General Article

National Green Tribunal and Environmental Justice in India *

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Government of India has formed National Green Tribunal (NGT) during the year 2010. NGT is a ‘quasi-judicial’ body exclusively deals with the environment related civil litigations. Before NGT has evolved, there were two previous efforts to establish green courts in India. These were National Environment Tribunal Act, of 1995 (NETA) and National Environment Appellate Authority Act, of 1997 (NEAA). However, the most effective environment court in the form of NGT has come into reality in 2010. After its establishment, NGT has settled many environmental issues and has got overwhelm response from different corners. This study conducted an empirical analysis of NGT judgments since its inception in October 2010 to December 2013. It analyzes the impact of NGT, the locations of conflicts. Special emphasis is given to the Coastal Zone management related conflicts settled in NGT. Although there many limitations in NGT act and its procedures, it can be viewed as a positive step towards the environmental justice in India.

[Keywords: National Green Tribunal, NGT Act, Environmental Justice, India]

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Introduction

Different countries have globally established separate ‘Green Courts’ or ‘Green Tribunal’ or ‘Environmental Court’ to deal with the environment related litigations. Perhaps, India is the third country after Australia and New Zealand to have a specialized environment court. India is one of the pioneers in establishing the green court among developing countries. In India, National Green Tribunal (NGT) was established in 2010 under ‘Article 21’ of the Indian Constitution. This particular article of Indian constitution assured its citizens for the protection of life and personal liberty. Keeping in view of this constitutional right, the government has started a new green tribunal to exclusively deal with the environment related litigations. The newly established “Green Tribunal” is a unique judicial mechanism in the sense that it is a special ‘fast-track quasi-judicial’ body to ensure speedy justice on the environment related cases. The Tribunal comprises of equal number of judges and environmental experts to ensure efficient disposal of cases. It has also provision of compensation to be paid by the polluter for damages caused to the effected parties. The tribunal has jurisdiction on environment related subjects. Tribunal is not bound by the Civil Procedure Code of 1908. It works on the ‘principles of natural justice’.

The Principal Bench of the tribunal is located in New Delhi, the capital of India. There are circuit benches in Bhopal, Chennai, Kolkata and Pune. The objective behind these establishments in different part of the country is to reach the remote parts of India. By this way people from different parts of the country can have access of tribunal. Principal bench as well as regional benches of the Green Tribunal is currently functional. Beside this, another major purpose for the establishment of green court in different cities, aimed to reduce the burden of litigation in the general courts. Indian courts are already overburdened with the cases in every court from lower to upper courts.

This paper is an exploratory study, deals with genesis and the gradual evolution of green court in India. The first section deals with the background of formation of green court in India followed by the structure of NGT and its jurisdictions. In the result section, from the analysis of NGT judgments, a couple of important cases in general and some coastal zone related are discussed. Last section of the paper discusses the limitations of NGT and finally the concluding remarks.

Background

The United Nations Conference on the Human Environment, address the global need for appropriate steps to protect and improve the environment. This first global environmental conference had adopted an action plan known as ‘The Stockholm Declaration of 1972’. Principle 1
of the Stockholm Declaration stated that people have “the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being and he bears a solemn responsibility to protect and improve the environment for present and future generations”\(^6,7\). In unanimity with the Stockholm Declaration of 1972, the Indian Parliament amended the Indian Constitution and adopted Articles 48A, (g), and Article 253.7. Consequently, The Water (Prevention and Control of Pollution) Act 1974 popularly known as Water Act, The Air (Prevention and Control of Pollution) Act, 1981 known as Air Act and the Environment (Protection) Act, of 1986 were passed by the Parliament. The Water Act of 1974 (Amended in 1988) passed in the parliament to ensure that untreated domestic and industrial pollutants are not discharged into the water bodies. Air Act of 1981 (Amended in 1987) was passed to control and reduce air and noise pollution. Environmental Protection Act 1986 (EP Act) was to protect and improve the environment. The legislation consolidated the provisions of the Air and the Water Act including rules relating to storing, handling and use of hazardous waste\(^8\).

The second environment related conference, the Rio Conference of 1992 stressed the need for judicial and administrative access to the citizens of a nation-state. Also, it emphasized national law regarding liability and compensation for environmental damages for the pollution victims. Principle 10 of the Rio Declaration stated that “Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided”\(^9\).

