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# **NATIONAL GREEN TRIBUNAL: PATH TOWARDS ENVIRONMENTAL JUSTICE AND PROTECTION**

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## I. INTRODUCTION

The National Green Tribunal (NGT) was established in 2010, by a statute called the NGT Act, 2010. It is a fast-track quasi-judicial statutory body comprising of judges and scientific experts and was established in pursuance of the Rio Declaration, Stockholm Conference and the 186th Law Commission Report. The tribunal has contributed towards establishment of effective environmental litigation in India. The NGT was preceded by the National Environment Appellate Authority. However, unlike the appellate authority, the five benches of NGT have been given a wide spectrum of powers to adjudicate upon any dispute that involves questions of importance to the environment. The NGT further portrays technical expertise in the field, thus strengthening environmental protection laws in India. With the help of a number of decisions, the Tribunal has established itself as an efficient institution in resolving environmental disputes.

The collective efforts of the legislative, executive and judiciary help in laying foundation of legal environmental system in India. The composition and jurisdiction of the NGT which give it both original and appellate jurisdiction, help the tribunal provide relief in matters on environmental importance.

The Stockholm declaration which was conceived at the United Nations Conference on the Human Environment at Stockholm in June, 1972 ('the Stockholm Conference'), was the first declaration to bring attention to the importance of environmental sustainability. The report shed light on importance of human needs being filled with developmental activities, and at the same time balancing the same with environmental protection.

This balancing act, between the two conflicting needs, is a complicated matter, especially seen in developing countries. The answer to this dichotomy is the concept of 'Sustainable Development'.

The Environment (Protection) Act, 1986 was passed by Parliament, in order to implement the principles of the Stockholm Declaration. Thus, all courts and tribunals in the country are bound by the Act and must act in pursuance of the principles laid down in the Act.

In the case of *Vellore Citizens' Welfare Forum v. Union of India*<sup>1</sup>, the Supreme Court held that the ecology and development are not opposed to each other, but must move forward, hand-in-hand, with the help of Sustainable Development.

The Tribunal has thus helped ease the burden of already over-burdened Supreme Court and High Courts, which were flooded with environment-related litigation. Furthermore, it helps provide technical expertise as well as expediency in dealing with the matters placed before it.

This paper thus attempts to analyze the circumstances leading up to the establishment of the NGT. It notes the judgements which have been a move in the right direction, the benefits derived out of its establishment, as well as some drawbacks and lacunae that the tribunal deals with.

#### **A. REVIEW OF THE LITERATURE**

National Green Tribunal, Divya Dhawan, 2016 SCC Online Blog Op Ed 16: This paper deals with National Green Tribunal as an institution which issues judgements regarding environmental protection. It talks about the history of the institution, the changes it has made and the corresponding pitfalls.

National Green Tribunal: Alternative Environment Dispute Resolution Mechanism, Vinod Shankar Mishra, 52 JILI (2010) 522: The paper discusses the structure of the National Green Tribunal. It understands the working of the tribunal and analyses the need of alternative resolution mechanism for environmental protection. It attempts to explain the functioning of the tribunal and consequences in case the members disagree with each other.

Fortifying the National Green Tribunal, Priyanka Priyadarshini, NLIU LR (2017) 55: The paper talks about action on behalf of legislators and executives, with no fruitful result with respect to sustainable development. It deals with the institution of National Green Tribunal and analyses its role with respect to various international conventions aimed at ensuring environmental protection.

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<sup>1</sup> AIR 1996 SC 2715

Environmental Justice in India: The National Green Tribunal (2017), Furqan Ahmad and Victor Vaibhav Tandon, 60 JILI (2018) 111: This paper notes the work of the National Green Tribunal since it was established in 2010. It attempts to understand the growth of environmental jurisprudence in India. It also focuses on the dichotomy of industrialization and environmental stability.

