

*Law Audience Journal, Volume 6 & Issue 3, 20<sup>th</sup> April 2026,  
e-ISSN: 2581-6705, Indexed Journal, Impact Factor 5.988, Published at  
<https://www.lawaudience.com/volume-6-issue-3/>, Pages: 459 to 470,*

***Title: From Adjudication To Audit: The National Green Tribunal's Role In  
Realising The Right To Safe Drinking Water In Ludhiana,  
Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.:  
H230851), Department of Law, School of Legal Studies and Governance,  
Career Point University Hamirpur, Himachal Pradesh, India.***



### **Cite this article as:**

NITIN DHIMAN, “*From Adjudication To Audit: The National Green Tribunal's Role In Realising The Right To Safe Drinking Water In Ludhiana*”, Vol.6 & Issue 3, Law Audience Journal (e-ISSN: 2581-6705), Pages 459 to 470 (20<sup>th</sup> April 2026), available at <https://www.lawaudience.com/from-adjudication-to-audit-the-national-green-tribunals-role-in-realising-the-right-to-safe-drinking-water-in-ludhiana/>.

***Law Audience Journal, Volume 6 & Issue 3, 20<sup>th</sup> April 2026,  
e-ISSN: 2581-6705, Indexed Journal, Impact Factor 5.988, Published at  
<https://www.lawaudience.com/volume-6-issue-3/>, Pages: 459 to 470,***

***Title: From Adjudication To Audit: The National Green Tribunal's Role In  
Realising The Right To Safe Drinking Water In Ludhiana,  
Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.:  
H230851), Department of Law, School of Legal Studies and Governance,  
Career Point University Hamirpur, Himachal Pradesh, India.***

***| Copyright © 2026 By Law Audience Journal |  
(E-ISSN: 2581-6705)***

*All Copyrights are reserved with the Authors. But, however, the Authors have granted to the Journal (Law Audience Journal), an irrevocable, non-exclusive, royalty-free, and transferable license to publish, reproduce, store, transmit, display, and distribute it in the Journal or books or in any form and all other media, retrieval systems and other formats now or hereafter known.*

*No part of this publication may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other non-commercial uses permitted by copyright law.*

*For permission requests, write to the publisher, subject of the email must be "Permission Required" at the email addresses given below.*

*Email(s): [lawjournal@lawaudience.com](mailto:lawjournal@lawaudience.com), [info@lawaudience.com](mailto:info@lawaudience.com),  
[lawaudience@gmail.com](mailto:lawaudience@gmail.com).*

*Phone (No(s)): +91-8351033361,*

*Website: [www.lawaudience.com](http://www.lawaudience.com).*

*Facebook: [www.facebook.com/lawaudience](http://www.facebook.com/lawaudience).*

*Instagram: [www.instagram.com/lawaudienceofficial](http://www.instagram.com/lawaudienceofficial).*

*Contact Timings: 10:00 AM to 8:00 PM.*

***Law Audience Journal, Volume 6 & Issue 3, 20<sup>th</sup> April 2026,  
e-ISSN: 2581-6705, Indexed Journal, Impact Factor 5.988, Published at  
<https://www.lawaudience.com/volume-6-issue-3/>, Pages: 459 to 470,***

***Title: From Adjudication To Audit: The National Green Tribunal's Role In  
Realising The Right To Safe Drinking Water In Ludhiana,  
Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.:  
H230851), Department of Law, School of Legal Studies and Governance,  
Career Point University Hamirpur, Himachal Pradesh, India.***

## **Disclaimer:**

*Law Audience Journal (e-ISSN: 2581-6705) and Its Editorial Board Members do not guarantee that the material published in it is 100 percent reliable. You can rely upon it at your own risk. But, however, the Journal and Its Editorial Board Members have taken the proper steps to provide the readers with relevant material. Proper footnotes & references have been given to avoid any copyright or plagiarism issue. Articles published in Volume 6 & Issue 3 are the original work of the authors.*

*Views or Opinions or Suggestions (if any) expressed or published in the Journal are the personal points of views of the Author(s) or Contributor(s) and the Journal & Its Editorial Board Members are not liable for the same.*