Almost at the same time, about four decades of self-reliance strategy, India initiated its economic reforms in 1991. Subsequently, Indian economy was gradually liberalized. Indian Government facilitates the flow of Foreign Direct Investment (FDI) by raising the limits of foreign equity holding in many priority industries. After the reform, since 2003, Indian economy experienced average annual growth of more than 8 percent. India is evolving as one of the fastest growing emerging market, riding on the wave of extensive industrial growth. The liberalization process has unabatedly poured many project clearances in manufacturing, mining and exploration and other industrial sectors\(^10\). After the economic liberalization, it was observed that the exports and FDI grew in the more polluting sectors relative to the less polluting sectors in the post-liberalization period\(^11\). As a result the issues of ecology and social justice have come into a sharp focus along with the surge of social movements in the recent years. So, the need for effective, powerful, technically equipped Green Courts are too obvious and was the need of the hour\(^3\).

As a government initiative, before the NGT Act come into existence, there were two other efforts to establish specialized environment courts in India. The first was National Environmental Tribunal Act (NETA) of 1995. The second one was National Environmental Appellate Authority (NEAA) constituted under the National Environmental Appellate Authority Act, 1997. National Environment Tribunal Act, 1995 was passed by the Indian Parliament as a consequence of the Rio de Janeiro Conference. In 1995, the Central Government of India established the National Environment Tribunal (under the National Environment Tribunal Act, 1995). The main objective of the tribunal was to compensate the affected who deals with the harmful substances.

National Environment Appellate Authority Act, (NEAA) of 1997 was passed specifically for the purpose of applying certain industries, operations or processes or class of industries, operations or processes shall be or shall not be carried out under the Environment (Protection) Act, 1986. Ministry of Environment and Forests, Government of India established NEAA to address the environment clearances and related issues required in certain restricted areas. However, the Authority become defunct and the Act repealed with the enactment of the National Green Tribunal Bill 2009\(^12,13,14\).

With the four path breaking judgments by the Supreme Court of India (M.C. Mehta vs. Union of India, 1986 (2) SCC 176; Indian Council for Environmental-Legal Action Vs Union of India: 1996(3) SCC 212; A.P. Pollution Control Board vs. M.V. Nayudu: 1999(2) SCC 718 (dated 27.1.1999) and A.P. Pollution Control Board vs. M.V. Nayudu II: 2001(2) SCC 62.), it was realized that for environment related lawsuits a separate environment court is required (for detail
see Ref12, 13, 14). It was understood that environmental cases involve interpretation and assessment of scientific data. Hence, environmental courts require subject experts along with professional judges. Also in another significant judgment, (A P Pollution Control Board vs. M.V. Nayudu), the idea of “multi-faceted” environmental court containing both judicial and technical/scientific experts gained the momentum. In all these above mentioned significant cases, because of scientific data and complexity involved, it was realized the need of both judicial members along with the subject experts who are familiar with the issues.

Following the observation, the Law Commission of India was assigned to undertake a detail study of the subject for the establishment of “Environment Courts” in India. The study took examples from Lord Woolf in England and Environmental Court legislations from Australia, New Zealand and other countries. The Commission has prepared a report recommending the laws on “Environmental Courts and suggested that Courts must be established to reduce the pressure and burden on the High Courts and Supreme Court. These Courts will be Courts of fact and law, exercising all powers of a civil court in its original jurisdiction. They will also have appellate judicial powers against orders passed by the concerned authorities under the Water (Prevention and Control of Pollution) Act, 1974; Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986 with an enabling provision that the Central Government may notify these Courts as appellate courts under other environment related Acts as well. Such a law can be made under Art. 253 of the Constitution of India, read with Entry 13A of List I of Schedule VII to give effect to decisions taken in Stockholm Conference of 1972 and Rio Conference of 1992.” The commission also recommends that the proposed Environment Courts will be established initially at the State level and later many more courts may be established in other part of the country. According to the law commission, along with these establishments, the court will be accessible to citizens from the remotest part of the country14.

