

National Green Tribunal

September 30, 2020

In News

The National Green Tribunal was **established in 2010 under the National Green Tribunal Act 2010** for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including **enforcement of any legal right relating to the environment and giving relief and compensation** for damages to persons and property and for matters connected therewith.

More About NGT

- Recognising that most environment cases involve multi-disciplinary issues which are better addressed in a specialised forum, the Tribunal was set up as per **recommendations of the Supreme Court, Law Commission and India's international law obligations** to develop national laws on environment and implement them effectively.
- It is a **specialized body** equipped with the necessary expertise to handle environmental disputes involving multi-disciplinary issues.
- The Tribunal shall **not be bound by the procedure laid down under the Code of Civil Procedure, 1908, but shall be guided by principles of natural justice.**
- The Tribunal is **mandated** to make and endeavour for **disposal of applications or appeals finally within 6 months** of filing of the same.
- **New Delhi is the principal place of sitting** of the Tribunal and Bhopal, Pune, Kolkata and Chennai shall be the other four places of sitting of the Tribunal.
- The Tribunal is headed by the Chairperson who sits in the principal bench and has **at least ten but not more than twenty judicial members and at least ten but not**

more than twenty expert members.

- Any person seeking relief and compensation for environmental damage involving subjects in the legislations mentioned in Schedule I of the National Green Tribunal Act, 2010 may approach the Tribunal. The statutes in Schedule I are:

- . The Water (Prevention and Control of Pollution) Act, 1974;
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 - . The Forest (Conservation) Act, 1980;
 - . The Air (Prevention and Control of Pollution) Act, 1981;
 - . The Environment (Protection) Act, 1986;
 - . The Public Liability Insurance Act, 1991;
 - . The Biological Diversity Act, 2002.
- The decisions of the Tribunal are **binding**. The Tribunal's orders are enforceable as the **powers vested are the same as in a civil court under the Code of Civil Procedure, 1908.**

Landmark Judgements

- Ms. Betty C. Alvares vs. The State of Goa and Ors.
- . A complaint regarding various instances of illegal construction in the Coastal Regulation Zone of Candolim, Goa was made by a person of foreign nationality.
 - . The Court laid down in very bold terms that **any person (including foreign national) can file a proceeding related to the environmental dispute.**
- Almitra H. Patel & Ors. vs. Union of India and Ors.
- . A **PIL under Article 32** of the Constitution of India was

filed before the Apex Court whereby the petitioner sought the immediate and urgent improvement in the practices that are presently adopted for the way Municipal Solid Waste or garbage is treated in India.

. The Tribunal **directed every state and UT to implement the Solid Waste Management Rules, 2016 immediately** and prepare an action plan in terms of the rules within 4 weeks.

. The most important direction of the Tribunal was a **complete prohibition on open burning of waste on lands**, including at landfills.

▪ Samit Mehta vs. Union of India and Ors.

. In this case, an environmentalist filed an application in relation to the damage caused to the sinking of a ship named M. V. Rak which was carrying huge amounts of coal, fuel oil and diesel.

. The Tribunal directed respondents to **pay environmental compensation to the tune of Rs. 100 crores to the Ministry of Shipping**, GOI, which is one of the biggest compensation amounts ever paid by a private entity against environmental damage done.