Mechanisms of the National Green Tribunal, T.N. Subramanian and Rubin Vaki, 30 NLSI Rev 76 (2018): The paper deals with the progress of National Green Tribunal in achieving environmental sustainability. At the same time, it sheds light on the lacunae of the NGT, especially the fact that the Tribunal does not follow Principle of Natural Justice. It attempts to find solutions for the stated lacunae.

## **B. STATEMENT OF PROBLEM**

In present scenario, there is an increasing need to shed light on the persisting environmental issues. In India, the issue was meant to be tackled with the help of a number of environmental statutes as well as the setting up of the National Green Tribunal in 2010. The tribunal however suffers from certain drawbacks which restrict it from finding a solution to the dichotomy of economic development and environmental sustainability.

## **C. HYPOTHESIS**

The NGT has not been able to strike a balance between environmental protection and economic development. The judicial approach towards developmental activities ensues in an attempt to curb them and the executive's approach towards environmental protection does not lead to fruitful results.

## **D. OBJECTIVE**

The environmental laws as well as the National Green Tribunal have been moves in the right direction towards environmental protection. the paper aims at highlighting the achievements of the tribunal as well as understand its shortcomings in order to find solution to the same for more effective environmental protection in the country.

## E. RESEARCH METHODOLOGY

This research is a doctrinal research. The main source of information is secondary in nature. The study is not empirical in nature. Cases decided by the Courts, books, scholarly articles, magazines and newspaper articles are relied upon to develop and examine the judicial approach with regard to role of National Green Tribunal towards achieving environmental protection.

## II. THE NATIONAL GREEN TRIBUNAL ACT

The National Green Tribunal has been established with the help of the National Green Tribunal Act, 2010. The aim behind the act is to establish an institution which helps in the speedy and efficient disposal of cases relating to environmental protection. The act allows individuals and groups to enforce their legal rights related to environment, including conservation of forests, natural resources etc. It provides relief to people in the form of compensation or even the restitution of environment.

The object and reason clause talks of Rio Conference which implies that source of legislative power of the present Act may come under Entry 14, List I read with Article 253 of the Constitution of India. The Preamble to the Act also indicates the legislative power of the Parliament dealing with implementation of any treaty or decision taken at an international conference. Part XVA, article 323B, to the Constitution of India dealing with establishment of tribunals, does not include environmental dispute<sup>2</sup>. Moreover, no such subject finds place in any of the lists mentioned in Seventh Schedule to the Constitution of India. In this connection, it has been suggested that environment and tribunal must find a place in the concurrent list. This will avoid any uncertainty in such an important subject of legislative power. <sup>3</sup>

There has been an excessive number of cases filed before the courts and thus there has been a need to establish a separate environmental tribunal in order to decrease the burden on High courts.

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<sup>2</sup> It has been suggested that the source of legislative power of statutory tribunal can be covered under the expression "administration of justice" in entry 11A, list III, seventh schedule to the Constitution which would include tribunal as well as administering justice. See, generally, *Delhi High Court Bar Association v. Union of India* (1998) 92 Com. Cas. 850, 824.

<sup>3</sup> C.M. Jariwala, "The National Environmental Tribunal Bill, 1992: A Critical Appraisal" Unpublished Paper (1992).

Furthermore, the Supreme Court in various cases such as M.C. Mehta v. Union of India<sup>4</sup>, Indian Council for Enviro-Legal Action v. Union of India<sup>5</sup>, A.P. Pollution Control Board II v. Prof. M.V. Naidu<sup>6</sup> reiterated the need for the establishment of environmental courts with experts as members. In pursuance of a request by the Supreme Court, the Law Commission submitted its 186th Law Report which recommended the setting up of environmental courts having both original and appellate jurisdiction relating to environmental laws.

The Right to Health was added as a facet of the Right to life in the case of Subhash Kumar v. State of Bihar<sup>7</sup>. Additionally, the Directive Principle of State Policy under Article 48-A and Article 51A, creates a duty upon the State towards maintaining a clean environment. The National Green Tribunal Act was thus enacted with the objective of giving effect to people's Right to Health. India is also a party to the United Nations Conference on the Human Environment held at Stockholm and the United Nations Conference on Environment and Development held at Rio de Janeiro, which impose a duty on the participating nations to take initiatives to look after issues related to the environment.