National Green Tribunal Act, 2010

The National Green Tribunal (NGT) introduced on 18th October 2010 under the ‘National Green Tribunal Act 2010’. Lok Sabha (the lower house of Indian Parliament) adopted the National Green Tribunal Bill, in 2009. The Bill replaces the earlier National Environmental Appellate Authority and has wider scope and coverage than NEAA. This judicial body was meant to deal exclusively with the environmental laws and to provide citizens the right to environment. Initially, it was decided in the bill that the main bench of the tribunal will be set up in Bhopal along with four other circuit Benches. However, now the main bench of NGT is located in Delhi, the national capital of India. The other branches are in Bhopal, Chennai and Kolkata15. Recently, the NGT started its Pune Circuit Bench. Pune Bench will have its jurisdiction over Maharashtra, Gujarat, Goa and Daman & Diu16. Setting up of court in different parts of the country serve as an example of global principles of environmental justice translated at the local level1, 2, 3.

Composition of Tribunal

Section 4 of the NGT Act is dealing with the composition of the Tribunal. Section 4 states that the tribunal will consist of a full time chairperson. Chairperson will be appointed from Judge of the Supreme Court of India or Chief Justice of a High Court. The chairperson has power to invite any expert member in the related field to assist in the case if necessary. Chairperson along with the Central Government makes rules for governing the procedures and rules of the tribunal.

The tribunal consists of 10-20 judicial members. According to the act, there should not be less than ten but maximum twenty full time judicial members. Usually judges form different high courts and Supreme Court are appointed as judicial members of the tribunal. Beside the judicial members, the tribunal also consists of subject experts. The numbers of subject experts are also the same as judicial numbers. Subject experts in the tribunal work as full time employees and their number will be not less than ten but subject to maximum twenty. The balance in number of the judicial and expert member is kept so that the equal representations from both the groups are possible. Expert members are doctorate degree holder either in physical sciences or life sciences. Engineering post graduates can also act as an expert member. The experts must have experience of fifteen years in the relevant field including five years practical experience in the field of environment related issues17.

According to Section 21 of NGT Act the decision of the Tribunal are taken by the opinion of the majority. Section 21 of NGT Act further states that after hearing a ligation if the opinions are equally divided the Chairperson has the power.
to decide the case after hearing. If the opinion equally divided even after the hearing in presence of Chairperson himself, the case may be referred to other Members of the Tribunal for his hearing. The other member has the responsibility to hear such application or appeal and decide the dispute1.

Jurisdiction of Tribunal

The tribunal’s jurisdictions include all environmental laws on air and water pollution, the Environment Protection Act, the Forest Conservation Act and the Biodiversity Act. With this effort, India joined Australia and New Zealand, which have such specialized environment tribunals15.

Schedule - I of the NGT Act compromises of The Water (Prevention and Control of Pollution) Act, 1974, The Water (Prevention and Control of Pollution) Cess Act, 1977, 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 and The Biological Diversity Act, 2002. Section 14 of National Green Tribunal Act mentioned that the Tribunal has jurisdiction over all civil cases related to environmental issues. However, it is important to mention here that two major environment related legislations have been excluded from the Schedule I of NGT Act. These two important legislations are The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and The Wildlife (Protection) Act, 1972. Section 14 further adds the time limit of disputes to be entertained by the court. Point three of the section states “No application for adjudication of dispute shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose. Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days”. Tribunal has the authority to hear and dispose off case related to the acts specified in Schedule I in accordance with sec 14 of the Act1. The tribunal has the authority to provide relief and compensation to the pollution victims and other damages to the environment arising under the enactments specified in the Schedule II. This schedule includes accident occurred while handling any hazardous substance. However, “no application for grant of any compensation or relief or restitution of property or environment under section 15 of the act would be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose”1. Still, the Tribunal may entertain applications beyond that prescribed time limit if it is satisfied by the causes mentioned by the applicant. If the court is satisfied, another sixty days of leniency period might be granted in that case.

The tribunal has also right to order for compensation of property damaged and also for restitution of the environment in the affected areas. In this case the tribunal has the authority similar to a civil court. Tribunal has also power to divide the compensation or relief payable under separate head specified in schedule II1. NGT Act for the first time gives a statutory recognition of the principle of no fault liability (absolute liability – first recognized in the Oleum Gas leak case) and principles of sustainable development, precautionary principle and polluter pays principle.

Materials and Methods

For this study all judgments from the very first judgment (The Sarpanch Grampachayat & Others Vs MoEF, application no 1/2011, date 25th May 2011) to the judgments come in December 2013 are collected from the NGT website. The collected cases are stored in an in-house developed database to investigate the trends. The judgments are further analyzed for the types of judgments, the areas of conflicts and from which state of India the conflicts have come up. For this purpose, the locations of conflicts are plotted on India’s map using Geographic information systems (GIS) software. DIVA-GIS is an open source software used to map the locations. This GIS software is downloaded used in this analysis from the website http://www.diva-gis.org/.

