

A Critical Evaluation of National Green Tribunal of India

Sandeep Kumar

Assistant Professor, Himachal Pradesh University Institute of Legal Studies, Shimla, Himachal Pradesh, India

Abstract

National Green Tribunal is an institutional mechanism for enhancing access to environmental justice in India. National Green Tribunal has been created under National Green Tribunal Act, 2010. This statutory forum is equipped with necessary expertise to handle environmental disputes. The presence of experts belonging to environment in NGT to decide environmental litigations has made it, more result oriented alternative environment dispute resolution mechanism. Since its inception, the National Green Tribunal has exercised its powers very judiciously in environmental matters.

This paper makes an attempt to examine the necessity of establishing NGT as an alternative institution in India to hear environmental cases despite of already existing bunch of environmental statutory bodies to dispose of environmental litigations. Further, the paper discusses significant judgments delivered by National Green Tribunal to know and understand the dynamism it has displayed towards environment protection. The study is doctrinal in nature and therefore reliance has been placed on secondary sources to complete the study.

Keywords: national green tribunal, ngt, environment protection, laws

1. Introduction

It is a well-known fact supported by a lot of ancient philosophers that earth, air, water, ether (space), and fire are the five elements necessary for the composition of human body. It is also true that pollution free environment is necessary for survival of mankind. This term 'environment' includes all parts of nature necessary for health of human being. The existence of life including of all human beings, animals, plants and others depends upon the God gifted nature and right from the evolution of mankind the mother earth provided sufficient natural resources such as air, water, land flora and fauna. Therefore it is our utmost duty to utilize the natural resources with great caution. As Rashtrapita Mahatma Gandhi rightly said that "There is enough in the world for everyone's need, but not enough for everyone's greed"^[1] In the present world the greed of human being increased pressure on our natural resources and environment continuously resulting in environmental degradation.

Keeping in view the protection and conservation of environment and sustainable use of natural resources our country took several steps. The Constitutional of India itself under Article 51A (g) (Part IVA -Fundamental Duties) casts a duty on every citizen of India "to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures." Further, the intention of our country is also clear from Art 48A (Part IV -Directive Principles of State Policies) of the Constitution of India which stipulates that the "State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country."

As a matter of fact several legislations for protection of environment existed even before our independence, but, the real efforts to protect and conserve environment were initiated only after United Nation Conference on the Human Environment (Stockholm, 1972). After the Stockholm Conference, the National Council for Environmental Policy

and Planning was set up in 1972. Ministry of Environment and Forests was established in the year 1985. It is now the apex administrative body in our country for regulating and ensuring environmental protection and it lays down the legal and regulatory framework for the same.

The Government of India enacted plenty of legislations to protect the environment like The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, The Environment Protection Act, 1986, The National Green Tribunal Act, 2010, The Hazardous Waste Management Regulations, etc. In this study, the researcher mainly emphasize on the functioning of National Green Tribunal established under the National Green Tribunal Act, 2010 and its need and dynamism displayed by it to protect environment.

2. Necessity of NGT as Alternative Dispute Resolution Mechanism

The Apex Court of India has made it clear that each and every person is having a right to live in a healthy environment^[2], right to enjoy quality of life^[3] and right to enjoy pollution free atmosphere^[4]. To achieve this goal it is mandatory that any violation of these rights shall be dealt with immediately. The existing courts were already busy hence there was a dire need of some special court to deal with such matters. The need to have a special court for was felt even by the Supreme Court because of complex nature of environmental nature of litigations and their faster, cheaper and more effective disposal. In *M. C. Mehta vs. Union of India*^[5] Mr. Justice P. N. Bhagwati advocated for the very first time the need of environmental court. In the case the court observed "*That case involving issues of environmental pollution, ecological destruction and its conflict over natural resources involved assessment and evolution of scientific data and, therefore, according to the court, there was an urgent need of involvement of experts in the administration of justice*"^[6] The same view was

expressed by the Supreme Court in *India Council For Enviro-Legal Action vs. Union of India* ^[7] and *A.P. Pollution Control Board vs. M. V. Naidu* ^[8].

