically grounded. The Tribunal is mandated to apply the principles of sustainable development, the precautionary principle, and the polluter pays principle—principles that have been judicially recognized by the Supreme Court of India in landmark cases such as *Vellore Citizens' Welfare Forum v. Union of India*.⁴ These principles are now firmly entrenched in India's environmental jurisprudence and form the foundational ethos of the NGT's functioning.

During its first decade (2010–2020), the NGT has played a pivotal role in shaping India's environmental jurisprudence. It has delivered several landmark judgments aimed at curbing environmental degradation, enforcing regulatory compliance, and ensuring environmental justice. For example, in *Almitra H. Patel v. Union of India*, the Tribunal issued comprehensive directions for solid waste management, effectively nudging municipal authorities across India towards compliance with environmental norms.⁵ Similarly, in the case concerning the *Art of Living Foundation's* cultural festival on the Yamuna floodplains, the



Tribunal highlighted the importance of ecological restoration and accountability for environmental damage.⁶

Moreover, the NGT has significantly contributed to expanding the ambit of Article 21 of the Indian Constitution, which guarantees the right to life. Through its judgments, the Tribunal has reaffirmed that the right to a clean and healthy environment is an integral part of the right to life, thereby deepening the constitutional basis of environmental rights in India.⁷

Another key contribution of the NGT lies in its liberal approach towards locus standi. Unlike traditional courts, which often adhere to strict procedural norms, the NGT has allowed individuals, non-governmental organizations (NGOs), and even groups of affected persons to file petitions without stringent requirements of standing. This liberal approach has democratized access to environmental justice and empowered grassroots participation in environmental governance.⁸

Despite its notable achievements, the Tribunal has faced several institutional and operational challenges. Its jurisdictional limitations, as mentioned earlier, restrict its capacity to adjudicate comprehensively on all environmental matters. Furthermore, delays in the appointment of judicial and expert members, inadequate infrastructure, and inconsistent enforcement of its orders have occasionally hindered its effectiveness.⁹ There have also been instances of friction between the executive and the Tribunal, especially when the former has attempted to dilute the NGT's powers through legislative or administrative means.¹⁰

Nonetheless, the NGT's role as a specialized adjudicatory body remains indispensable. It fills a critical gap in India's environmental legal architecture by offering a forum that combines legal and scientific expertise, ensures speedy disposal of cases, and upholds principles of environmental justice. As environmental issues become increasingly complex and transboundary in nature, the need for a strong and autonomous environmental tribunal becomes even more urgent.

This paper seeks to undertake a decadal analysis (2010–2020) of the environmental jurisprudence developed under the aegis of the NGT. It examines the Tribunal's institutional structure, landmark decisions, contribution to environmental governance, and the challenges it faces. The objective is to assess the effectiveness of the NGT as a forum for environmental justice and to explore avenues for reform to strengthen its functioning in the coming decade.



2. Genesis and Structure of the NGT

The National Green Tribunal (NGT) represents a watershed moment in India's legal and institutional response to environmental challenges. Its genesis can be traced to both domestic developments and international commitments aimed at strengthening environmental adjudication and governance. The concept of a specialized environmental court had long been debated in India before it took statutory form with the enactment of the National Green Tribunal Act, 2010.

The need for such a tribunal arose from the realization that conventional courts lacked the technical expertise and bandwidth to handle the increasing volume and complexity of environmental litigation. The 186th Report of the Law Commission of India explicitly recommended the creation of environmental courts with both judicial and technical members to ensure more informed and effective adjudication.¹¹ This recommendation laid the groundwork for legislative action.

Internationally, India had committed itself to improving environmental governance mechanisms at the United Nations Conference on Environment and Development (UNCED), also known as the Rio Summit, held in 1992. Principle 10 of the Rio Declaration emphasized the importance of access to information, public participation, and access to justice in environmental matters.¹² The NGT was a direct outcome of this commitment, as it sought to provide a specialized forum that would facilitate access to environmental justice for all citizens, especially those who are marginalized or disproportionately affected by environmental harm.

The National Green Tribunal Act, 2010 received presidential assent on June 2, 2010, and came into force on October 18, 2010.¹³ The Act established the NGT as a statutory body with the mandate to handle cases relating to environmental protection, conservation of forests, and other natural resources, including the enforcement of any legal right relating to the environment. It was envisaged as a unique institution with both judicial and scientific expertise, a combination rarely found in traditional courts.