The impact of NGT; 2011-2013

Since its inception in October 2010, the National Green Tribunal of India is successfully upholding its mandate. It is acting as a ‘fast-track court’ for effective and expeditious disposal of cases relating to environment protections and conservations. The following graph shows the number of cases settled by NGT till December 2013. It is observed from the Figure 1 that number of cases settled is increasing with the span of time. The number of cases settled is almost double in first half (January –June) of 2013 than first half (January-June) of 2012. Similarly the July–December session of 2013 has settled more than double number of cases than July-December session of 2012. In this way NGT is proved to be the first-track court in environmental justice.
Fig. 1 Number of cases judged by National Green Tribunal till December 2013

NGT Cases from different states of India

Of the total 318 judgments given till December 2013, about 252 cases come from different states of India. The rest other cases are either withdrawn or found not suitable for the entry into the court. Figure 2 shows the number of settled cases from different states of India. The majority of cases are settled from the southern state of Tamil Nadu. About 65 (about 20 percent) cases were settled from Tamil Nadu till December 2013. Among them about thirteen applications are filed by the different fabric bleaching and dyeing units situated in Tamil Nadu to permit them to start their units.

Fig. 2 Number of settled cases from different Indian States

The second most number of judgments (about 49 cases, 15 percent) is given to the cases filed from Assam. These cases had been filed by environmental activists against the unregulated quarrying and mining activities near the Kaziranga National Park. Besides the mining for stone, several brick industries also operated surrounding the Park. This was a major concern of environmental activists and concerned citizens. A number of different and diverse litigations are filed from Maharashtra in the Green Tribunal. For example; cases filed against M/s Lavasa Corporation Ltd., for the development of hill station, Nuclear Power Corporation of India Limited for setting up Jaitapur Nuclear Power Park, Slum development projects in Mumbai and so on.

In Goa major litigations are with the Goa State Pollution Control Board and Coastal Zone Management authority related to environment clearance granted for construction programs in and around the coastal areas in Goa.

From the analysis of the litigation settled in NGT, it is observed that very few cases have been filed from the mineral rich states of India. For example, there are about 19 cases settled from Madhya Pradesh 9 from Chhattisgarh and 5 from Orissa. There are strong oppositions against the construction; mining and many coal based thermal power plants are proposed or operating from these areas. Although, numerous mining and manufacturing activities are going on in these states and Ministry of Environment and Forest (MoEF) has granted environmental clearance for these projects. The litigations filed in these cases are comparatively few. Although, there are many large dams either proposed or under construction in many northeastern states and stiff opposition from the people, there are no conflicts in the Green Court from any of these states (Figure 3).
NGT take suo motu cognisance of environmental matters and start proceedings. Among the many such proceedings the Court has given judgments on its own Motion Vs State of HP Ors (Original Application No. 237/2013(THC)) Vs Ministry of Environment Others (Original Application No. 16/2013(CZ)) and suo motu Vs. State of MP &Ors (Suo Moto Application No. 56 of 2013). Two important suo motu judgments are discussed in the following sections.

NGT Vs State of HP Ors (Original Application No. 237/2013(THC)) was related to the increasing vehicular traffic in Himachal Pradesh particularly in Kullu-Manali and Rohtang Pass areas. Court was concerned with the degradation of natural habitat and snow cover on the mountains. The increasing tourist influx and vehicle emits hydrocarbon in the highly eco sensitive zone. The court directed state government to initiate scientific forestation program to preserve the environment. The court also directed government to collect fees forms the vehicles to pay in the ‘Green Tax Fund’ to be used in environmental restoration programs.

The Tribunal at its own motion expressed its concern on dolomite mining in tiger reserve forest in Kanha National Park in Mandla and Balaghat districts of Madhya Pradesh (Original Application No. 16/2013(CZ)). The court has directed the Ministry of Environment & Forests and concerned departments of Madhya Pradesh Government to take necessary steps and further direct that the matter be listed in the Court on 31st July, 2014 to further follow up.

