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Supreme Court Sets Aside NGT Order on Yamuna Floodplains, Holds Polluter Pays Needs Proof of Causation

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Supreme Court Sets Aside NGT Order on Yamuna Floodplains, Holds Polluter Pays Needs Proof of Causation

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✓ Every fact web-verified against primary sources

On **August 22, 2026**, the Supreme Court set aside the National Green Tribunal's order holding **Vyakti Vikas Kendra India (the Art of Living Foundation)** liable for environmental damage to the **Yamuna floodplains** from the **World Culture Festival of 2016**, and directed the refund of the **₹5 crore** environmental compensation it had deposited.

THE CASE

ELEMENT	DETAIL
Case	<i>Vyakti Vikas Kendra India v. Manoj Misra (Dead) and Others</i>
Citation	2026 INSC 910
Bench	Justice Satish Chandra Sharma and Justice N. Kotiswar Singh
Underlying event	World Culture Festival, 2016 , on the Yamuna floodplains, Delhi
NGT order	2017 , imposing ₹5 crore environmental compensation
Outcome	NGT order set aside; DDA to refund ₹5 crore within four weeks

The original applicant, **Manoj Misra**, was the convenor of the Yamuna Jiye Abhiyaan. The cause title records him as deceased.

WHAT THE COURT ACTUALLY HELD

The holding is narrower and more interesting than “the Foundation won”.

Causation is a precondition, not a formality. The Court held that the Polluter Pays Principle “cannot be invoked unless the degradation is attributable to the alleged person”, and that “the applicability of this principle is contingent upon various factors and the foremost factor is the causation of real damage.”

The record broke the causal chain. The Court found it established that the site was **already in a dilapidated condition before it was handed over** to the appellant. If the floodplain was degraded going in, damage found afterwards cannot be attributed wholesale to the event.

The NGT’s fact-finding was the real target. The Court criticised the Tribunal for reaching its conclusion **without examining contemporaneous evidence** of the pre-existing state of the floodplain, relying instead on an expert report it described as sweeping and based on the members’ subjective assessment.

Rehabilitation is not restoration. The Court rejected the equation of the two, holding that requiring the appellant to fund full restoration exceeded its liability. It clarified that the **DDA must continue floodplain rehabilitation independently** of this refund. The land is still degraded; what changed is who pays for it.

THE DOCTRINE IN CONTEXT

The **Polluter Pays Principle** entered Indian jurisprudence through **Indian Council for Enviro-Legal Action v. Union of India (1996)** and **Vellore Citizens’ Welfare Forum v. Union of India (1996)**, which read it, along with the **Precautionary Principle**, into **Article 21** as an element of sustainable development.

The **National Green Tribunal** was created by the **National Green Tribunal Act, 2010**, with jurisdiction over seven scheduled environmental statutes. Its orders are appealable to the Supreme Court under **Section 22** of that Act, which is the route this appeal took.

CRITICAL ANALYSIS

Two goods are genuinely in tension here, and a good answer holds both.

The Polluter Pays Principle works precisely because it does *not* demand forensic proof of ecological causation. Ecosystem damage is **diffuse**, cumulative and slow, and a strict causation standard is close to unmeetable in exactly the places that need the principle most: urban river floodplains where dozens of actors have degraded the land over decades and no single one can be isolated. Requiring “a direct, evidence-based link” restores ordinary standards of proof, and in doing so risks making the principle unusable where it matters.

The Court’s institutional point is separately strong, and it is the stronger half. A specialised tribunal that awards damages on a report it has not tested against the pre-existing baseline is not doing expert fact-finding; it is substituting confidence for evidence. The NGT’s authority rests on technical rigour, and rigour cuts both ways.

The reconciliation worth arguing. The answer may not be to weaken the principle but to require the NGT to **establish an evidentiary baseline before quantifying compensation**. Baseline documentation before permission is granted, rather than reconstruction afterwards, would preserve both the principle and the standard of proof. That is an administrative fix, not a **doctrinal** retreat.

Note what did not change. The Court did not hold that the festival caused no damage, or that floodplains may be used freely. It held that this record did not establish attribution, and that the DDA's own restoration duty survives.

UPSC RELEVANCE

GS Paper 3 (Environment): Conservation and environmental pollution; environmental jurisprudence; the National Green Tribunal.

GS Paper 2 (Polity): Tribunals; standards of evidence before specialised bodies; **judicial review** of expert determinations.

Prelims focus: the two 1996 judgments that imported the principle; Article 21 as its constitutional anchor; NGT Act, 2010 and the Section 22 appeal route; the number of scheduled statutes.

Mains angle: Examine whether a strict causation requirement is compatible with the Polluter Pays Principle's purpose. The strongest structure states the case for the Court's holding, states the cost of it, and proposes the baseline-documentation fix rather than picking a side.

★ FACTS CORNER — KNOWLEDGE PEDIA

THE CASE:

Vyakti Vikas Kendra India v. Manoj Misra (Dead) and Others, 2026 INSC 910, decided August 22, 2026

Bench: Justice Satish Chandra Sharma and Justice N. Kotiswar Singh

Underlying event: World Culture Festival, 2016, Yamuna floodplains, Delhi

NGT order of 2017 imposed ₹5 crore; refund ordered within four weeks; the deposit was held by the Delhi Development Authority

Holding: the Polluter Pays Principle “cannot be invoked unless the degradation is attributable to the alleged person”

The Court held rehabilitation is not restoration, and that DDA’s own rehabilitation duty continues

THE DOCTRINE:

Polluter Pays and the Precautionary Principle were read into Article 21 via Indian Council for Enviro-Legal Action v. Union of India (1996) and Vellore Citizens’ Welfare Forum v. Union of India (1996)

Both are elements of sustainable development in Indian constitutional law

THE TRIBUNAL:

National Green Tribunal Act, 2010; jurisdiction over seven scheduled environmental statutes

Appeals lie to the Supreme Court under Section 22 of the Act

Manoj Misra, the original applicant, convened the Yamuna Jiye Abhiyaan

Sources: Supreme Court of India

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