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### **ABSTRACT:**

*“Groundwater contamination has emerged as one of the most serious environmental governance challenges in India, particularly in rapidly industrializing regions. Ludhiana, the largest industrial city of Punjab, has experienced significant environmental degradation due to the discharge of untreated industrial effluents and municipal sewage into water bodies such as Budha Nullah. Over time, these pollutants infiltrate underground aquifers and contaminate groundwater resources used for drinking and irrigation. Contaminated groundwater poses serious risks to public health and ecological sustainability. **The establishment of the National Green Tribunal (NGT) under the National Green Tribunal Act, 2010** represents a major institutional reform aimed at strengthening environmental adjudication in India. This paper evaluates the role of the NGT in addressing groundwater contamination in Ludhiana within the broader framework of constitutional environmental governance. Using doctrinal and analytical research methods, the study examines constitutional provisions, statutory frameworks, judicial developments, and NGT jurisprudence relevant to groundwater protection.*

*The paper argues that while the NGT has strengthened environmental accountability through the application of sustainable development, precautionary principle, and polluter pays doctrine, persistent groundwater contamination reveals deeper structural challenges including weak regulatory enforcement, fragmented institutional arrangements, and limited technological monitoring systems. Effective groundwater protection requires integrated aquifer-based governance, strengthened regulatory institutions, real-time monitoring technologies, and enhanced public participation consistent with the constitutional mandate under Article 21 of the Constitution of India”.*

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***Keywords: National Green Tribunal, Groundwater Contamination, Ludhiana,  
Environmental Governance, Sustainable Development, Constitutional  
Environmentalism.***

## **I. INTRODUCTION:**

Groundwater constitutes one of the most critical components of India's water security system. In many regions of the country, groundwater serves as the primary source of drinking water, irrigation, and industrial consumption. Punjab, known for its agricultural productivity and industrial growth, relies heavily on groundwater resources. However, rapid industrialization in urban centers such as Ludhiana has significantly increased pressure on environmental resources. Ludhiana hosts numerous industries including textile dyeing units, electroplating factories, steel rerolling mills, and chemical manufacturing units. While industrial growth has contributed to economic development and employment generation, it has also resulted in severe environmental pollution. Industrial effluents containing toxic chemicals and heavy metals are often discharged into Budha Nullah, which ultimately drains into the Sutlej River. Over time, pollutants discharged into surface water bodies infiltrate underground aquifers through seepage processes, leading to contamination of groundwater resources. Environmental monitoring studies have reported elevated levels of heavy metals such as chromium, nickel, and cadmium in groundwater samples from several areas of Ludhiana.<sup>1</sup> Contaminated groundwater poses serious health risks including cancer, neurological disorders, and kidney damage. Environmental degradation affecting water resources also raises constitutional concerns. The Supreme Court of India has interpreted Article 21 of the Constitution to include the right to a clean and healthy environment.<sup>2</sup> Consequently, failure to protect groundwater resources from pollution may constitute a violation of fundamental rights. Recognizing the increasing

<sup>1</sup> Central Pollution Control Board, *Groundwater Quality Assessment Report*.

<sup>2</sup> INDIA CONST. art. 21.

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complexity of environmental disputes, Parliament enacted the *National Green Tribunal Act, 2010* establishing the *National Green Tribunal (NGT)* as a specialized environmental court.<sup>3</sup> This paper examines the role of the NGT in addressing groundwater contamination in Ludhiana and evaluates its broader implications for environmental governance in India.

## **II. LITERATURE REVIEW:**

Environmental governance and water pollution in India have attracted significant scholarly attention. Shyam Divan and Armin Rosencranz provide a comprehensive analysis of environmental law and policy in India and highlight the role of judicial activism in strengthening environmental protection.<sup>4</sup> Philippe Cullet's work on water law emphasizes the institutional challenges associated with groundwater governance and the need for integrated water resource management.<sup>5</sup> Upendra Baxi has explored the constitutionalization of environmental rights and argues that public interest litigation has played a crucial role in expanding environmental justice.<sup>6</sup> Lavanya Rajamani examines the influence of judicial innovation on environmental governance and the evolution of environmental jurisprudence in India.<sup>7</sup> Ramaswamy Iyer has also emphasized the importance of sustainable water governance and the need for integrated policy frameworks for water resource management.<sup>8</sup> International scholarship further contributes to understanding environmental governance. Daniel Bodansky highlights the importance of institutional coordination and international environmental governance mechanisms in addressing environmental challenges.<sup>9</sup> Claudia Pahl-Wostl emphasizes adaptive water governance systems capable of responding to environmental

<sup>3</sup> National Green Tribunal Act, 2010.