The Apex Court after taking into consideration the large number of pending matters before the courts requested the Law Commission of India to consider the need of special courts for adjudication of environmental matters. Therefore in the year 2003, the Law Commission of India in its 186th Report, 2003, recommended that the Government need to establish separate court for effective and expeditious disposal of environmental issues. It was recommended that these courts shall consist of members with judicial or legal experiences assisted by members with technical knowledge. Keeping in view the environmental degradation and the recommendations of Supreme Court and Law Commission of India, the Parliament of India passed an Act that enabled creation of National Green Tribunal to handle the expeditious disposal of cases pertaining to environmental issues. This purpose of establishing NGT in the National Green Tribunal Act, 2010 was to ensure *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 environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto*.

The Tribunal was established to reduce the burden of higher judiciary and provide speedy justice in matters related to environment. The National Green Tribunal was established with the following objectives:

1. To provide 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.
2. To give relief and compensation for damages to persons and property.
3. To repeal the National Environmental Tribunal Act, 1995.
4. To repeal the National Environment Appellate Authority Act, 1997.
5. To deal with all connected matters.
6. To provide speedy justice in environmental matters.
7. To reduce the burden of Higher Courts.

3. Composition of the Tribunal

The National Green Tribunal Act, 2010 empowered the Central Government to establish a Tribunal to be called as the national Green tribunal and the same shall necessarily consist of a full time Chairperson, ten to twenty full time Judicial Members and other ten to twenty experts members. The Chairman may also invite one or more persons having specialized knowledge and experience in any particular matter to assist the Tribunal if required in that matter ^[9] Thus it is clear that in a National Green Tribunal there can be minimum 20 members and maximum 40 members and a Chairperson and there is a possibility that in any specific case the Chairperson may appoint any specialized person or persons to assist the Tribunal.

4. Jurisdiction of the Tribunal

The National Green Tribunal possess jurisdiction over all matters that are civil in nature wherein the substantial question relating to environment is involved. It includes

enforcement of legal rights pertaining to environment as well ^[10] The Tribunal while explaining it's own jurisdiction held that the jurisdiction of the National Green Tribunal extends over all the civil cases involving questions pertaining to environment ^[11] But the Tribunal is having power to entertain such matters only if they are filed within a period of six months from the date of first occurrence of the cause of action. The Tribunal, in certain cases where there is justified delay in filing the case exists, may condone the delay of maximum sixty days.

It has also been made clear by the Act the civil courts shall have no jurisdiction to entertain and settle any dispute pertaining to environment. The Act also provided that immediately after the establishment of the Green Tribunal, no civil court shall have jurisdiction to entertain any appeal in respect of any matter, which the Tribunal is empowered to determine as appellate authority ^[12].

The National Green Tribunal possesses power to hear disputes pertaining to implementation of laws listed/specified in Schedule I of the Act. These "enactments are:

1. The Water (Prevention and Control of Pollution) Act, 1974;
2. The Water (Prevention and Control of Pollution) Cess Act, 1977;
3. The Forest (Conservation) Act, 1980;
4. The Air (Prevention and Control of Pollution) Act, 1981;
5. The Environment (Protection) Act, 1986;
6. The Public Liability Insurance Act, 1991;
7. The Biological Diversity Act, 2002."

5. Environmental Principles to be followed by NGT

The National Green Tribunal is bound to follow various national and international principles to secure environmental justice. Moreover, the National Green Tribunal Act itself directs that "the Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and polluter pay principle ^[13] The major principles of environment protection are as under:

5.1. Sustainable Development

The term "sustainable" derived from the Latin term "sustainers" that means "to hold up" or "to endure". The term sustainable development is a concept that provides a method of exploitation of natural resources in a manner whereby the need of future generation is also taken care of. It says that the development shall be conducted in a manner in which the need of present is fulfilled without compromising the requirements of future generation. It provides that we must use the renewable natural resources in such a manner whereby the regeneration is more than the rate of use. It talks about the inter generation equity. The development is necessary but it does not mean that nothing shall be left for future generations. The Apex Court while defining the term sustainable development held that this term "refers to the type or extent of development that can take place and that can be sustained by nature with or without mitigation" ^[14].

