**NGT AND ENVIOEMENT PROTECTION IN**

**INDIA**

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# Abstract :

The National Green Tribunal (NGT) of India has emerged as a crucial institution in the country's environmental governance framework, tasked with the dual responsibility of protecting the environment and promoting sustainable development. Established under the National Green Tribunal Act, 2010, the NGT provides a specialized forum for the effective and expeditious disposal of cases relating to environmental protection and conservation of natural resources. This paper examines the role of the NGT in promoting sustainable development, balancing economic growth with environmental protection, and contributing to India's international environmental commitments. Through a detailed analysis of landmark cases and the tribunal's jurisprudence, the paper highlights the NGT's impact on shaping environmental policy in India and its efforts to ensure that development activities do not compromise ecological integrity. The paper also discusses the challenges faced by the NGT in enforcing its orders and the future prospects for the tribunal in an increasingly complex environmental landscape. The findings underscore the importance of the NGT as a key player in India's environmental protection efforts, while also pointing to the need for stronger enforcement mechanisms and greater public engagement in environmental decision-making.

**Keywords: NGT, Sustainable Development, Environmental Concern, Critical Issue**

**Introduction**

Environmental protection has become a critical issue worldwide, with governments and international organizations emphasizing the need for sustainable development. India, with its diverse ecosystems and significant population, faces unique environmental challenges. The Indian government has enacted various laws and regulations to address environmental concerns, but the effective enforcement of these laws remains a significant challenge.

The National Green Tribunal (NGT), established under the National Green Tribunal Act, 2010, was conceived as a specialized body to address environmental disputes and ensure the enforcement of environmental laws in India. The NGT is vested with the authority to hear and decide cases relating to environmental protection, conservation of forests, and other natural resources, and the enforcement of any legal right relating to the environment.

This paper explores the role and impact of the NGT in the Indian environmental protection regime. It analyzes the tribunal's jurisdiction, functions, and landmark cases, and discusses the challenges it faces in fulfilling its mandate. By examining the NGT's contribution to environmental governance in India, this paper aims to assess its effectiveness in safeguarding the environment and promoting sustainable development.

# The Establishment of the National Green Tribunal

The National Green Tribunal was established in 2010 as a response to the growing need for a specialized body to handle environmental cases in India. The NGT Act of 2010 was the culmination of years of environmental activism and judicial advocacy, which highlighted the inadequacies of the existing legal framework in addressing environmental issues efficiently. The NGT was modeled after similar environmental courts in other countries, such as Australia and New Zealand, and was granted the power to provide speedy justice in environmental matters.

The NGT's jurisdiction is broad, encompassing cases related to environmental protection, forest conservation, and the enforcement of any legal rights connected to the environment. It is empowered to hear cases under various environmental laws, including the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, and the Biological Diversity Act, 2002, among others.

# Role and Functions of the NGT

The NGT has played a crucial role in adjudicating environmental disputes and ensuring compliance with environmental laws in India. Its decisions have had far-reaching implications for industries, governments, and communities. For instance, the NGT's ruling in the case of Sterlite Industries (India) Ltd. vs Union of India (2013) led to the closure of a copper smelting plant in Tamil Nadu due to environmental violations, highlighting the tribunal's commitment to enforcing environmental standards.

The NGT has also been proactive in addressing issues related to air and water pollution, waste management, and biodiversity conservation. In the case of M.C. Mehta vs Union of India (2016), the NGT imposed a ban on diesel vehicles older than ten years in Delhi, in an effort to curb the city's severe air pollution problem. This decision, though controversial, underscored the NGT's willingness to take bold steps to protect public health and the environment.

# Impact of NGT on Environmental Protection in India

The NGT's influence extends beyond the courtroom, as its decisions often shape environmental policy and governance in India. By holding government agencies and industries accountable for environmental violations, the NGT has contributed to a culture of environmental compliance and responsibility. The tribunal's rulings have prompted the government to strengthen environmental regulations and enforcement mechanisms, leading to better environmental outcomes.