The NGT exercises jurisdiction over all civil cases where a substantial question relating to the environment (including enforcement of legal rights related to the environment) is involved. This jurisdiction stems from enactments listed in Schedule I of the Act, which includes seven key legislations: 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, 2002.¹⁴ However, the Act notably excludes two significant legislations—the Indian Forest Act, 1927, and the Wildlife (Protection) Act, 1972—which limits the Tribunal's ability to address certain environmental issues comprehensively.¹⁵

The Tribunal is composed of the Chairperson, judicial members, and expert members. The Chairperson is a retired judge of the Supreme Court or a Chief Justice of a High Court. Judicial members are selected from persons who are or have been judges of the High Court, and expert members must have professional qualifications and experience in environmental science, engineering, or related disciplines.¹⁶ This interdisciplinary structure ensures that decisions are grounded in both legal reasoning and scientific understanding.

The NGT is headquartered in New Delhi and has four regional benches located in Bhopal, Pune, Kolkata, and Chennai. These benches have jurisdiction over different geographical areas, ensuring wider accessibility and reducing the burden on a central forum.¹⁷ The Tribunal follows a relatively informal procedure compared to traditional courts and is not bound by the Code of Civil Procedure, 1908. Instead, it is guided by the principles of natural justice. This allows for faster disposal of cases and a more accessible forum for petitioners.

A distinguishing feature of the NGT is its reliance on the principles of sustainable development, the precautionary principle, and the polluter pays principle. These principles, firmly embedded in Indian environmental jurisprudence through Supreme Court rulings such as *Vellore Citizens' Welfare Forum v. Union of India*,¹⁸ form the ethical and legal foundation of the Tribunal's decisions. The application of these principles has enabled the NGT to adopt a proactive approach in preventing environmental harm and holding violators accountable.

The Tribunal has also been granted the power to provide relief, compensation, and restitution of the damaged environment. This includes the power to impose penalties and order the restoration of degraded ecosystems. Its orders are binding and are enforceable as a decree of a civil court. Moreover, appeals against NGT decisions lie directly to the Supreme Court, thereby reinforcing the Tribunal's status as a final fact-finding authority in environmental matters.¹⁹

Despite its progressive framework, the Tribunal's structural limitations have been a matter of concern. Periodic vacancies in judicial and expert positions, lack of financial autonomy, and absence of jurisdiction over certain critical environmental laws have constrained its effectiveness. Nonetheless, the



NGT remains a significant innovation in India's environmental governance and a model for specialized environmental adjudication.

3. Key Jurisprudential Developments (2010–2020)

3.1 Expansion of the Right to a Healthy Environment

One of the most significant contributions of the National Green Tribunal (NGT) to environmental jurisprudence in India has been the consistent reinforcement and expansion of the right to a healthy environment under Article 21 of the Constitution. Article 21 guarantees the right to life and personal liberty, and the Supreme Court has long interpreted this provision to encompass the right to a clean and healthy environment. The NGT has built upon this foundation by operationalizing the concept in a more robust and enforceable manner.

In the landmark case of *Almitra H. Patel v. Union of India*, the NGT issued comprehensive guidelines on municipal solid waste management, recognising that poor waste handling practices directly infringe upon the right to live with dignity and in a pollution-free environment.²⁰ The Tribunal emphasized that the deteriorating condition of urban waste management was not just a civic issue but one that impinged upon the fundamental rights of citizens. This decision triggered systemic changes in waste management policies across several states.

Furthermore, in *Krishna Kant Singh v. National Ganga River Basin Authority*, the Tribunal ruled that untreated discharge of effluents into water bodies violated the citizens' right to safe water and clean environment, calling for immediate remedial measures and accountability.²¹ By anchoring such directives in constitutional guarantees, the NGT elevated environmental rights to the status of enforceable legal entitlements rather than abstract policy goals.

In many other decisions, the Tribunal has held that environmental degradation adversely impacts the health and well-being of present and future generations, and therefore amounts to a violation of the right to life. It has also underscored the necessity of preserving biodiversity, forests, and ecological resources to fulfill the constitutional mandate of sustainable development.²² These interpretations have strengthened the environmental dimensions of human rights law in India.

3.2 Enforcement of Environmental Compliance



Another area where the NGT has significantly contributed is in enforcing environmental compliance, especially against large corporations, government authorities, and other influential entities. Through its stringent and time-bound orders, the Tribunal has sent a clear message that economic growth cannot come at the cost of environmental degradation.