*While every effort has been made to avoid any mistake or omission, this publication is published online on the condition and understanding that the publisher shall not be liable in any manner to any person by reason of any mistake or omission in this publication or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this work.*

*All disputes are subject to the exclusive jurisdiction of Courts, Tribunals and Forums at India only.*

***Submit your article(s) for Publications at [lawaudience@gmail.com](mailto:lawaudience@gmail.com), or  
[lawjournal@lawaudience.com](mailto:lawjournal@lawaudience.com), with subject as "Submission of Paper(s)  
for Publication in Law Audience Journal".***

*Law Audience Journal, Volume 6 & Issue 3, 20<sup>th</sup> April 2026,  
e-ISSN: 2581-6705, Indexed Journal, Impact Factor 5.988, Published at  
<https://www.lawaudience.com/volume-6-issue-3/>, Pages: 459 to 470,*

*Title: From Adjudication To Audit: The National Green Tribunal's Role In  
Realising The Right To Safe Drinking Water In Ludhiana,  
Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.:  
H230851), Department of Law, School of Legal Studies and Governance,  
Career Point University Hamirpur, Himachal Pradesh, India.*

## **Publisher Details:**

*Law Audience Journal (e-ISSN: 2581-6705),*

*Sole Proprietorship of Mr. Varun Kumar, Kharar, District.  
S.A.S, Nagar, Mohali, 140301,*

*Phone No(s): +91-8351033361 (WhatsApp),*

*Email ID(s): [lawjournal@lawaudience.com](mailto:lawjournal@lawaudience.com),  
[info@lawaudience.com](mailto:info@lawaudience.com) or [lawaudience@gmail.com](mailto:lawaudience@gmail.com).*

*Website: [www.lawaudience.com](http://www.lawaudience.com).*

*Contact Timings: 10:00 AM to 8:00 PM.*

## **Editor(s):**

- *Dr. Amit Yadav, Editor-In-Chief at Law Audience Journal, Associate Professor (Senior Scale) at School of Law, Manipal University Jaipur.*
- *Adv. Varun Kumar, Founder-CEO-Owner-Publisher-Publishing Editor at Law Audience Journal.*

*Editorial Board Members Details Are Available At:*

*<https://www.lawaudience.com/editorial-board-members/>.*

***Title: From Adjudication To Audit: The National Green Tribunal's Role In Realising The Right To Safe Drinking Water In Ludhiana,  
Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.: H230851), Department of Law, School of Legal Studies and Governance,  
Career Point University Hamirpur, Himachal Pradesh, India.***

### **ABSTRACT:**

*“The National Green Tribunal (NGT) has emerged as a critical institutional actor in India’s environmental jurisprudence, particularly in adjudicating disputes arising from industrial pollution. This paper examines the NGT’s evolving role in securing the right to safe drinking water through an analysis of its interventions in Ludhiana’s Buddha Nullah pollution crisis. While traditional adjudication remains central to the Tribunal’s functioning, a discernible shift toward audit-based compliance mechanisms—including water audits, power audits, third-party environmental assessments, and contempt proceedings—represents an innovative judicial methodology for enforcing environmental rights. Drawing on recent NGT orders concerning **Common Effluent Treatment Plants (CETPs)** in Ludhiana’s dyeing industrial cluster, this paper argues that the Tribunal’s audit-centred approach addresses structural deficits in the conventional enforcement architecture. However, persistent non-compliance and resistance from regulated entities and state authorities reveal significant limitations of this model. The paper concludes by proposing a framework for strengthening the adjudication-audit interface to enhance the realisation of the right to safe drinking water as an enforceable constitutional entitlement”*

**Keywords: National Green Tribunal, Right to Water, Environmental Audit, Buddha Nullah, Compliance Enforcement, Precautionary Principle.**

### **I. INTRODUCTION:**

The right to safe drinking water occupies an anomalous position within India’s constitutional jurisprudence. While not explicitly enumerated as a fundamental right, the Supreme Court has consistently read Article 21’s guarantee of the right to life to encompass the right to clean water.<sup>1</sup> Yet the translation of this constitutional entitlement into on-the-ground reality remains

<sup>1</sup> *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598 (holding that the right to life includes the right to pollution-free water). See also *M.C. Mehta v. Union of India*, (1986) 2 SCC 176 (establishing the framework for environmental jurisprudence under Article 21).