The High Court of Himachal Pradesh in *Kinkri Devi v. State of Himachal Pradesh* observed that "if industrial growth sought to be achieved by reckless mining resulting in loss of life, loss of property, loss of amenities like water supply and

creation of ecological imbalance, there may ultimately be no real economic growth and no real prosperity^[15] Similarly, in *People United for Better Living in Calcutta v. State of West Bengal*, the Calcutta High Court observed that “while it is true in a developing country there have to be developments, but that developments shall have to be in close possible harmony with the environment, as otherwise there would be development but no environment, which would result in total devastation..... there has to be a proper balance between development and environment so that both can coexist without affecting the other^[16]”

The concept of sustainable development in India was adopted by Supreme Court in *Vellore Citizens case*^[17] In this case the Apex Court adopted this principle as a balancing concept. The Court was of the view that the environmental protection and the development cannot go together. The Court held that “though the leather industry is of vital importance to the country as it generates foreign exchange and provides employment avenues, it has no right to destroy the ecology, degrade the environment and pose as a health-hazard^[18]”.

The Apex Court while interpreting the Article 21^[19] in *N. D. Jayal v. Union of India*^[20] declared that “the adherence to sustainable development principle is a sine qua non for the maintenance of the symbolic balance between the right to environment and development... This concept is an integral part of the right to life under Article 21.”

5.2. Precautionary Principle

This principle simply says that if a person is not sure about the result then he shall take proper course of caution. It is also termed as look before you leap. It basically prevents the inevitable problems. In law the precautionary principle means “the principle of establishing a duty to take such measures that anticipate, prevent and attack the causes of environmental degradation where there is sufficient evidence to identify a threat of serious or irreversible harm to the environment if there is not yet scientific proof that the environment is being harmed.”^[21] While dealing with the concept of this principle the Apex Court held that the Government and the authorities must anticipate, prevent, attack the cause of environmental degradation, but, at the same time it shall be taken into consideration that the precautions shall not be taken on mere suspicion of danger. In such type of matters the onus shall lie on developer/industrialist^[22].

In *M. C. Mehta v. Union of India*^[23] the Supreme Court explained the sustainable development falls within the concept of balancing of development and environmental protection. Anything which goes beyond sustainable development is required to be banned. This ban basically is precautionary principle.

5.3. Polluter Pays Principle

Polluter pays means that whosoever causes pollution shall bear the cost as preventing or remedying damage so caused by him to the environment. As per this principle the polluter will have to pay compensation for the harm caused and in addition he will have to pay for restoration of the same as well. The Apex Court while defining this principle held that “once the activity carried on is hazardous or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable

care while carrying on his activity”.^[24] Thus this principle fixes absolute liability of the polluter for any harm caused to the environment. He will have to bear the redial or clean up cost in addition to compensation to victims.

5.4. Public Trust Doctrine

The public trust doctrine provides that the public possess inviolable right over certain land, resources, water, air etc. irrespective of title ownership and the State holds this right on such resources etc. in trust for the public. The basic principle behind this is that these resources have such a great importance to the public that it would be completely unjustified to keep them under the ownership of private individuals. This doctrine has also been recognized by the Apex Court of India in various cases. But it was first invoked in the year 1995 in the famous *M.C. Mehta v. Kamal Nath*^[25] In this case, the petitioner challenged a tourist resort called ‘Span Motels’, which proposed to change the course of the river Beas with the help of blasting, dredging and reconstructing the riverbed. The construction of this resort was planned on the protected forest land that was procured on a 99 years lease from the Government. The Ministry of Environment and Forests and the local Gram Panchayat approved redirection of the course of the river. The Apex Court after taking into consideration of all facts held that the lease of forest land for this resort construction as well as the diversion of the river violates the doctrine of public trust and therefore was not tenable at all.

In another landmark judgment in *M. L. Builders v. Radhey Shyam Sahu*^[26] the Supreme Court ordered the demolition of shopping complex built over a public park and held that the construction of the shopping complex over a public park violates the doctrine of public trust. The Apex Court further directed that the builder who destroyed the park while building the complex shall restore it back as soon as possible.

5.5. Inter-Generational Equity

The principle of Inter-Generational Equity provides that each and every generation holds the earth in common with members of present, past and future generations. Therefore the present generation shall manage the mother earth in a way that will not jeopardize the right of future generation. If the present generation will continue to exploit the resources at unsustainable rate then the future generation will suffer the environmental consequences. While applying the principle of Inter-Generational Equity the Apex Court in *Indian Council For Enviro-Legal Action v. Union Of India*^[27] held that the violation of anti-pollution laws affects the existing quality of life and the non-enforcement of legal provisions thereof results in degradation of environment and ecological imbalance and the adverse effect of the same will have to be borne by the future generation as well.