<sup>4</sup> Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India*.

<sup>5</sup> Philippe Cullet, *Water Law, Poverty and Development*.

<sup>6</sup> Upendra Baxi, *The Future of Human Rights*.

<sup>7</sup> Lavanya Rajamani, *Environmental Governance and Judicial Innovation*.

<sup>8</sup> Ramaswamy Iyer, *Water and the Laws in India*.

<sup>9</sup> Daniel Bodansky, *The Art and Craft of International Environmental Law*.

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change.<sup>10</sup> These studies collectively suggest that effective environmental governance requires strong institutional frameworks, scientific monitoring systems, and participatory governance mechanisms.

### **III. RESEARCH GAP:**

Despite substantial scholarship on environmental governance in India, limited research has focused specifically on the role of the National Green Tribunal in addressing groundwater contamination in industrial clusters. Most existing studies analyze environmental jurisprudence broadly without examining how NGT interventions influence groundwater governance at the regional level. This paper addresses this gap by examining the role of the NGT in addressing groundwater contamination in Ludhiana.

### **IV. THEORETICAL FRAMEWORK:**

This study is guided by three interrelated theoretical perspectives: *constitutional environmentalism*, *regulatory governance theory*, and *polycentric environmental governance*. Constitutional environmentalism recognizes environmental protection as a constitutional obligation derived from fundamental rights such as Article 21. Regulatory governance theory emphasizes the role of institutions and enforcement mechanisms in ensuring compliance with environmental standards. Polycentric environmental governance highlights the importance of coordination among multiple institutions including regulatory agencies, courts, industries, and civil society organizations.

### **V. CONSTITUTIONAL FRAMEWORK OF ENVIRONMENTAL PROTECTION:**

<sup>10</sup> Claudia Pahl-Wostl, Adaptive Water Governance.

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The constitutional framework of environmental protection in India has evolved through judicial interpretation of fundamental rights and directive principles. Article 21 of the Constitution guarantees the right to life and personal liberty. The Supreme Court has interpreted the right to life broadly to include the right to live in a healthy environment.<sup>11</sup> In *Subhash Kumar vs. State of Bihar*, the Court held that the right to life includes the right to enjoy pollution-free water and air.<sup>12</sup> Directive Principles such as Article 48A direct the State to protect and improve the environment, while Article 51A(g) imposes a duty upon citizens to protect natural resources.<sup>13</sup> The Supreme Court has also incorporated international environmental principles into Indian law. In *Vellore Citizens' Welfare Forum vs. Union of India*, the Court recognized the precautionary principle, and polluter pays doctrine as integral components of environmental governance.<sup>14</sup>

## **VI. STATUTORY FRAMEWORK GOVERNING WATER**

### **POLLUTION:**

Environmental protection in India is supported by several statutory enactments. The *Water (Prevention and Control of Pollution) Act, 1974* established the Central Pollution Control Board and State Pollution Control Boards responsible for monitoring water pollution and regulating industrial discharge.<sup>15</sup>

The *Environment (Protection) Act, 1986*, provides comprehensive powers to regulate environmental pollution and establish environmental standards.<sup>16</sup> The *National Green Tribunal Act, 2010*, created a specialized environmental court with jurisdiction over disputes

<sup>11</sup> INDIA CONST. art. 21.

<sup>12</sup> *Subhash Kumar v State of Bihar* (1991) 1 SCC 598.

<sup>13</sup> INDIA CONST. arts. 48A, 51A(g).

<sup>14</sup> *Vellore Citizens Welfare Forum v Union of India* (1996) 5 SCC 647.