***Title: From Adjudication To Audit: The National Green Tribunal's Role In Realising The Right To Safe Drinking Water In Ludhiana,  
Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.: H230851), Department of Law, School of Legal Studies and Governance, Career Point University Hamirpur, Himachal Pradesh, India.***

profoundly incomplete. Nowhere is this disjunction more starkly illustrated than in Ludhiana, Punjab's largest industrial city, where the Buddha Nullah—a seasonal stream transformed into a de facto industrial sewer—has come to symbolise the catastrophic consequences of unregulated industrial discharge. The National Green Tribunal, established under the National Green Tribunal Act, 2010, was conceived as a specialised forum to address precisely such environmental crises.<sup>2</sup> Combining judicial and expert expertise, the Tribunal was empowered to adjudicate disputes arising under seven key environmental laws and to grant comprehensive relief, including restitution and compensation.<sup>3</sup> Yet the NGT's mandate extends beyond dispute resolution; Section 15 of the NGT Act empowers it to provide 'relief and compensation' and to 'direct the restitution of property and the environment', thereby authorising ongoing supervisory jurisdiction over compliance with its orders.<sup>4</sup> This paper explores the NGT's role in realising the right to safe drinking water in Ludhiana through a doctrinal analysis of its recent orders and related proceedings. Part II situates the Buddha Nullah pollution crisis within the broader political economy of Punjab's industrial development. Part III examines the NGT's adjudicatory framework and its specific interventions in Ludhiana. Part IV analyses the Tribunal's turn toward audit-based compliance mechanisms. Part V critically evaluates the limitations of this approach in light of persistent enforcement deficits. The paper concludes by offering recommendations for strengthening the NGT's effectiveness in securing environmental rights.

## **II. THE BUDDHA NULLAH CRISIS: A CASE STUDY IN REGULATORY FAILURE:**

<sup>2</sup> National Green Tribunal Act, 2010, Preamble (establishing the Tribunal 'for the effective and expeditious disposal of cases relating to environmental protection').

<sup>3</sup> National Green Tribunal Act, 2010, §§ 14-19 (conferring original, appellate, and special jurisdiction).

<sup>4</sup> National Green Tribunal Act, 2010, § 15 (empowering the Tribunal to provide 'relief and compensation' and direct restitution). For analysis of the Tribunal's remedial powers, see Gitanjali N. Gill, 'Environmental Justice in India: The National Green Tribunal and Expert Members', 5 *Transnational Environmental Law* 327, 335-40 (2016).

***Title: From Adjudication To Audit: The National Green Tribunal's Role In Realising The Right To Safe Drinking Water In Ludhiana,***  
***Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.: H230851), Department of Law, School of Legal Studies and Governance, Career Point University Hamirpur, Himachal Pradesh, India.***

### **A. THE POLLUTER-PAYS PRINCIPLE INVERTED:**

The Buddha Nullah, originally a natural drainage channel connecting the Sutlej River, has over decades been transformed into what activists term 'kale paani' (black water)—a toxic conduit carrying untreated industrial effluent from Ludhiana's dyeing and textile clusters. The environmental degradation is not an accidental byproduct of industrial activity but rather a systematic consequence of regulatory capture and enforcement indifference. Ludhiana's dyeing industry operates through three primary Common Effluent Treatment Plants: the 15 MLD CETP at Bahadurke, the 40 MLD CETP at Focal Point, and the 50 MLD CETP on Tajpur Road.<sup>5</sup> These CETPs were intended to collectively treat industrial wastewater before discharge. In practice, however, they have functioned as instruments of legalised pollution, with chronic violations of environmental clearance conditions, unauthorised discharges, and systematic non-compliance with Zero Liquid Discharge requirements.<sup>6</sup>