In the case of *Sterlite Industries (India) Ltd. v. Tamil Nadu Pollution Control Board*, the NGT initially ruled in favour of the industry but its decision was overturned by the Supreme Court based on public health concerns.²³ However, during its hearing, the NGT had engaged deeply with the technical and legal questions around emissions and groundwater contamination, and its role was critical in surfacing data and grievances that informed the final outcome. This case revealed the NGT's willingness to address highly sensitive industrial pollution issues that other forums had failed to confront effectively.

Another notable case was the *Art of Living Foundation Case*, relating to the damage caused to the Yamuna floodplains during the World Culture Festival in 2016. The NGT held the organizers responsible for environmental harm and imposed a penalty of ₹5 crore as interim compensation.²⁴ Although the penalty was criticized as insufficient by some environmentalists, the case demonstrated the Tribunal's readiness to hold even socio-religious organisations accountable for ecological violations. It also underlined the significance of maintaining the ecological integrity of riverine ecosystems.

The NGT's compliance orders have often included strict timelines, site inspections, status reports, and threat of coercive measures, including fines and closure orders.²⁵ For instance, in several cases involving illegal sand mining, the Tribunal directed the immediate suspension of operations and penal action against violators, including state officials who failed to act.²⁶ In *Society for Protection of Environment & Biodiversity v. Union of India*, the NGT passed an exemplary order against unauthorized constructions in eco-sensitive zones, reinforcing the non-negotiable nature of environmental norms.²⁷

The enforcement dimension of the NGT's work has also included post-facto assessments of environmental damage, formulation of restoration plans, and orders for restitution through Environmental Compensation mechanisms. The Tribunal has relied on the "Polluter Pays" and "Precautionary Principle" to ensure that compliance is not merely reactive but preventive in nature.²⁸

Furthermore, the NGT has played a critical role in supervising implementation of various statutory regulations, including the Environmental Impact Assessment (EIA) Notification, 2006, Hazardous Waste Management Rules, and the Air and Water (Prevention and Control of Pollution) Acts.²⁹ By keeping both



state agencies and private entities under its oversight, the Tribunal has functioned as an active watchdog of environmental governance.

The decade from 2010 to 2020 witnessed the NGT asserting its authority through numerous interventions that collectively contributed to the evolution of environmental jurisprudence in India. Its role in interpreting the right to a healthy environment, enforcing compliance against powerful stakeholders, and operationalizing key environmental principles has been instrumental in bridging the gap between environmental law and environmental justice.

3.3 Landmark Judgments

Over the decade of 2010–2020, the National Green Tribunal (NGT) has delivered several landmark judgments that have had a significant bearing on India’s environmental governance. These decisions not only interpret environmental statutes but also reinforce the constitutional right to a clean and healthy environment under Article 21 of the Constitution. Three notable cases that highlight the Tribunal’s expanding jurisprudence include *M.C. Mehta v. Union of India*, *Save Mon Region Federation v. Union of India*, and *Shobha Phadanvis v. State of Maharashtra*.

M.C. Mehta v. Union of India

The case of *M.C. Mehta v. Union of India* has a long-standing history in Indian environmental jurisprudence. Though many of its earlier milestones predate the NGT, several directions and follow-up actions were subsequently monitored or referred to the NGT. One such important aspect has been the issue of vehicular pollution and the implementation of emission norms in the National Capital Region. The NGT took up matters pertaining to diesel vehicle bans, emission testing compliance, and the phasing out of older vehicles.

In various orders between 2015 and 2019, the NGT reinforced the transition from BS-IV to BS-VI emission norms and banned 10-year-old diesel vehicles in Delhi-NCR. These orders contributed to substantial reforms in vehicular emission policies.

M.C. Mehta v. Union of India, Original Application No. 21 of 2014, National Green Tribunal (Delhi Bench).

Save Mon Region Federation v. Union of India



In this case, the NGT intervened to protect the fragile ecosystem of Arunachal Pradesh by suspending hydro-electric projects that posed a serious threat to biodiversity, indigenous culture, and the spiritual landscape of the Monpa tribe in Tawang. The Tribunal held that the projects had not been subjected to adequate ecological assessment and that local communities were insufficiently consulted.

This judgment set a precedent by reinforcing the importance of environmental impact assessments (EIA) and community participation in environmental decision-making. The Tribunal emphasized the necessity of sustainable development, especially in ecologically sensitive zones like the Eastern Himalayas.