<sup>15</sup> *Water (Prevention and Control of Pollution) Act, 1974.*

<sup>16</sup> *Environment (Protection) Act, 1986.*

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arising under major environmental statutes.<sup>17</sup> Sections 14 and 15 of the Act empower the Tribunal to adjudicate environmental disputes and provide compensation for environmental damage.

## **VII. JUDICIAL DEVELOPMENT OF ENVIRONMENTAL JURISPRUDENCE:**

Indian environmental jurisprudence has evolved through several landmark judicial decisions. In ***Rural Litigation and Entitlement Kendra vs. State of Uttar Pradesh***, the Supreme Court ordered closure of environmentally destructive limestone quarries.<sup>18</sup> In ***M.C. Mehta vs. Union of India***, the Court developed the doctrine of absolute liability for hazardous industries.<sup>19</sup> In ***Indian Council for Enviro-Legal Action vs. Union of India***, the Court held polluting industries responsible for environmental remediation costs.<sup>20</sup> In ***A.P. Pollution Control Board vs. Prof. M.V. Nayudu***, the Court emphasized the importance of scientific expertise in environmental decision-making.<sup>21</sup>

## **VIII. ROLE OF THE NATIONAL GREEN TRIBUNAL:**

The National Green Tribunal has emerged as a key institution in India's environmental governance framework. In ***Sterlite Industries (India) Ltd. vs. Tamil Nadu Pollution Control Board***, the Tribunal elaborated the principle of environmental compensation.<sup>22</sup> In ***Aryavart Foundation vs. Vapi Green Enviro Ltd.***, the Tribunal imposed liability on industrial treatment

<sup>17</sup> National Green Tribunal Act, 2010.

<sup>18</sup> *Rural Litigation & Entitlement Kendra v State of UP* (1985) Supp SCC 79.

<sup>19</sup> *M.C. Mehta v Union of India* (1987) 1 SCC 395.

<sup>20</sup> *Indian Council for Enviro-Legal Action v Union of India* (1996) 3 SCC 212.

<sup>21</sup> *A.P. Pollution Control Board v Prof. M.V. Nayudu* (1999) 2 SCC 718.

<sup>22</sup> *Sterlite Industries v TNPCB* (NGT).

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facilities for failure to properly treat effluents.<sup>23</sup> In *Manoj Mishra vs. Union of India*, the Tribunal issued comprehensive directions for restoration of the Yamuna River.<sup>24</sup> The Tribunal has also initiated nationwide monitoring of polluted river stretches through *Original Application No. 673 of 2018*.<sup>25</sup>

## **IX. COMPARATIVE ENVIRONMENTAL GOVERNANCE:**

International environmental governance frameworks provide valuable lessons for strengthening groundwater protection. The *European Union Water Framework Directive (2000)* introduced integrated river basin management systems.<sup>26</sup> The *United States Clean Water Act* establishes a comprehensive regulatory framework for controlling water pollution.<sup>27</sup> Australia's *Murray-Darling Basin Plan* emphasizes basin-level water management and ecological sustainability.<sup>28</sup>

## **X. STRUCTURAL CHALLENGES:**

Groundwater governance in India faces several challenges including weak regulatory enforcement, fragmented institutional arrangements, inadequate monitoring infrastructure, and economic pressures associated with industrial development.

## **XI. CONCLUSION:**

The National Green Tribunal represents a significant institutional innovation in India's environmental governance system. Through its jurisprudence, the Tribunal has strengthened

<sup>23</sup> *Aryavart Foundation v Vapi Green Enviro Ltd* (NGT).

<sup>24</sup> *Manoj Mishra v Union of India* (NGT).

<sup>25</sup> *NGT Original Application No. 673/2018*.

<sup>26</sup> *European Union Water Framework Directive 2000/60/EC*.

<sup>27</sup> *United States Clean Water Act*.

<sup>28</sup> *Murray-Darling Basin Plan* (Australia).

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environmental accountability and expanded access to environmental justice. However, groundwater contamination in Ludhiana demonstrates that adjudicatory mechanisms alone cannot address complex environmental governance challenges. Sustainable groundwater protection requires integrated governance reforms, strengthened regulatory institutions, technological monitoring systems, and community participation.

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