6. Approach of NGT: Some Living Examples

Since its inception to till date, a total number of 32201 cases were institute before the Tribunal and out of which 29294 cases have been disposed off hence there is a pendency of 2907 cases^[28] In number of cases decided, NGT displayed pro-environment approach and did not hesitate to issue guidelines to the environment boards, govt. authorities and also imposed penalty on violators of environmental norms. The NGT in several of its judgments also endorsed principles of sustainable development.

In *N. Chellamuthu vs. The District Collector* ^[29], an application was filed for protection of environment against the Respondent-5, who was said to be causing noise and dust pollution round the clock by running three powerlooms. The survey report proved that the noise and dust pollution was over and above the prescribed limits. Moreover the Respondent did not take any step to reduce the same despite the directions of Pollution Control Board Authorities.

The Tribunal while disposing of the application issued directions to the District Environmental Engineer of Pollution Control Board and Executive Officer of local Municipality, to monitor the situation periodically and record the sound and dust pollution levels caused by these three powerlooms. The Tribunal further held that if there will be any violation by the Respondent-5 as to the suggestions given by the authorities, the District Environmental Engineer and Executive Officer shall be at liberty to take appropriate steps as per law after issuing notices under concerned Acts.

In *Save Mon Region Federation v. Union of India* ^[30] the petitioners filed an appeal against the grant of Environmental Clearance given to a INR 6400 crore hydro project. The said clearance was challenged on the ground that the project was situated very close to the wintering site of bird called Black Necked Crane, which is Schedule I specie under the Wild Protection Act, 1972 and this bird is 'Threatened Bird of India as well. Besides this that site is also a home of several other endangered species such as the snow leopard, red panda, Arunachal macaque etc. The Tribunal suspended the environmental clearance granted to this project. The Tribunal also directed the respondents make a fresh proposal for environmental clearance and asked the Ministry of Environment and forest to make a separate study on the protection of said bird.

Again the NGT in another significant decision in *T. Muruganandam vs. Union of India* ^[31] came forward to protect environment. In this case, the Ministry of Environment, Forest and Climate Change granted environmental clearance the Tamil Nadu Power Company and the same was challenged by the petitioner on the ground that the Cumulative Environment Impact Assessment undertaken was not adhering to universally accepted scientific parameters. The respondent contended that under the Indian legislation scenarios there are well known "universally accepted scientific parameters" for precautionary principle and sustainable development. After taking into consideration the precautionary principle and the principle of sustainable development in International Law and then domesticated in Indian Law and the contention of both of the parties, the National Green Tribunal held that the International Standards may be applied in the Indian context if so required.

In *Ranjana Jetly v. Union of India* ^[32] the original applications were filed before the Principal Bench of National Green Tribunal at New Delhi, against the proposed widening of the road which will result in cutting of plenty of trees in front of National Media Centre. It was contended that the construction will create and enhance the air and noise pollution due to movement of heavy traffic whereas at present the pollution is minimum because of the trees. The Tribunal applied the concept of sustainable development and allowed the widening of the road subject to certain directions such as afforestation work to be completed within specific time.

In *Ms. Betty C. Alvares vs. The State of Goa* ^[33] a foreign national Betty C. Alvares filed a PIL in the High Court of Bombay against various instances of illegal construction in the Coastal Regulation Zone of Candolim, Goa. The Hon'ble High Court transferred the matter to the National Green Tribunal. The very basic question before the Tribunal was the maintainability of case as the Applicant/Complainant Betty C. Alvares was a foreign national. After taking into consideration the averments made by both parties that Tribunal stated that even if we assume that Applicant/Complainant is not a citizen of India, the Application is still maintainable as she had filed several other Writ Petitions and Contempt Petitions. The Tribunal was completely against taking the narrow view of the right guaranteed under Article 21 of the Constitution of India. While deciding this issue of locus standi, the Tribunal impressed on a plain reading of Section 2(j) of the National Green Tribunal Act, 2010. The Tribunal after going through this provision held that the term "person" used in this Section shall be construed in a broad sense to include an individual, whether a national or a person who is not an Indian citizen. The Tribunal further said that in such type of cases the question of locus standi is not important.