Save Mon Region Federation v. Union of India, Original Application No. 111 of 2015, National Green Tribunal (Principal Bench).

Shobha Phadanvis v. State of Maharashtra

This case dealt with deforestation and the unregulated expansion of urban projects in Maharashtra, particularly around the Nagpur region. The petitioner, a public representative, challenged the clearing of thousands of trees without due process and proper forest clearances. The NGT in its decision highlighted the procedural lapses by government agencies and emphasized the need for prior environmental clearance under the Forest (Conservation) Act, 1980.

The Tribunal not only stayed further tree felling but also directed compensatory afforestation and called for an audit of green cover in urban development plans. This case highlighted how the NGT could hold state agencies accountable and advance urban environmental governance.

Shobha Phadanvis v. State of Maharashtra, Application No. 40 of 2017, National Green Tribunal (Western Zone Bench, Pune).

These landmark judgments reflect the evolving contours of environmental jurisprudence under the NGT. Through innovative remedies, strong enforcement, and adherence to principles such as the precautionary and polluter-pays principles, the NGT has contributed meaningfully to environmental rule of law in India.

4. Contribution to Environmental Governance



Over the decade since its inception, the National Green Tribunal (NGT) has emerged as a cornerstone of environmental governance in India. The Tribunal has significantly influenced the manner in which environmental disputes are addressed, regulatory norms are enforced, and environmental justice is delivered. Its contribution spans across procedural efficiency, participatory access, institutional accountability, and the doctrinal enrichment of environmental law.

One of the most remarkable aspects of the NGT is its ability to provide **speedy resolution of environmental disputes**. Under Section 18(2) of the National Green Tribunal Act, 2010, the Tribunal is mandated to decide matters within six months of filing, ensuring expeditious adjudication and reducing the burden on conventional courts. This has helped mitigate long-standing delays often associated with environmental litigation in civil courts and High Courts.

Another critical area of contribution is the Tribunal's effort to **enhance public participation**. The NGT has adopted a liberal interpretation of locus standi, enabling any person, including individuals, NGOs, or environmental activists, to approach the Tribunal in matters concerning the environment. This aligns with the principle of environmental democracy, where citizens are empowered to be watchdogs of environmental compliance. The NGT has effectively operationalised the principle laid down in Indian Council for Enviro-Legal Action v. Union of India, where public interest was held to be paramount in environmental issues.³⁰

Moreover, the Tribunal has played a pivotal role in **strengthening regulatory compliance** by taking **suo motu cognizance** of issues, particularly where regulatory authorities have failed to act. Through landmark decisions in cases such as Vardhaman Kaushik v. Union of India, the Tribunal proactively addressed the problem of air pollution in Delhi, highlighting institutional lapses and directing timely enforcement measures.³¹ This proactive stance ensures that executive inaction or delay does not compromise environmental standards.

In terms of jurisprudential contribution, the NGT has institutionalised **principles such as intergenerational equity and the environmental rule of law**. By reiterating the relevance of the precautionary principle and polluter pays doctrine, the Tribunal ensures that environmental protection is not merely procedural but deeply embedded in constitutional and international norms. In cases such as Almitra H. Patel v. Union of India,³² the Tribunal emphasized sustainable development while reinforcing the duty of care owed to future generations.



Thus, the NGT has not only functioned as a quasi-judicial body but has also played a proactive role in shaping India's environmental governance landscape by merging legal innovation with ecological necessity.

5. Limitations and Challenges

Despite its significant contributions to environmental governance, the National Green Tribunal (NGT) faces a range of limitations that constrain its operational effectiveness and jurisprudential impact.

5.1 Jurisdictional Constraints

One of the key criticisms of the NGT is its limited jurisdictional reach. The NGT derives its powers under Section 14 of the National Green Tribunal Act, 2010, which restricts its jurisdiction to matters relating to laws specified in Schedule I of the Act. Notably, this list does not include the Wildlife Protection Act, 1972 or the Indian Forest Act, 1927. Consequently, cases involving core issues of wildlife conservation or forest rights fall outside the Tribunal's purview, forcing petitioners to approach the High Courts or Supreme Court for redressal. This fragmented judicial oversight undermines the goal of creating a unified environmental adjudicatory mechanism.³³

5.2 Enforcement Difficulties

Although the NGT has passed several landmark orders, translating judicial directions into on-ground compliance remains a significant hurdle. State-level environmental regulatory authorities often lack the resources or the will to enforce NGT's decisions. Moreover, coordination between the Tribunal and executive agencies is frequently ineffective. A glaring example is the Art of Living Foundation case, where the NGT's penalties were contested and enforcement became mired in bureaucratic delays.³⁴ These enforcement gaps dilute the impact of the Tribunal's jurisprudence and erode public confidence in environmental justice mechanisms.