Types of Cases or Actors and Agencies in NGT Cases

NGT has completed more than three years since its beginning in October 2010. Within this short period of its existence, NGT has given its verdict in many significant environmental issues. The judgments include challenges to environment clearances, permission to start big projects like Posco and so on. There are also a number of significant judgments are given including the ban on the burning of plastics in open space, idol immersion and so on. The keyword analysis of cases shows that majority of cases are related to the objections pertaining to different environment clearances. A few high profile cases are discussed in the following section.

A plea challenging the environmental clearance granted to a thermal power project in Chhindwara district in Madhya Pradesh was admitted by NGT. This plea was filed by Medha Patkar and others (11-Jul-2013, Appeal No. 1/2013). Adani Power Limited, the Ministry of Environment and Forests and the state of Madhya Pradesh had objected to the application. The objection was raised on the basis of limitation under section 16 of the NGT Act. According to that section, the complaint is to be filed within 90 days since the project get environment clearance. The applicants justified the delay citing the reason that the response asked from the concerned authorities through Right to Information Act (RTI) caused the delay. So, the tribunal dismissed the issue of limitation filed by the respondents and condoned the delay.

Environment clearance given to Pohang Iron and Steel Company (POSCO) a major iron and steel company from South Korea, in Orissa was stopped by the NGT on 30th March 2012 (Appeal No 8/2011, Praffula Samantra vs. Union of India and Others).

Applications are filed by different fabric bleaching and dyeing units situated in the State of Tamil Nadu to start their industrial units. These applications are disposed with permission to approach the competent authority.

A number of petitions were filed in the NGT by RTI and environmental activist Rohit Choudhury from Assam. The petitions alleged that Assam government permitted a number of stone crushing and brick manufacturing units in and around Kaziranga National Park Area. The permits issued for stone crushing and querying units have violated 1996 notification of the MoEF, Government of India. The notice issued in 1996 had declared that area as a no development zone. So, NGT ordered the immediate removal of those industrial units operating inside that area.
The green court had also fined rupees 1 lakh each to both the state and the environment ministry for violating the notification.\textsuperscript{18}

**NGT and coastal zone management**

From the beginning of the court, till December 2013, about 29 judgments are given by the NGT in relation to Coastal Zone related litigations. Among these 29 judgments, 12 applications are allowed, 8 applications are dismissed, 6 applications are disposed with directions one each application is not allowed, partly allowed and modified.

NGT has imparted many notable judgments on the litigations to coastal zone related cases. In a couple of judgments NGT ordered to stop illegal constructions made by the individuals in the coastal areas. NGT has also contested and question about the legality of environment clearances granted by the respective authorities. Among many notable judgments of high profile cases like OPG Power Gujarat Pvt Ltd, Sesa Goa and so on are worth noting.

Following the petitions by fishermen, salt workers and local residents NGT has ordered OPG Power Gujarat Pvt Ltd to stop construction of its thermal power plant at Mundra in Gujarat till the requisite environmental clearance granted (Review Application No. 4/2012, M/s OPG Power Gujarat Private Ltd. and Others vs. Husain Saleh Mahmad Usman Bhai Kara and Others).

In another case NGT has set aside a Goa Coastal Zone Management Authority’s order. Goa Coastal Zone Management Authority (GCZMA) had issued notice to iron-ore mining company Sesa Goa (a Vedanta Group firm) to stop expansion of a jetty for loading and unloading of iron ores. GCZMA alleged that the construction and expansion of dock is illegal and ordered the demolition of the structure (Application No. 49/2012, M/s Sesa Goa Ltd. and Another vs. State of Goa and Others). NGT in its judgment suspend the earlier order issued by GCZMA saying the GCZMA’s order to stop and dismantle the structure violated the ‘principles of natural justice’. However, GCZMA has given permission to initiate further legal proceedings against the company with the fresh issue of show cause notice if they intended to do that.

Following a petition filed by a Non-governmental Organization (NGO), named Coastal Action Network, the Southern Bench of NGT has directed the MoEF to chalk out a comprehensive management plan for the sea coast including the Coastal Zone Management Authorities (CZMA) of five coastal states and a Union Territory.\textsuperscript{19}

Among the many, the above mentioned cases have shown that NGT is concern about the conservation and preservation of coastal ecology. NGT can oversee the functioning of government mechanism related to conservation prevention & abatement of pollution in the coastal zones of the country.