### **B. THE LEGAL ARCHITECTURE OF ENVIRONMENTAL PROTECTION:**

The regulatory framework governing industrial pollution includes the Water (Prevention and Control of Pollution) Act, 1974, the Environment (Protection) Act, 1986, and the Environmental Clearance notification regime.<sup>7</sup> Within this architecture, the Punjab Pollution Control Board (PPCB) is designated as the primary enforcement authority, responsible for issuing consents to operate, monitoring compliance, and initiating proceedings against violators. Yet the PPCB's performance has been characterised by what may charitably be described as regulatory lethargy and, less charitably, as active collusion with regulated industries. The Public Action Committee, a citizens' group representing affected residents, has

<sup>5</sup> Express News Service, 'Buddha Dariya Water Pollution: "Punjab Govt, Centre Downplaying Crisis," says PAC after NGT Hearing', *The Indian Express* (Chandigarh, July 23, 2025).

<sup>6</sup> *Ibid.* (noting that the MoEF&CC served show-cause notices to all three CETPs for illegal discharges into Buddha Nullah, failure to obtain consents, and non-adherence to environmental norms).

<sup>7</sup> Environment (Protection) Act, 1986, § 3 (empowering the central government to take measures for environmental protection); Water (Prevention and Control of Pollution) Act, 1974, §§ 25-26 (requiring consent from pollution control boards for establishment or operation of industrial units).

***Title: From Adjudication To Audit: The National Green Tribunal's Role In Realising The Right To Safe Drinking Water In Ludhiana,***  
***Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.: H230851), Department of Law, School of Legal Studies and Governance, Career Point University Hamirpur, Himachal Pradesh, India.***

repeatedly alleged that the PPCB and industry actors have coordinated to delay compliance and evade accountability.<sup>8</sup> This pattern of regulatory failure has created an enforcement vacuum that the NGT has been compelled to fill.

### **III. THE NGT'S ADJUDICATORY FRAMEWORK:**

#### **A. JURISDICTIONAL FOUNDATIONS:**

The NGT exercises jurisdiction over 'substantial questions relating to the environment' arising from the implementation of specified environmental laws.<sup>9</sup> Critically, Section 14(1) grants the Tribunal original jurisdiction in civil matters, while Section 16 confers appellate jurisdiction against orders of pollution control boards. The Tribunal's composition—combining judicial members with expert members possessing technical qualifications—reflects a deliberate legislative choice to enable scientifically informed adjudication.<sup>10</sup> The NGT Act also incorporates foundational environmental law principles. Section 20 mandates that the Tribunal 'shall be guided by the principles of sustainable development, the precautionary principle and the polluter pays principle'.<sup>11</sup> Unlike ordinary civil courts, which require proof of injury as a precondition for relief, the precautionary principle shifts the burden of proof, requiring environmental risk—even absent scientific certainty—to justify preventive action.

#### **B. THE DECEMBER 9, 2024 ORDER:**

The NGT's consolidated order of December 9, 2024, represents the Tribunal's most comprehensive intervention in Ludhiana's pollution crisis. Hearing fourteen clubbed cases, the Tribunal issued binding directions that crystallised the legal obligations of CETP operators and

<sup>8</sup> Express News Service, 'Buddha Dariya Water Pollution', *supra* note 5 (reporting PAC's allegations of collusion between the PPCB and industry players).

<sup>9</sup> National Green Tribunal Act, 2010, § 14(1) (providing that the Tribunal shall have jurisdiction over 'all civil cases where a substantial question relating to environment arises').

<sup>10</sup> National Green Tribunal Act, 2010, §§ 4-5 (prescribing composition of benches with judicial and expert members). See also Lavanya Rajamani, 'The National Green Tribunal of India: A Preliminary Assessment', in *Adjudicating Environmental Issues: The National Green Tribunal* 12, 15-18 (Conference Proceedings, 2012) (discussing the rationale for expert member participation).

<sup>11</sup> National Green Tribunal Act, 2010, § 20. For the judicial recognition of these principles, see *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647.

