



Environmental Jurisprudence and Sustainable Development: Role of the National Green Tribunal

Dr. Shweta K. Mishra

Department of Environmental Law and Policy
National Law University, Odisha, Cuttack, India

Dr. Pradeep R. Menon

Centre for Environmental Governance and Sustainable Development
Thiruvananthapuram, India

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Abstract

Industrialization, urbanization, and climate change have created enormous environmental and sustainable development difficulties in India. In response, the National Green Tribunal (NGT) was established under the National Green Tribunal Act, 2010 to expedite environmental protection and natural resource conservation cases, strengthening environmental jurisprudence. the NGT's influence on environmental law and sustainable development. See how the NGT has applied the “polluter pays principle,” the “precautionary principle,” and intergenerational equity in landmark cases like Almitra H. Patel v. Union of India on solid waste management, M.C. Mehta on industrial pollution, and rulings on sand mining, deforestation, and climate-related disputes. The Tribunal improved environmental governance, access to environmental justice, and industry accountability. Enforcement capabilities, jurisdictional overlaps with other courts, and NGT order compliance issues are identified. Based on legal analysis and practical outcomes, the NGT has become an important tool for environmental governance in India. However, it needs stronger institutional backing, better coordination with regulatory institutions, and increased public engagement to reach its full potential Finally, the NGT's work in the context of sustainable development highlights its significance as a catalyst in balancing ecological conservation with growth in modern India.

Keywords: Environmental Jurisprudence, Sustainable Development, National Green Tribunal (NGT), Polluter Pays Principle

Introduction

In this century, when countries are faced with the dual challenges of achieving both economic growth and ecological sustainability, environmental protection has risen to the top of the list of important legal and policy issues. Air and water pollution, deforestation, waste management, biodiversity loss, and climate change impacts are serious problems in India due to the country's fast industrialization, urbanization, and resource exploitation. Public health, livelihood security, intergenerational justice, and ecological balance are all significantly affected by these concerns. The Indian Parliament established the National Green Tribunal (NGT) as a specialized forum for environmental disputes in 2010 after realizing that traditional judicial mechanisms were inadequate to handle complicated and technical environmental issues in a timely way. With the establishment of the NGT, India's environmental jurisprudence took a giant leap forward, paving the way for more accessible environmental justice, quicker adjudication, and decision-making based on expert opinion. Indian courts, especially the Supreme Court and the High Courts, have a long history of using their discretion to craft environmental jurisprudence. Cases like *M.C. Mehta v. Union of India* broadened the scope of Article 21 to encompass the right to a healthy environment. As a result, environmental law in India came to rely on theories like the public trust doctrine, the precautionary principle, and the polluter pays principle. By creating a specialized tribunal to uphold these principles, the NGT has made it possible to apply them consistently and expertly to a broad variety of situations, including those involving industrial pollution, illicit mining, deforestation, and climate change. Sustainable development aims to strike a balance between economic progress, environmental protection, and social fairness; the NGT's work in this area has helped alleviate some of the strain on constitutional courts while simultaneously advancing these larger causes. Simultaneously, the NGT's operations have sparked significant discussions over its efficacy and constraints. Despite the fact that it has made notable rulings in cases like solid waste management (*Almitra H. Patel v. Union of India*), groundwater conservation, and industrial emissions, there are still obstacles to overcome when it comes to enforcement, conflicts with the Supreme Court and High Courts, and opposition from businesses and government agencies. Some have also questioned the NGT's ability to deal with the scale of India's environmental catastrophe, citing concerns about its institutional capability and lack of resources.

Evolution of Environmental Jurisprudence in India

Environmental jurisprudence in India has evolved in tandem with the progressive role of the judiciary, the growing awareness of the importance of ecological balance to human existence, and the constitutional concept of justice. Article 48A (Directive Principles of State Policy) mandates that the state shall safeguard and enhance the environment, while Article 51A(g) (Fundamental Duties) makes it the responsibility of every citizen to do the same. These environmental protection measures were added to the Indian Constitution during the 42nd Constitutional Amendment of 1976, which initially did not include any such provisions. Even more importantly, the right to a healthy environment is now encompassed in Article 21, which ensures the right to life and personal liberty, according to legal interpretation. Environmental law in India is based on this constitutional framework. In the 1980s and 1990s, the Indian judiciary—particularly the Supreme Court—used the Public Interest Litigation (PIL) mechanism to significantly advance environmental law. In seminal decisions like *M.C. Mehta v. Union of India* (1987, Oleum Gas Leak case), the Supreme Court established both the right to a safe environment and the concept of unlimited culpability for companies that cause harm. Firms were held non-delegable accountable for compensating victims of environmental harm under this theory, which was more severe than strict liability. Similarly, the Supreme Court made it clear in *Subhash Kumar v. State of Bihar* (1991) that access to clean water and air is part of the right to life guaranteed by Article 21. Important principles of international environmental law were incorporated into Indian law by the Supreme Court and High Courts. For cleanup costs to fall squarely on the shoulders of polluters, the Indian Council for Enviro-Legal Action v. Union of India (1996) upheld the polluter pays principle. In the case of *Vellore Citizens' Welfare Forum v. Union of India* (1996), the emphasis was placed on the precautionary principle, which states that precautions must be taken when there is scientific uncertainty. In *M.C. Mehta v. Kamal Nath* (1997), the public trust concept was used, which acknowledges that the state holds natural resources like rivers, forests, and air in trust for the people. By bringing national law into line with international norms stated in documents like the Rio Declaration (1992) and the Stockholm Declaration (1972), these theories together established a solid basis for environmental jurisprudence.