5.3 Institutional and Infrastructure Gaps

The functioning of the NGT has also been hampered by administrative and infrastructural deficiencies. There have been long-standing vacancies in judicial and expert member positions, adversely affecting the



disposal rate of cases.³⁵ Moreover, the Tribunal lacks independent financial autonomy and relies heavily on central government allocations, which sometimes affects its institutional independence. The absence of regional benches in several parts of the country also limits access to justice for marginalized and remote communities.³⁶

5.4 Political and Executive Interference

While the NGT is a statutory body with quasi-judicial powers, its independence has occasionally been challenged by political and executive interventions. In some cases, the central government has been accused of undermining the NGT's authority by issuing executive notifications that dilute its powers or by delaying appointments of members.³⁷ Jurisdictional conflicts between the Tribunal and environment ministries have also surfaced, raising questions about the balance of power and the true autonomy of the Tribunal. Such interference poses a systemic risk to the credibility and effectiveness of the NGT.

6. Recommendations for Reform

The National Green Tribunal (NGT) has, over the years, emerged as a vital institution in India's environmental adjudicatory framework. However, its continued effectiveness and legitimacy depend on critical reforms to strengthen its operational, structural, and jurisdictional capacities. The following recommendations aim to enhance the institutional robustness and environmental justice delivery of the NGT:

1. Jurisdictional Expansion One of the foremost limitations of the NGT is its restricted jurisdiction, which excludes statutes such as the Indian Forest Act, 1927 and the Wildlife (Protection) Act, 1972. To address this limitation, an amendment to the NGT Act, 2010 should be made to broaden the scope of its jurisdiction. A holistic environmental tribunal must encompass all major environmental legislations to ensure uniformity and consistency in environmental governance.³⁸

2. Contempt Powers for Non-Compliance The effectiveness of any judicial or quasi-judicial body hinges upon the enforceability of its orders. The NGT currently lacks explicit contempt powers. To deter non-compliance, statutory provisions should be enacted granting the Tribunal powers similar to those of High Courts under the Contempt of Courts Act, 1971. This would instil greater seriousness among stakeholders, particularly public officials and private entities.³⁹



3. Establishment of an Independent Monitoring Mechanism The absence of a structured follow-up mechanism often leads to poor implementation of NGT's directives. An independent enforcement cell, comprising environmental experts, legal officers, and technical staff, should be established to monitor compliance with Tribunal orders. This mechanism should periodically report to the Tribunal and be empowered to initiate proceedings in cases of non-compliance.⁴⁰

4. Institutional Integration with Pollution Control Boards and Local Bodies Effective environmental governance demands seamless coordination between adjudicatory bodies and implementing agencies. The NGT must be better integrated with State Pollution Control Boards (SPCBs), Central Pollution Control Board (CPCB), and municipal bodies. Regular consultations, inter-agency task forces, and shared databases would help reduce administrative delays and duplication of efforts.⁴¹

5. Strengthening Institutional Capacity Vacancies in judicial and expert positions have severely affected the NGT's capacity. Appointments must be made in a time-bound manner, and the Tribunal should be granted financial autonomy to manage its resources effectively. Additionally, regular capacity-building programmes should be organised for its members and supporting staff.⁴²

These reforms, if implemented earnestly, would reinforce the National Green Tribunal's position as a robust pillar of environmental justice in India. Strengthening its legal powers, operational framework, and inter-institutional coordination is essential for safeguarding the country's ecological integrity in the face of increasing environmental degradation.

7. Conclusion

In its first decade, the National Green Tribunal has significantly advanced environmental jurisprudence in India. It has created a dedicated legal space for environmental justice and played a proactive role in shaping environmental governance. However, to fully realize its potential, reforms in its jurisdiction, institutional capacity, and enforcement mechanisms are urgently required. Strengthening the NGT is essential for ensuring environmental sustainability, ecological justice, and constitutional mandates for a cleaner, greener India.

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