***Title: From Adjudication To Audit: The National Green Tribunal's Role In Realising The Right To Safe Drinking Water In Ludhiana,  
Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.: H230851), Department of Law, School of Legal Studies and Governance, Career Point University Hamirpur, Himachal Pradesh, India.***

regulatory authorities.<sup>12</sup> First, the order affirmed that the Bahadurke CETP (15 MLD) is bound by environmental clearance conditions requiring Zero Liquid Discharge—meaning that no effluent whatsoever may be discharged into receiving water bodies. Second, the Tajpur Road CETP (50 MLD) and Focal Point CETP (40 MLD) are explicitly prohibited from discharging any effluent into the Buddha Nullah.<sup>13</sup> Third, the Tribunal directed the Union Ministry of Environment, Forest and Climate Change (MoEF&CC) to enforce compliance or take coercive action within a stipulated timeframe.<sup>14</sup>

#### **IV. FROM ADJUDICATION TO AUDIT: INNOVATIONS IN COMPLIANCE ENFORCEMENT:**

##### **A. THE LIMITS OF TRADITIONAL ENFORCEMENT:**

Traditional environmental adjudication operates on a complaint-sanction-remedy model. A violation is identified, proceedings are initiated, and upon proof of violation, sanctions are imposed. This model assumes a functional enforcement infrastructure—reliable monitoring, effective prosecution, and meaningful deterrence. In contexts of regulatory capture and institutional incapacity, however, this model breaks down. The NGT has responded by developing what this paper terms ‘audit-based compliance mechanisms’—judicially mandated processes of verification, assessment, and disclosure that operate alongside or in substitution of conventional enforcement. These mechanisms share common characteristics: they are prospective rather than retrospective, rely on third-party expertise, and create ongoing supervisory relationships between the Tribunal and regulated entities.

##### **B. THE TURN TO SCIENTIFIC AUDIT:**

<sup>12</sup> *Public Action Committee v. Punjab Pollution Control Board*, Appeal No. 48/2024 (NGT Principal Bench, Dec. 9, 2024). The consolidated order is discussed in Public Action Committee, ‘Contempt Warning to Ludhiana Authorities over Dyeing Cluster Reopening’, *The Indian Express* (Chandigarh, Sept. 3, 2025).

<sup>13</sup> *Ibid.* (summarising the specific obligations imposed on each CETP).

<sup>14</sup> Express News Service, ‘Buddha Dariya Water Pollution’, *supra* note 5 (quoting MoEF&CC’s affidavit acknowledging non-compliance and seeking two months to enforce compliance).

***Title: From Adjudication To Audit: The National Green Tribunal's Role In Realising The Right To Safe Drinking Water In Ludhiana,***  
***Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.: H230851), Department of Law, School of Legal Studies and Governance, Career Point University Hamirpur, Himachal Pradesh, India.***

The NGT's deployment of audit-based remedies is most clearly illustrated in its orders concerning water and power audits. In a cognate case from Maharashtra's Kurkumbh MIDC estate, where industrial pollution threatened the Malad lake ecosystem, the Tribunal directed the Maharashtra Pollution Control Board to conduct comprehensive water and power audits of all industrial units.<sup>15</sup> The direction followed a joint committee's finding that a scientific audit was necessary to identify defaulting units, assess surface run-off, and detect leakages of untreated effluent.<sup>16</sup> The underlying logic is significant. Traditional monitoring—periodic inspection and sample collection—has proven incapable of detecting systematic violations. Industrial units may temporarily adjust operations during inspection visits, or may dilute effluent samples to achieve compliance on paper. A water and power audit, by contrast, establishes a mass balance: by measuring water inputs and outputs, and by correlating water consumption with energy usage, auditors can identify discrepancies that indicate unauthorised discharge. The audit thus functions as a forensic mechanism, converting the opacity of industrial operations into accountable transparency.

### **C. THIRD-PARTY ENVIRONMENTAL AUDIT:**

Beyond industrial audits, the NGT has increasingly mandated third-party environmental assessments conducted by autonomous expert institutions. In the Najafgarh Jheel matter, the Tribunal directed the National Wetland Authority to conduct an independent audit to determine the lake's actual area, rejecting state authorities' claims as unsupported by scientific evidence.<sup>17</sup> While this case concerns wetland protection rather than drinking water, the methodological innovation—judicial reliance on third-party expert audit to verify governmental claims—carries direct implications for water quality enforcement.