In *Saiprasad Mangesh Kalyankar vs. The Regional Transport Officer* ^[34], the applicant sought directions of the Tribunal for initiation of criminal prosecution against certain government officials for dereliction in duty which resulted in illegal mining on forest land and degradation of environment. The application was dismissed for want of merit, but the Tribunal issued directions to prevent the illegal felling of trees and felling of trees and fixing of responsibility for inaction on the part of government office. The Tribunal further directed the respondent to carry out compensatory afforestation of 44 thousand trees in the same area and also directed to deposit Rs. 10 Lakhs as tentative cost for the said afforestation programme to be executed under the supervision of a committee.

In *Sanjay Kumar v. Union of India* ^[35], the appellant approached the Tribunal for the protection of the environment forest land situated at central ridge of New Delhi which was under the jurisdiction of Delhi Municipal Corporation. After taking into consideration the entire record of the case the National Green Tribunal directed the Government of Delhi to demolish all permanent and temporary structure constructed illegally by Sant Shri Asa Ramji Babu Trust. The Government was directed to demolish the same within 4 weeks from the date of passing of the orders of the Tribunal. The Tribunal further directed the Trust to dismentalth the sewage pipe emanating from the Ashram and to plant 1000 trees on this land.

In *Sudiep Shrivastva vs. Union of India* ^[36], the appeal was filed against the grant of environmental clearance to respondent. It is necessary to note that the appeal was filed by the person who claimed to be a social activist and an advocate based at Bilaspur and Chhatisgarh and who had been actively involved in raising environmental and social issues, particularly, in relation to State of Chhatisgarh. On the basis of the record it was clear that the appeal was filed beyond the prescribed period of limitation under the National Green Tribunal Act, 2010. Above all the appellant did not file any application for condonation of delay. Therefore the Tribunal dismissed the appeal solely on the ground of delay.

In *Vikrant Kumar Tongad vs. Delhi Tourism and*

Transportation Corporation ^[37], the main question before the Tribunal was “whether the construction of Signature Bridge over Yamuna is a ‘project’ or ‘activity’ that requires prior environmental clearance from regulatory authorities. After taking into consideration the entire laws pertaining to the same the Tribunal came to the conclusion that the matter falls under Entry 8(b) of the Schedule to the Regulations of 2006. Therefore the Tribunal directed the respondent to obtain Environmental Clearance for this project, but in public interest the Tribunal did not direct demolition of bridge as major part of the project was complete. At the same time the Tribunal also directed the authorities to put such restrictions as may be necessary to ensure that there are no adverse impact on environment, ecology, biodiversity and environmental flow of river Yamuna and its floodplain. In *S. P. Muthuraman vs. Union of India* ^[38] applicant challenged the Office Memoranda issued by Ministry of Environment Forest whereby any builder of project proponent would be permitted to seek post facto environmental clearance. The Tribunal while quashing the Office Memoranda held that the Precautionary Principle may lose its material relevancy and it will cause irreversible environmental damage to the environment and ecology and it is even contrary to the federal structure of the Constitution. The Tribunal was afraid that under such circumstances the most 10 illegal and irregular projects, which are completely violating the environmental norms may be legalized and legitimized.

In *Pramod Kumar Tyagi vs. Art of Living International Centre* ^[39], the tribunal while dealing with ecological, environmental and biodiversity damage done to the river Yamuna and its floodplains by the World Culture Festival to be conducted by Sri Sri Ravi Shankar’s foundation Art of Living imposed a fine of Rs. 5 crore. The Tribunal held that the judgment of Tribunal in the matter of *S. P. Muthuraman vs. Union of India*⁴⁰ can squarely be applied to the facts and circumstances of the present case, hence, it is necessary that for the damage caused to the environment, ecology, biodiversity and aquatic life of the river, the foundation should be held liable for its restoration in all respect and this amount should be deposited before the commencement of the event. It was further ordered that this amount shall be adjusted against final compensation determined to be paid by the foundation for restoration work. The Tribunal also imposed a cost of Rs, 5 Lakhs on Delhi Development Authority for its default and non-performance of Statutory duties.