**Results and Discussion**

As discussed in the genesis of the NGT, the Supreme Court of India had observed many complexities in a number of environment related litigations. So, the Court had realized for a special green court to deal with those complex issues. Accordingly SC had given responsibility to the Law Commission of India to do a feasibility study for setting up special fast track ‘environmental courts’ to specially deal with the environmental related litigations. Law Commission in its report recommended environmental courts under Article 247 of the Constitution. ‘Tribunals’, on the other hand, are established under Article 323A or Article 323B of the Constitution. The Tribunal does not have the same constitutional power and authority like the Civil Courts or High Courts.\textsuperscript{20} So, in many of the recent cases accused questions the authority of tribunal to hear the litigations.

There are confrontations in different level between the government and NGT. Ministry of Environment and Forest (MoEF), Government of India has told the Supreme Court of India that the tribunal does not have the powers to act \textit{suo moto} in environmental related cases. MoEF mentioned several shortcomings in the way the NGT function and points that sometimes it has been going beyond its jurisdiction. Ministry has recently told the Supreme Court that the tribunal lacks legal mandate and also sometimes government (here MoEF) disagree with the tribunal. Despite this NGT has gone beyond its jurisdiction and begun \textit{suo motu} proceedings in a couple of cases. The Ministry has raised other issues of impropriety and claimed the NGT indulged in anti-government norms and regulations.\textsuperscript{21}

Government of Goa has also raised its objection in the recent ban imposed by the NGT on sand mining across the country. Goa government considered that the ban imposed is a case of judicial “over-reach”. As a consequence of NGT Order, many construction activities stopped because the high price and black marketing of sands happened in the state.\textsuperscript{22}
There is also controversy regarding the manpower hiring of the NGT. According to MoEF the supporting staffs hired by NGT do not follow the laid down norms and procedures by the government. Also, the balance of experts and judicial members on various benches has not been evenly spread as required\(^1\). The numbers of judicial and expert members are not fulfilled, for example, according to a right to information (RTI) response the NGT in March 2013, NGT was consisted of a chairperson, four judicial members and nine expert members\(^2\).

Although, the Government had informed the Court that it had enough members to start six benches of the tribunal. Initially, the Government had appointed judges to man the tribunal, but the suitable infrastructure was not provided for its smooth functioning. Also, initially NGT faced budgetary Constrains because the money allocation was inadequate\(^3\).

Chapter III section 14 (3) of the Green Tribunal deals with the jurisdiction, powers and proceedings of the Tribunal. This section reads “No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose”. However, if there are valid reasons, the Tribunal may allow another maximum 60 days extension. This time-limitation clause is very limiting and not sufficient in many a times relating to health and pollution. Pollution related cases are sometimes take long time to develop their symptoms in human or other animal health. For instance, the effect of radioactive mining and processing, mercury, arsenic poisoning, asbestosis, silicosis and so on have very long term effect on animal health and take many years to develop its visible symptoms.

The expert members of NGT include technical experts from science branch (life sciences, physical science), and engineering or other technology areas. Interestingly, there is no provision for social scientists, environmental activists or other concerned citizens with appropriate specialization or familiarity with environment or occupational risk\(^4\).

Finally, it is important to make the point that NGT’s jurisdiction is limited to the acts mentioned in the schedule. Hence both the HC and SC also continue to play a concomitant and important role in serving as a forum for environmental public interest litigations. This may not direct relation with statutory violations; for instance environmental health matters.

**Conclusion**

Along with the similar line of environmental court established in the developed countries for example in Australia and New Zealand, India has started Green Tribunal in 2010. The tribunal is a ‘special fast-track quasi-judicial body’ consists of equal number of judicial and subject experts. It is expected that, the combination of both types of professionals will ensure environmental justice and quick disposal of cases. Since its inception, NGT has given many fast-track judgments in various cases and has passed several orders to the respective authorities like ban on illegal sand mining, against noise pollution in Delhi, preservation of biodiversity of Western Ghat Mountains, wildlife protection in Kaziranga National Park in Assam, suspended many environmental clearance and so on. In this way, NGT is working quite well and ensuring its mandate to impart justice in environment related litigations. After post liberalization Indian economy, NGT within its jurisdictions is checking the unabated drive towards industrialization. Although, it is unlikely that NGT is a cure for all environmental problems, but certainly it is going to provide a lead, in the new forms of environmental dispute resolution. Therefore, it is expected that the NGT is certainly going to benefit Indian natural landscape to a great extent.

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