With the passing of the National Green Tribunal Act was passed in 2010, India became the third country after New Zealand and Australia to establish special environmental courts. NGT has set up the Principal bench at Delhi and Zonal Benches at Bhopal (Central), Pune (Western), Chennai (Southern), Kolkata (Eastern).

The National Green Tribunal Act, 2010 on its enactment repealed the National Environment Tribunal Act, 1995 and the National Environment Appellate Authority Act, 1997. All the authorities under the Acts have been dissolved and pending cases have been transferred to the National Green Tribunal.

The National Green Tribunal enjoys wide powers under the Act. The Tribunal has been given the powers of a civil court, under the Code of Civil Procedure, 1908. Additionally, it works on the principles of natural justice. The National Green Tribunal however is not bound by the rules of

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<sup>4</sup> (1986) 2 SCC 176

<sup>5</sup> (1996) 3 SCC 212

<sup>6</sup> (2001) 2 SCC 62

<sup>7</sup> (1991) 1 SCC 598

The National Green Tribunal enjoys both original jurisdiction as well as appellate jurisdiction. In terms of its original jurisdiction, it can be enacted in case of a substantial issue of law relating to the protection of environment as well as wildlife. The National Green Tribunal has played a very important role in putting responsibility upon the government as well as corporations in terms of their responsibility towards the environment. They have been pulled up by the Tribunal in case of any violation of environmental laws on their part. The Tribunal has been responsible for imposing heavy charges upon such corporations in order to seek compensation for any damage done to the environment and wildlife.

The appellate jurisdiction of the Tribunal can be enacted by appealing against orders and decisions specified under Section 16 of the Act. A provision for appeal to the Supreme Court is made under Section 22 of the Act.<sup>8</sup>

The NGT Act further empowers the Tribunal to appoint a committee of experts who can provide their technical expertise in the field of environment, sustainable development. The experts are chosen from the fields of physics, chemistry, botany, zoology, engineering, environmental economics, social sciences and forestry, in order to help and advice judges regularly. They are meant to provide assistance to the judicial members of the Tribunal. The aim behind this power is to ensure better environmental justice.

The Act recognizes certain principles such as no-fault principle or absolute liability<sup>9</sup> as laid down by the Supreme Court; sustainable development i.e. regenerating, maintaining and improving natural resources for future use; precautionary principle based on the philosophy prevention is better than cure and; polluter pays principle which makes the polluter liable for the costs of pollution.

The Tribunal is also instrumental in making important decisions relating to environment. For example, the National Green Tribunal had put a ban on diesel vehicles which were as old as 10 years

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<sup>8</sup> Section 22 of the National Green Tribunal Act, 2010.

<sup>9</sup> *M.C. Mehta v. Union of India (Shriram - Oleum Gas)*, (1987) 1 SCC 39

or more in Delhi<sup>10</sup>. The Tribunal proposed a plan for rejuvenating the Yamuna River in Delhi and Uttar Pradesh.<sup>11</sup> The Tribunal constituted certain committees and issued directions, based on the reports of the Committee, in accordance with which the construction and mining activities are to be carried out.

However, the Act does face certain lacunae, for example, it is criticized for setting up only five Benches which makes accessibility to these benches difficult. The Tribunal lacks support from State and Central Governments. The Central Pollution Boards and the State Pollution Boards are said to be inefficient in their functioning and therefore as a result there is delay in implementation of the directions and decisions of the Tribunal.