<sup>15</sup> *Suo Motu Cognisance v. Maharashtra Pollution Control Board*, Original Application No. 186/2023 (NGT Western Bench, Pune, May 31, 2024), discussed in Times News Network, 'NGT Directs Water & Power Audit of Units in Kurkumbh', *The Times of India* (Pune, June 10, 2024).

<sup>16</sup> *Ibid.* (noting that the joint committee's report found the Kurkumbh nullah 'contaminated with seepage of effluent' and 'carrying water which was yellow with a strong smell').

<sup>17</sup> *Indian National Trust for Art and Cultural Heritage v. Union of India*, Application No. 250/2018 (NGT Principal Bench, May 1, 2025), discussed in 'Third-party audit to determine Najafgarh Jheel area in Haryana: NGT', *Hindustan Times* (New Delhi, May 14, 2025).

***Title: From Adjudication To Audit: The National Green Tribunal's Role In Realising The Right To Safe Drinking Water In Ludhiana,  
Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.: H230851), Department of Law, School of Legal Studies and Governance, Career Point University Hamirpur, Himachal Pradesh, India.***

Applied to the Ludhiana context, third-party audit mechanisms could address the credibility deficit that plagues PPCB's monitoring. Rather than relying on industry self-reporting or capture-prone state authorities, the NGT could empanel independent technical institutions—such as IIT Ropar, which the PPCB has belatedly engaged—to conduct ongoing compliance verification.

#### **D. CONTEMPT AS AUDIT ENFORCEMENT:**

The most potent weapon in the NGT's audit arsenal is the contempt power. Under Section 26 of the NGT Act, the Tribunal exercises the same contempt jurisdiction as the High Courts, including the power to impose penalties up to ₹10 crore and imprisonment up to three years for wilful disobedience of orders.<sup>18</sup> In the Ludhiana proceedings, the Public Action Committee has filed contempt petitions against PPCB officials and CETP directors, alleging continued discharge of untreated effluent into Buddha Nullah in violation of the December 9, 2024 order.<sup>19</sup> The contempt mechanism serves two audit-related functions. First, it creates personal liability for public officials, thereby incentivising diligent enforcement. Second, it places the burden on alleged contemnors to demonstrate compliance—effectively requiring them to produce auditable evidence of their performance.

#### **V. THE LIMITS OF THE AUDIT APPROACH:**

##### **A. PERSISTENT NON-COMPLIANCE:**

For all its innovations, the NGT's audit-based approach has not yet secured compliance in Ludhiana. In September 2025, despite the binding December 2024 order, dyeing clusters resumed operations and effluent discharge into Buddha Nullah resumed as well.<sup>20</sup> The district

<sup>18</sup> National Green Tribunal Act, 2010, § 26. The provision incorporates the Contempt of Courts Act, 1971, with enhanced penalties specific to environmental violations

<sup>19</sup> Express News Service, 'Buddha Dariya Water Pollution', *supra* note 5 (reporting that contempt petitions seek coercive action against PPCB officials and CETP directors for continued discharge of untreated effluent).

<sup>20</sup> HT Correspondent, 'Ludhiana: Activists Accuse Administration, Dyeing Industry of Flouting NGT Orders', *Hindustan Times* (Chandigarh, Sept. 6, 2025).

***Title: From Adjudication To Audit: The National Green Tribunal's Role In Realising The Right To Safe Drinking Water In Ludhiana,  
Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.: H230851), Department of Law, School of Legal Studies and Governance, Career Point University Hamirpur, Himachal Pradesh, India.***

administration issued an order purporting to allow normal functioning of dyeing clusters, claiming that the Bhattian Sewage Treatment Plant's operational status justified reopening.<sup>21</sup> Civil society actors immediately challenged this reasoning as 'utterly false', noting that dyeing cluster effluent flows only through CETPs and has no connection to the municipal sewage treatment plant.<sup>22</sup> The episode exposes a fundamental vulnerability of the audit-based model: even when the Tribunal mandates accounting and verification, state authorities retain coercive power on the ground. If those authorities ignore or actively subvert Tribunal orders, the adjudication-audit architecture collapses.