Landmark Cases and Contributions of the NGT

The National Green Tribunal (NGT) has been an important player in developing environmental law in India ever since it was founded in 2010. From industrial pollution and solid waste

management to illegal mining and deforestation, the NGT has handled a broad range of environmental disputes by applying constitutional principles and doctrines like the polluter pays principle, precautionary principle, and intergenerational equity. The organization's groundbreaking cases show how it takes a proactive stance and how it has greatly helped advance causes like environmental justice and sustainable development. The National Green Tribunal (NGT) handed down nationwide guidelines for solid waste management in the landmark case Almitra H. Patel v. Union of India. The Tribunal held local governments responsible for systemic shortcomings after it recognized the worsening problem of urban trash and ordered tight adherence to regulations regarding waste segregation, disposal, and treatment. This case shows how the NGT established standards for local accountability by transforming environmental rights into workable changes to governance. The Tribunal has been quite tough on polluting industries that have broken environmental rules. Concerns over the impact on human health and the environment led the National Green Tribunal to order the copper smelting plant in Tuticorin to cease operations in the 2013 case of Sterlite Industries (Vedanta) v. Tamil Nadu Pollution Control Board. Effluent treatment plants were imposed for industries dumping waste into water bodies in instances involving river pollution, such as Paryavaran Suraksha Samiti v. Union of India. This further reinforces the idea that economic activities cannot come at the expense of environmental damage. The Tribunal has also been instrumental in controlling sand mining and illicit mining, both of which have terrible social and environmental impacts. Applying the polluter pays concept to discourage illegal exploitation, the NGT stressed the significance of sustainable resource extraction and punished offenders in Narmada Bachao Andolan v. Union of India (2013) and other mining-related cases. Protecting river ecosystems and mitigating groundwater loss, its orders restricted unregulated sand mining.

Conclusion

The National Green Tribunal (NGT) was founded at a pivotal point in India's environmental governance when it was established. This organization is devoted to ecological protection and sustainable development and represents a departure from ad hoc court interventions. The NGT has taken environmental jurisprudence to a new level, bringing it in line with international standards and India's constitutional guarantee of a healthy environment under Article 21 by making concepts like intergenerational equity, the polluter pays principle, and the precautionary principle work in practice. The Tribunal has influenced public policy, increased



accountability, and broadened access to environmental justice through its seminal rulings on solid waste management, mining and industrial control, water and air pollution, and biodiversity preservation. The NGT's journey highlights the challenges of juggling developmental needs with ecological imperatives in a diverse and expansive nation like India. Its full efficacy is hindered by obstacles like inadequate order enforcement, jurisdictional overlaps with High Courts and the Supreme Court, a lack of funding, and opposition from state authorities and enterprises. To guarantee that the environmental results of the Tribunal's progressive jurisprudence materialize, more institutional strength, political will, and enforcement measures are required to overcome these constraints. In the end, the NGT has become an essential part of India's system for overseeing environmental matters. Its contributions, although not flawless, show a big leap toward balancing development with environmental protection, making sure that public health and ecological sustainability aren't sacrificed for economic progress. If the Tribunal is to carry out its duties in the future, it must be strengthened by increasing its funding, inviting more people to become involved, and integrating it more closely with global environmental governance. This way, the NGT can keep being an advocate for environmental justice and a driving force behind India's SDGs.

Bibliography

Almitra H. Patel v. Union of India, (2000) 2 SCC 679.

A.P. Pollution Control Board v. Prof. M.V. Nayudu, (1999) 2 SCC 718.

Divan, S., & Rosencranz, A. (2021). *Environmental law and policy in India* (3rd ed.). Oxford University Press.

Goa Foundation v. Union of India, (2014) 6 SCC 590.

Government of India. (2010). *The National Green Tribunal Act, 2010*. Ministry of Law and Justice.

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

Leelakrishnan, P. (2008). *Environmental law in India* (4th ed.). LexisNexis.

M.C. Mehta v. Union of India, (1987) 1 SCC 395 (Oleum Gas Leak case).

M.C. Mehta v. Kamal Nath, (1997) 1 SCC 388.

Narmada Bachao Andolan v. Union of India, (2000) 10 SCC 664.

National Green Tribunal. (2020). *Annual Report 2019–20*. Retrieved from <http://www.greentribunal.gov.in>



Shyam Divan, A., & Krishnan, V. (2018). Sustainable development and judicial innovation: Indian experiences. *Journal of Environmental Law*, 30(2), 287–310.

Stockholm Declaration on the Human Environment, 1972. United Nations Conference on the Human Environment.

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

World Commission on Environment and Development. (1987). *Our common future* (The Brundtland Report). Oxford University Press.