### III. STRENGTHENING THE NGT

The World is moving towards a highly capitalistic economy, the population is becoming more and more consumeristic in nature. This leads to an increase in production and simultaneous wastage. There is thus a need for the National Green Tribunal to continue to address the unequal distribution of environmental goods and burdens and protect the rights of the marginalised as it has done so far. In addition to the NGT, it is also the responsibility of the government to lay down guidelines for the effective exercise of powers by the NGT. There is a need for the decisions of the Tribunal to be respected and implemented by all other government departments. This would only help in NGT's role, benefiting India's long term environmental improvement. There should also be stringent guidelines in place for the appointment of expert members to the Tribunal based on the suggestions of different environmental groups, legal experts, judges, and academics. The entire process should be transparent and amenable to public scrutiny and review by judicial bodies and experts from different backgrounds, including scientists, technicians, judges and NGOs.

There is further the pressing concern to equip the National Green Tribunal with all the necessary resources required for scrutinizing and reviewing petitions, in order to be able to entertain all petitions and prevent frivolous environmental litigations.

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<sup>10</sup> *Vardhaman Kaushik v. Union of India*, Original Application No. 21 of 2014, order dated 7-4-2015

<sup>11</sup> *Manoj Mishra v. Union of India*, Original Application No. 6 of 2012, decided on 13-1-2015

The function of National Green Tribunal should be more transparent and the procedures of PIL should be institutionalized with guidelines for highlighting the conditions under which the tribunal can accept or reject a petition. Moreover, given the present composition of the NGT, it is very difficult on its part to monitor its directions in each and every case. In order to implement NGT's directions effectively, it is necessary to make the implementation process more efficient by enhancing the involvement of local of agencies which are responsible for the control of pollution. These bodies include local government bodies, pollution control boards etc. The petitioner must also be involved in the monitoring of court directions to ensure efficiency of the trial.

The objective of a comprehensive interpretation of environmental laws and policies requires a simpler and more effective legal framework under which the National Green Tribunal can work. There is a plethora of legislations on environmental issues in India but many of them date back to the pre-independence era and do not correspond to the policies or realities of the post-independence period. There is thus a need for such legislations to be reviewed and consolidated. For example, the Forest Law of 1927, and the Waste Claims Act, 1863, need to be reviewed for them to be up to date and in sync with the proclamations of environmental protection of the Forest Policy of 1988 etc.

There are a number of areas under environmental concern, such as noise pollution and radioactive waste proliferation. These are inadequately covered under existing legislations and need to be addressed by additional legislation passed by the Parliament. There is also a need to strengthen legal support with the help of more effective Environmental impact assessment and industrial zoning measures in India.

There is also the urgent need to sensitize both lawyers and judges about the various aspects of environmental protection. Judges cannot ignore public discourse on environmental issues. They should not allow such discourse or media reports to outweigh their own perceptions. They need to be well read in the subject. The bar should be strong and effective as well. The quality of judgments is highly dependent on the quality of arguments made by the lawyers.

## **IV. TEN YEARS OF PROTECTING ENVIRONMENT AND THE RIGHTS OF MARGINALIZED PEOPLE**

The NGT has been given enormous powers to deal with environmental litigation. The expanse of the provisions of the Act aim to seek judicial intervention for the protection and improvement of environment. The petitions or intervention cannot be rejected on the grounds that the problems concerned involve complex, scientific and technical questions beyond the purview of the court.

This creates a very wide scope for the filing of Public Interest Litigations (PIL). The National Green Tribunal thus will help concerned members of the public, put forth local environmental problems to the purview of the judiciary. It leads to a backdrop of the judiciary examining the environmental impacts of government decisions. It has been empowered to adjudicate disputes relating to environmental protection. It has the power to check any administrative action that contravenes or undermines environmental laws. The NGT is empowered to review orders passed under all existing environment protection laws, including those involving water, air, forests and wildlife. No other court or authority can entertain any claim or action that can be dealt with by the Tribunal. This is a positive step in ensuring that the government departments take care and caution in clearing projects with potential environmental impacts.