In *Srinagar Bandh Aapda Sangharsh Samiti vs. Alaknanda Hydro Power Co. Ltd.* ^[41] an application was filed before the Tribunal for to pay compensation for the damage suffered by the members of the *Srinagar Bandh Aapda Sangharsh Samiti* in terms of loss of life and property and for restoration of effected area in Srinagar due to the floods that hit the area between 16th June, 2013 and 17th June, 2013. The petitioner alleged that the Respondent dumped a huge quantity of ‘muck’ generated during construction of the hydro project. Since the project did not take any measure to save the ‘muck’ from flood therefore during to heavy rains the gates of dam were opened and the ‘mock’ got carried to the villages resulting in huge loss of life and property of the members of the *Samiti*. After taking into consideration the entire record of the case the Tribunal came to the conclusion that even if the rain is an Act of God but the damage could have minimized by proper disposal of ‘mock’ by the project.

The Tribunal applied the principle of polluter’s pay and ordered the respondent to pay compensation along with cost. In *Samir Mehta vs. Union of India* ^[42] an application was filed for damage caused to the ecology as a result of sinking of the ship named M. V. RAK which was carrying huge quantity of coal, fuel oil and diesel. A thick film of oil was formed on the surface of the sea and a huge damage was caused to mangroves and marine ecosystem. On the basis of the record that Tribunal found that the Respondent did not adhere to the principle of pre voyage due diligence despite the fact that they were having sufficient time. The Tribunal directed the Respondent to pay compensation of Rs. 100 Crore to the Ministry of Shipping, Government of India for their default, negligence and the pollution that they have already caused on the basis of Polluter Pays Principle. The Tribunal further directed the Respondents to remove the ship wrack and the cargo from the present location.

Almitra H. Patel vs. Union of India ^[43] is the only land mark case pertaining to the issue of solid waste management in India. It was a Public Interest Litigation filed by Almitra H. Patel under Article 32 of the Constitution of India in the year 1996, whereby the petitioner sought immediate and urgent improvement in the practices that were adopted for collection, transportation, storage, disposal etc. of the Municipal Solid Waste or garbage in India. The Supreme Court passed plenty of interim orders and in the year 2014 transferred this Writ Petition No. 888/ 1996 to the National Green Tribunal with certain directions. In this matter the Tribunal found that in absence of proper treatment of raw garbage this problem is becoming gigantic because in India on each and every day over a lakh tone of raw garbage is dumped. Keeping in mind the principle of Circular Economy the Tribunal observed that there is a necessity of conservation of this municipal waste into a source of power and fuel to be used for societies benefit. Therefore, after taking into consideration each and every aspect of this problem the Hon’ble Tribunal issued as many as 25 directions. The Tribunal directed each and every State and Union Territory to implement the Solid Waste Management Rules, 2016. The Tribunal further directed that action plan shall be prepared within a period of 4 weeks in terms of these rules. The Tribunal also directed the Central and State Governments, local bodies and the citizens to perform their obligations under the Rules without any further delay. The Tribunal also directed that the solid waste shall never be burnt on land. It has also been held that absolute segregation is mandatory before processing of waste in energy plants.

7. Conclusion

The preceding discussion made it amply clear that the National Green Tribunal is the very first fully dedicated environmental court in India having wide jurisdiction to deal with violation of environmental laws and to provide for relief by different ways such as compensation or restoration of ecology in accordance with various principles of environment e.g. sustainable development, polluters pay, precautionary principles, public trust doctrine etc. It is also clear that since inception of the NGT, this specialized body has done remarkable job to protect and improve quality of environment in India. Whenever the important environmental concerns came before it in any case, the NGT did not scare to issue guidelines and directions to the governments, environmental authorities, officers and boards to ensure compliance of environmental obligations under

different statutes in India.

In cases of large infrastructure projects undertaken by governments, the NGT succeeded to make a fine balance between competing claims *viz.* a right to development and an individual's human rights. While according sanction to developmental projects, NGT acknowledged the need to conduct prior environmental impacts assessment studies and Social impact assessment studies of the projects proposed to be undertaken. Similarly, in several cases, the ambit of article 21 i.e. right to life broadened widely to include several environmental rights. For the protection of environment, the NGT strongly condemned governments' apathy in environmental matters. Likewise, the principles of sustainable development such as precautionary principle, polluter pay principle and doctrine of public trust were upheld and protected in several cases. Also, the NGT did not hesitate to impose cost on authorities for non-performance of their statutory duties defined under various environmental legislations.

It would be safe to land at a conclusion that till now working and performance of NGT in environment protection area has been commendable. However, there is an urgent need to remove legal, infrastructural, administrative and technical barriers from the way of the NGT to enable it to deliver more pro-environment judgments in coming years in larger interest of the society.