However, the NGT's impact is not without challenges. Its orders are sometimes met with resistance from industries and government bodies, leading to delays in implementation. Additionally, the NGT's limited resources and the sheer volume of cases it handles can hinder its effectiveness. Despite these challenges, the NGT remains a vital institution in India's environmental protection framework.

# NGT and Sustainable Development

The National Green Tribunal (NGT) has played a pivotal role in promoting sustainable development in India, often mediating the delicate balance between economic growth and environmental protection. This section explores the NGT’s contributions to sustainable development, its efforts to harmonize economic and environmental interests, its role in fulfilling India’s international environmental commitments, and the future prospects and challenges it faces.

## NGT’s Role in Promoting Sustainable Development

Sustainable development, defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs, is central to the NGT’s mandate. The NGT has consistently emphasized the need to incorporate environmental considerations into development projects and policies. By enforcing environmental laws, the NGT ensures that development activities do not lead to irreversible damage to the environment.

One of the NGT's significant contributions to sustainable development is its focus on the principle of polluter pays and precautionary principles. For instance, in the case of \*Vellore Citizens' Welfare Forum vs Union of India\* (1996), though predating the NGT, the principle of sustainable development was upheld by the Supreme Court, which influenced the NGT's later rulings. The NGT has continued this tradition by mandating that industries and corporations bear the cost of environmental degradation caused by their activities, thereby internalizing environmental costs into economic decision-making.

The NGT has also played a crucial role in promoting the sustainable use of natural resources. In cases concerning the extraction of minerals, water resources, and forest land, the NGT has often imposed stringent conditions to ensure that these activities do not lead to environmental degradation. For example, in the \*Goa Foundation vs Union of India\* (2014) case, the NGT played a critical role in the imposition of a mining ban in Goa, aimed at preventing unsustainable exploitation of mineral resources.

## Balancing Economic Growth with Environmental Protection

One of the primary challenges the NGT faces is balancing economic growth with environmental protection. India, as a developing country, is often confronted with the dilemma of choosing between rapid industrialization and the preservation of its natural resources. The NGT has been at the forefront of adjudicating disputes that arise from this conflict.

The tribunal's approach has been to ensure that economic development is not pursued at the expense of environmental health. In several cases, the NGT has either halted or imposed conditions on projects that were found to be environmentally harmful. For example, the NGT’s intervention in the \*Art of Living Foundation’s World Culture Festival\* on the Yamuna floodplains in 2016 underscored the tribunal’s commitment to protecting ecologically sensitive areas, even when large-scale events or projects are at stake.

However, the NGT’s decisions have also sparked debates about the impact on economic activities. Critics argue that the NGT’s stringent orders sometimes hinder economic growth, delay projects, and create an environment of regulatory uncertainty. For instance, the NGT's order to ban the construction of large infrastructure projects without environmental clearance in certain ecologically sensitive zones has been seen as a double-edged sword—while it protects the environment, it also impacts local economies dependent on construction and real estate.

To address these concerns, the NGT has often called for environmental impact assessments (EIAs) that consider both environmental and economic factors. The aim is to create a balanced approach where development is not stopped but is pursued in a manner that does not compromise the environment. By advocating for sustainable practices, the NGT seeks to create a model where economic growth and environmental protection are not mutually exclusive but are complementary.

## Contribution to India's Commitments Under International Environmental Agreements

India is a signatory to several international environmental agreements, including the Paris Agreement, the Convention on Biological Diversity, and the United Nations Framework Convention on Climate Change (UNFCCC). The NGT plays a significant role in ensuring that India fulfills its obligations under these agreements.

The NGT's decisions often reflect the principles enshrined in these international treaties. For example, in cases involving climate change mitigation and adaptation, the NGT has underscored the importance of reducing greenhouse gas emissions and promoting renewable energy sources. The tribunal has also been instrumental in enforcing the conservation of biodiversity, aligning with India's commitments under the Convention on Biological Diversity.