### **B. STRUCTURAL CONSTRAINTS:**

Three structural constraints limit the NGT's effectiveness. First, the Tribunal lacks an independent enforcement machinery. It cannot deploy its own inspectors or execute closure orders without state authority cooperation.<sup>23</sup> Second, the NGT's jurisdiction is limited to civil matters; criminal prosecutions for environmental violations must proceed through ordinary courts, which are already overburdened and often indifferent to environmental concerns. Third, the Tribunal's orders are subject to appeal before the Supreme Court, creating opportunities for regulated entities to delay compliance through strategic litigation. These constraints are not fatal to the audit model, but they require realistic calibration of expectations. The NGT can mandate audits, can disbelieve false compliance reports, and can threaten contempt sanctions. It cannot, however, unilaterally transform Punjab's political economy of pollution.

## **VI. TOWARD A FRAMEWORK FOR EFFECTIVE ENFORCEMENT:**

<sup>21</sup> *Ibid.* (quoting the Deputy Commissioner's September 2 order stating that with the Bhattian STP operational, dyeing clusters 'may be allowed to function normally').

<sup>22</sup> *Ibid.* (reporting the Morcha's statement that 'Bhattian STP has nothing to do with the dyeing clusters' as their effluents flow only through CETPs).

<sup>23</sup> For a critical assessment of the NGT's enforcement limitations, see Gill, *supra* note 4, at 345-50 (observing that the Tribunal 'lacks its own enforcement machinery and must rely on the executive branch for implementation of its orders').

***Title: From Adjudication To Audit: The National Green Tribunal's Role In  
Realising The Right To Safe Drinking Water In Ludhiana,  
Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.:  
H230851), Department of Law, School of Legal Studies and Governance,  
Career Point University Hamirpur, Himachal Pradesh, India.***

### **A. INTEGRATING ADJUDICATION AND AUDIT:**

The way forward lies not in abandoning the audit model but in strengthening its institutional embedding. First, the NGT should systematise its reliance on third-party technical institutions for compliance verification. Rather than ad hoc engagement, a standing panel of empanelled auditors—IITs, NITs, and central universities—could be designated to conduct periodic water and power audits of major polluting industries. Second, audit findings must be integrated into a graduated enforcement framework. For first-time violators, compliance plans with specific timelines may suffice. For repeat violators, however, the NGT should impose escalating sanctions, including progressively higher penalties and eventual closure orders. The current practice of repeated adjournments and opportunities for compliance undermines deterrence. Third, the Tribunal should expand its use of continuing mandamus—retaining jurisdiction over matters until compliance is verified through auditable evidence. The episodic model of environmental litigation, in which a final order terminates the proceedings, is ill-suited to chronic pollution problems. Ongoing judicial supervision, with compliance hearings, creates sustained pressure for reform.

### **B. RECOGNISING THE RIGHT TO WATER:**

Finally, the NGT should explicitly anchor its audit-based remedies in a doctrinal recognition of the right to safe drinking water as an enforceable entitlement. While the Supreme Court has read Article 21 to encompass water rights, the NGT's jurisprudence has remained pragmatic rather than principled, focusing on statutory violations rather than constitutional guarantees.<sup>24</sup> A constitutional grounding would accomplish two objectives. First, it would clarify that pollution control is not merely a regulatory compliance matter but a fundamental rights obligation binding on the state. Second, it would expand the standing of affected communities to seek remedies, enabling class actions and public interest interventions that the current statutory framework does not fully accommodate.

---

<sup>24</sup> *Subhash Kumar*, (1991) 1 SCC 598 (reading water rights into Article 21). For argument that the NGT should more explicitly ground its reasoning in constitutional rights, see Rajamani, *supra* note 10, at 22-24 (noting the Tribunal's 'tendency to focus on statutory compliance rather than constitutional guarantees').