The NGT has played a significant role in the past ten years, since its inception, on challenging the corporate sectors and the central and state governments for not following environmental regulations. For example, in *Jeet Singh Kanwar v. Union of India*<sup>12</sup> case, the environmental clearance given to install and operate a coal-fired power plant was challenged. The petitioners argued that the Environmental Impact Assessment had not been carried out as per the regulations before approving the proposal. The National Green Tribunal held that since the Ministry of Environment, Forests and Climate Change failed to follow the precautionary principle by not fulfilling the public consultation process, the clearance awarded is illegal and liable to be quashed by the Tribunal.

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<sup>12</sup> Appeal No. 10 of 2011 (T) dated 16-4-2013.

Similarly, in *Adivasi Majdoor Kisan Ekta Sangthan v. Ministry of Environment and Forests*<sup>13</sup>, the environmental clearance granted by the Ministry of Environment and Forests to Coal Mining Project of Jindal Steel and Power Limited located in the Raigarh District of Chhattisgarh was challenged. The petitioners argued that the environmental clearance had been granted to the project without properly conducting a public hearing as stipulated by the EIA Notification 2006.

The NGT held that there had been a number of significant procedural lapses in conducting the public hearing and therefore the grant of an environmental clearance was a violation of the rules and the principles of natural justice. Accordingly, the Tribunal considered it appropriate to declare that the public hearing conducted in the case was invalid.

The National Green Tribunal has helped in resolving a number of environmental disputes, and has played a significant part in ensuring that its directions are implemented. Implementation can further be strengthened with the help of implementation through monitoring committees. This would help create an investigative mechanism over the polluters and put a stop to the perpetuated illegal behaviour. NGT has also in a number of cases laid down strict conditions for the implementation of environmental judgments, as well as identified the executive agency responsible for carrying them out such directions.

The National Green Tribunal has given some powerful judgments in the recent years which have strengthened the process of obtaining environmental clearances. In the case of *M.P. Patil v. Union of India*<sup>14</sup> wherein the Tribunal examined the details of the basis on which environmental clearance was obtained by the National Thermal Power Corporation Ltd (NTPC). The Tribunal found that NTPC was guilty of misrepresenting facts to obtain the environmental clearance. Additionally in this case the tribunal stressed on the importance of a Rehabilitation and Resettlement Policy that adequately took into consideration the needs of those affected by the project. In determining who would fall within the ambit of such persons, the tribunal chose an expansive definition instead of restricting it only to the land owners in the region. Finally, it was reiterated that the burden of proving that the proposed project was in consonance with goals of sustainable development was on the party

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<sup>13</sup> Appeal Number 3 of 2011 (T) (NEAA No. 26 of 2009) dated 20-4-2012

<sup>14</sup> Appeal Number 12 of 2012 dated 13-3-2014

In another landmark decision given by the NGT in the Tara, Parsa and PEKB coal blocks, the Forest Advisory Committee had rejected the proposal in its recommendations to the Central Government in terms of forest and non-forest use; however the latter went against the recommendations and gave its approval. In the instant matter, the tribunal scrutinized not only the validity of the Government's rejection but also the report submitted by the Committee. The Tribunal held that the report was arbitrary since it did not take into account the man-animal conflict and would adversely impact the environment.

In *Braj Foundation v. Govt. of U.P.*<sup>15</sup> The case was brought forth by the Braj Foundation, and their contention was that the Government should be directed to execute the Memorandum of Understanding (MoU) for the afforestation of Vrindavan forest land. The Tribunal gave the verdict against them, holding that the MoU is not legally enforceable. Further, it was decided that the advertisement issued by the Forest Department was only an 'invitation to treat' and could not be a ground to enforce contractual obligations. Thus, the Government was allowed to continue with its policy decision of taking up the afforestation work on its own, especially since involvement of third parties would give rise to the possibility of illegal mining and encroachment. However, the Tribunal also went a step forward and gave directions to the Government itself to ensure proper afforestation. One of the most significant ones was the direction to declare at least a 100 meter long stretch on both sides of the Braj Parikrama route as a 'no development zone'.