The NGT’s role in the implementation of the Paris Agreement is particularly noteworthy. The Paris Agreement commits India to reducing its carbon emissions intensity and increasing the share of non-fossil fuel energy in its energy mix. The NGT has supported these goals by promoting renewable energy projects and discouraging the use of fossil fuels. For instance, in several rulings, the NGT has pushed for stricter regulations on coal-based thermal power plants, which are major contributors to carbon emissions.

Additionally, the NGT has taken a firm stand on the conservation of water bodies, forests, and wetlands, which are crucial for maintaining ecological balance and supporting biodiversity. These efforts are in line with international commitments to conserve natural ecosystems and mitigate the impact of climate change.

## Future Prospects and Challenges

The future of the NGT in promoting sustainable development in India is promising, but it is not without challenges. As India continues to develop, the pressure on natural resources will intensify, making the NGT’s role even more critical. The NGT will need to navigate the complex interplay between environmental protection and economic growth, ensuring that development is sustainable and equitable.

One of the significant challenges the NGT faces is the implementation of its orders. While the tribunal has been effective in passing landmark judgments, the execution of these orders often faces hurdles due to bureaucratic inertia, lack of political will, and resistance from powerful industrial lobbies. Strengthening the mechanisms for monitoring and enforcing NGT orders will be crucial for the tribunal’s continued effectiveness.

Another challenge is the need for greater public awareness and participation in environmental decision-making. The NGT has been instrumental in bringing environmental issues to the forefront, but for sustainable development to be truly realized, there must be a concerted effort to engage civil society, local communities, and other stakeholders. This includes educating the public about the importance of environmental protection and their role in it, as well as ensuring that the voices of marginalized communities are heard in environmental governance.

Furthermore, the NGT will need to adapt to the emerging environmental challenges of the 21st century, such as climate change, air and water pollution, and the degradation of biodiversity. This will require a dynamic and forward-looking approach, where the NGT not only responds to existing environmental issues but also anticipates and addresses future challenges. The tribunal’s ability to innovate and evolve its jurisprudence in response to these challenges will be key to its success.

The integration of scientific expertise and traditional knowledge systems into the NGT’s decision-making process is another area with significant potential. By leveraging the latest scientific research and engaging with local knowledge holders, the NGT can make more informed decisions that are both effective and culturally sensitive.

In conclusion, the NGT has made substantial contributions to promoting sustainable development in India, balancing economic growth with environmental protection, and fulfilling India's international environmental commitments. However, the path forward is fraught with challenges that will require the NGT to continuously evolve and strengthen its role in environmental governance. By doing so, the NGT can continue to serve as a crucial pillar in India's quest for sustainable development, ensuring that the environment is protected for future generations while supporting the country’s economic aspirations.

# Conclusion

The National Green Tribunal has established itself as a vital institution in India's environmental protection regime, playing a significant role in promoting sustainable development by ensuring that environmental considerations are integrated into economic decision-making. The NGT's commitment to upholding principles such as the polluter pays and precautionary principles has contributed to a more responsible approach to development, where the environmental costs of economic activities are recognized and addressed.

The NGT’s influence extends beyond the national level, as it aligns India's domestic environmental policies with international commitments, such as those under the Paris Agreement and the Convention on Biological Diversity. By enforcing laws that support the sustainable use of natural resources and the conservation of biodiversity, the NGT has reinforced India's global environmental standing.

However, the tribunal's effectiveness is not without its challenges. The implementation of NGT orders often faces resistance, and the need for a more robust enforcement mechanism is evident. Additionally, balancing the often-competing demands of economic growth and environmental protection remains a complex and ongoing task. The NGT must continue to innovate and adapt to emerging environmental challenges, ensuring that its decisions are informed by the latest scientific knowledge and are inclusive of diverse stakeholder perspectives.

Looking forward, the NGT’s role will be increasingly crucial as India continues to grapple with the environmental impacts of rapid development. Strengthening the NGT’s capacity to enforce its decisions, enhancing public participation in environmental governance, and integrating scientific and traditional knowledge into its decision-making processes will be key to its continued success. Ultimately, the NGT’s ability to navigate these challenges will determine its effectiveness in safeguarding India’s environmental future and achieving the goals of sustainable development.

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