

National Green Tribunal (NGT)

October 20, 2020

In news

10 years of establishment of NGT

About NGT

- The National Green Tribunal, **established in 2010, as per the National Green Tribunal Act** is a **specialised judicial body** equipped with expertise solely for the purpose of adjudicating environmental cases in the country
- It deals with the **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.
- 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.**
- Additionally, any person aggrieved by an order/direction of any of the Appellate Authorities under the legislations mentioned above can also challenge them before the National Green Tribunal.

What is the Tribunal's composition?

- The Tribunal has a presence in five zones- North, Central, East, South and West. The Principal Bench is situated in the North Zone, headquartered in Delhi.
- The Central zone bench is situated in Bhopal, East zone in Kolkata, South zone in Chennai and West zone in Pune.
- 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.

In Schedule I of the Act provides for following the implementation of laws:

- The Water (Prevention and Control of Pollution) Act, 1947
- The Water (Prevention and Control of Pollution) Cess Act, 1947
- The Forest (Conservation) Act, 1980
- The Air (Prevention and Control of Pollution) Act, 1981
- The Environment (Protection) Act, 1991
- The Public Liability Insurance Act, 1991
- The Biological Diversity Act, 2002

Power and Function of NGT:

Following are the **powers** vested in National Green Tribunal-

- NGT **has the jurisdiction to decide all the matters involving substantial questions** regarding the environment and its protection and any legal right so connected with it.
- This being a statutory authority exercises not only **original jurisdiction but also has appellate jurisdiction.**
- NGT considers some principles before deciding any case such as, sustainable development, the polluter pays, precautionary principle etc.
- It can order a party or any such person to pay compensation and relief that has caused damaged to the environment and to the victims by using hazardous substances.
- It can also order for restitution of property and restitution of the damaged environment.
- Also, an appeal can be filed to the Supreme Court against the order of the NGT.

Following are the functions performed by the National Green Tribunal:

- NGT has to **handle all the disputes related to the environment and other related multi-disciplinary issues.**
- It must provide speedy trial and speedy justice in all related matters and must help to reduce the burden of the same cases pending in higher courts.
- It is mandated to **dispose of the case within 6 months** from the date of filing of the complaint.

Important judgements

- Ms. Betty C. Alvares vs. The State of Goa and Ors-Even a Foreign National Can Approach the NGT
- Almitra H. Patel & Ors. vs. Union of India and Ors- Complete prohibition on open burning of waste on lands and this case has been the single biggest landmark case dealing with the issue of solid waste management in India.
- Srinagar Bandh Aapda Sangharsh Samiti & Anr. v. Alaknanda hydro Power Co. Ltd. & Ors-In this case no-fault liability principle invoked
- Samit Mehta vs. Union of India and Ors-In this case 'Polluter Pays' principle invoked