***Title: From Adjudication To Audit: The National Green Tribunal's Role In  
Realising The Right To Safe Drinking Water In Ludhiana,  
Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.:  
H230851), Department of Law, School of Legal Studies and Governance,  
Career Point University Hamirpur, Himachal Pradesh, India.***

## **VII. CONCLUSION:**

The National Green Tribunal's interventions in Ludhiana represent a significant experiment in environmental adjudication. Faced with a pollution crisis of catastrophic proportions and a regulatory apparatus that has abdicated its responsibilities, the Tribunal has moved beyond traditional judicial remedies to develop audit-based compliance mechanisms—water audits, power audits, third-party environmental assessments, and contempt proceedings designed to enforce accountability. These innovations are real, and they have produced genuine pressure for compliance. The fact that the dyeing industry and state authorities have openly defied NGT orders even after the December 2024 judgment is not evidence of the audit model's failure. On the contrary, it demonstrates that without judicial intervention, the situation would be even worse, and that the NGT's presence has made pollution a politically contested issue rather than a matter of quiet regulatory accommodation. Yet the limits of the audit approach must also be acknowledged. The NGT cannot replace the coercive power of the state; it can only direct that power toward lawful ends. When state authorities ignore Tribunal orders, when regulated industries flout environmental clearance conditions with impunity, the gap between judicial pronouncement and on-the-ground reality becomes tragically visible. Closing this gap will require institutional reforms extending beyond the NGT's mandate—including pollution control board reform, criminal prosecution of wilful violators, and political mobilisation by affected communities. The right to safe drinking water in Ludhiana remains more promise than reality. But the NGT's evolution from adjudication to audit has given that promise institutional form, converting 抽象 constitutional entitlements into concrete compliance obligations. Whether that promise will be fulfilled depends not on judicial innovation alone, but on the willingness of citizens to demand enforcement and on the courage of officials to provide it.

***Title: From Adjudication To Audit: The National Green Tribunal's Role In Realising The Right To Safe Drinking Water In Ludhiana,  
Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.: H230851), Department of Law, School of Legal Studies and Governance, Career Point University Hamirpur, Himachal Pradesh, India.***

## **References:**

### **PRIMARY SOURCES:**

#### **STATUTES:**

1. Constitution of India (1950).
2. Environment (Protection) Act, 1986 (No. 29 of 1986).
3. National Green Tribunal Act, 2010 (No. 19 of 2010).
4. Water (Prevention and Control of Pollution) Act, 1974 (No. 6 of 1974).

#### **CASE LAW:**

1. *Public Action Committee v. Punjab Pollution Control Board*, Appeal No. 48/2024 (NGT Principal Bench, Dec. 9, 2024).
2. *Indian National Trust for Art and Cultural Heritage v. Union of India*, Application No. 250/2018 (NGT Principal Bench, May 1, 2025).
3. *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.
4. *Suo Motu Cognisance v. Maharashtra Pollution Control Board*, Original Application No. 186/2023 (NGT Western Bench, Pune, May 31, 2024).
5. *M.C. Mehta v. Union of India*, (1986) 2 SCC 176.

### **SECONDARY SOURCES:**

#### **ARTICLES:**

1. Gitanjali N. Gill, 'Environmental Justice in India: The National Green Tribunal and Expert Members', 5 *Transnational Environmental Law* 327 (2016).
2. Lavanya Rajamani, 'The National Green Tribunal of India: A Preliminary Assessment', in *Adjudicating Environmental Issues: The National Green Tribunal* 12 (Conference Proceedings, 2012).
3. Public Action Committee, 'Contempt Warning to Ludhiana Authorities over Dyeing Cluster Reopening', *The Indian Express* (Chandigarh, Sept. 3, 2025).

***Title: From Adjudication To Audit: The National Green Tribunal's Role In  
Realising The Right To Safe Drinking Water In Ludhiana,  
Authored By: Nitin Dhiman, Ph.D. Research Scholar (Enrollment No.:  
H230851), Department of Law, School of Legal Studies and Governance,  
Career Point University Hamirpur, Himachal Pradesh, India.***

4. Express News Service, 'Buddha Dariya Water Pollution: "Punjab Govt, Centre Downplaying Crisis," says PAC after NGT Hearing', *The Indian Express* (Chandigarh, July 23, 2025).
5. HT Correspondent, 'Ludhiana: Activists Accuse Administration, Dyeing Industry of Flouting NGT Orders', *Hindustan Times* (Chandigarh, Sept. 6, 2025).
6. Times News Network, 'NGT Directs Water & Power Audit of Units in Kurkumbh', *The Times of India* (Pune, June 10, 2024).