8. Suggestions

On the basis of the study the following suggestions are recommended by the researcher:

1. It is mandatory to educate people about environment protection. People should be taught about their duty or responsibility towards environment. People should be aware of the existence and functioning of National Green Tribunal. The National Green Tribunal can work quickly if it will receive the complaints from public about the violation of the environmental protection laws.
2. The Tribunal shall be entrusted to take suo-motu action in cases of violation of environmental laws.
3. The Tribunal shall be entrusted with complete power of judicial review in matters of violation of environmental laws.
4. The Tribunal shall work on speedy disposal of matters.
5. There shall be no interference of Central Government in the process and the affairs of the Tribunal.
6. The National Green Tribunal shall Pro environment approach only. It shall try to make balance between environmental protection and the development.
7. Each and every State shall have a Bench of Tribunal working specifically for the State only. It will be helpful to decide matters as every state has its own geographical structure, topographical conditions and ecological sensitivity. Such permanent bench shall be in a better position to understand the same.

9. Endnotes

1. Darsini G, Indira Priya Devi, Uma Devi K. Environmental Law and Sustainable Development Regal Publications, New Delhi, at, 2013, 3.
2. Rural Litigation and Entitlement Kendra, Dehradun v. State of Utter Pradesh, A.I.R. 1985 S.C. 652.
3. Chhetriya Pradushan Mukti Sangharsh Samiti v. State of Utter Pradesh, A.I.R. 1990 S.C. 2060.

4. Subhash Kumar v. State of Bihar, A.I.R. 1991 S.C. 420.
5. AIR 1987 SC 965.
6. Id. At, 982.
7. 1996 (2) SCC 212 & 252.
8. 1999 (2) SCC 718.
9. In this case Mr. Justice Jagannadh Rao said that "I has strongly recommended for establishment of environmental court."
10. National Green Tribunal Act, 2010. (Act No. 19 of 2010), Section 4.
11. Id; Section 14.
12. Goa Foundation v. Union of India, 2014 (4) FTL 60 (NGT).
13. Supra Note 9; Section 29.
14. Ibid; Section 20.
15. Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751 at 3804.
16. AIR 1988 HP 4.
17. AIR 1993 Cal 215
18. Vellore Citizens Welfare Forum v. Union of India, 1996 (5) SCC: 647AIR 1996 SC 2715.
19. Id; at, 648.
20. Constitution of India, 1950, Article 21.
21. AIR 2004 SC. 2004; 867(9):362.
22. Upadhyay, J.J.R., Environmental Law, 2008, 140.
23. Supra Note 20.
24. 2009 (6) SCC 142.
25. Indian Council for Enviro-Legal Action v. Union of India, AIR, 1996, 1446.
26. 1997 (1) SCC 388.
27. 1999 (6) SCC 464: AIR 1999 SC 2468.
28. 1996 (5) SCC 281.
29. Available at greentribunal.gov.in, visited on 18-03-2020.
30. 2012, National Green Tribunal, Principal Bench, New Delhi, Application No. 20/2011.
31. National Green Tribunal, Principal Bench, New Delhi, Application No. 104/2012, 2013.
32. National Green Tribunal, Principal Bench, New Delhi, Appeal No. 15/2012.
33. 2014, National Green Tribunal, Principal Bench, New Delhi, Original Application No. 120, 127, 155 and 156 of 2013, 2014.
34. National Green Tribunal, Principal Bench, New Delhi, Application No. 63/2012, 2014.
35. National Green Tribunal, Application No. 28/2014.
36. National Green Tribunal, Principal Bench, New Delhi, Original Application No. 306/2013, 2014.
37. National Green Tribunal, Principal Bench, New Delhi, Appeal No. 33/2013, 2004.
38. National Green Tribunal, Principal Bench, New Delhi, Application No. 137/2014, 2015.
39. All (I) NGT Reporter (2) (Delhi) 170, 2015.
40. National Green Tribunal, Principal Bench, New Delhi, Application No. 76/2016, M.A. No 144/2016, 2016.
41. Supra Note 38.
42. National Green Tribunal, Principal Bench, New Delhi, Application No. 3/2014, 2016.
43. National Green Tribunal, Principal Bench, New Delhi, Application No. 24/2011, 2016.
44. National Green Tribunal, Principal Bench, New Delhi, Application No. 199/2014, 2016.