In *Vardhaman Kaushik v. Union of India*<sup>16</sup>, the Court took cognizance of the growing pollution levels in Delhi. It directed a Committee to prepare an action plan and directed that vehicles more than 15 years old not be allowed to ply on the roads. It further imposed restrictions on burning plastics. It directed authorities for the creation of cycle tracks and prohibit overloaded trucks and buses. It ordered the installation of air purifiers and automatic sensors in appropriate locations.

Other recent decisions of the NGT have included *T. Murugandam v. Ministry of Environment &*

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<sup>15</sup> Application No. 278 of 2013 and MA No. 110 of 2014 dated 5-8-2014

<sup>16</sup> Original Application No. 21 of 2014.

Forests<sup>17</sup> wherein the Tribunal analysed the importance of proper analysis and collation of data and application of mind by the Expert Appraisal Committee.

In *Kalpavriksh v. Union of India*<sup>18</sup> the Tribunal ruled that its jurisdiction extends to all civil cases which raise the substantial question of environment and arise from the implementation of the Acts stated in Schedule I of the NGT Act.

In *Tribunal at its Own Motion v. Ministry of Environment & Forests*<sup>19</sup> it was held that wildlife is a part of environment and any action that causes damage or is likely to cause damage to wildlife, could not be excluded from the purview of the tribunal.

The Tribunal has also given detailed directions in decisions involving contamination and pollution of river waters. For instance, in *Krishan Kant Singh v. National Ganga River Basin Authority*<sup>20</sup> the Tribunal gave a range of time bound and specific directions to the polluting industrial units as well as the Municipal authorities who were asked to allow the former to comply with directions. In another, *Manoj Misra v. Union of India*<sup>21</sup> the Tribunal gave directions, ranging from prohibition on dumping debris to restricting silviculture and floriculture activities, in the interest of protecting and restoring the River Yamuna.

Regional NGT benches have also given judgments that might potentially prevent project proposers from by-passing environmental checks. One such case was *Samata v. Union of India*<sup>22</sup> in which the Tribunal relaxed the concept of locus standi to allow a wider base of people to approach it with regard to environmental concerns. The term 'aggrieved persons' could include not just any person who is likely to be affected, but also an association of persons likely to be affected by such an order and functioning in the field of environment. The Tribunal also found that there was a requirement imposed on the Expert Appraisal Committee to act in light of the public's larger interests and work to balance developmental and

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<sup>17</sup> Appeal No. 50 of 2017

<sup>18</sup> Application No. 116 (THC) of 2013 dated 17-7-2018

<sup>19</sup> Original Application No. 16 of 2013 (CZ) dated 4-4-2014

<sup>20</sup> Application No. 299 of 2013 dated 31-5-2014

<sup>21</sup> Original Application No. 6 of 2012 and MAs Nos. 967 of 2013 & 275 of 2014 dated 13-1-2015

<sup>22</sup> Appeal No. 9 of 2011, NEAA Appeal No. 10 of 2010 dated 13-12-2013.

environmental concerns.

In *K.K Royson case*<sup>23</sup>, the Tribunal relaxed requirements of of locus standi and held that where the matter concerned the ecology and the environment, everybody was directly or indirectly affected and thus the right to initiate action could not be limited only to persons who were actually aggrieved.

## V. NGT AND ENVIRONMENTAL JUSTICE

There is generally a particular group of people, such as the poor and marginalized, who are often more to the ill-effects of a degraded environment. This is due to their lack of financial accessibilities and a discriminatory attitude. It is a problem limited not to one jurisdiction but is a concern everywhere. Removing such traditional imbalances and reducing the barriers is an essential component of environmental justice and reducing environmental damage. Sustainable development is thus an essential to achieve environmental justice. However, the judiciary faces a number of drawbacks such as delay, lack of expertise, lack of independence and corruption.

A plethora of environmental rights have been carved out or identified by means of PIL and this created a need for a specialized Tribunal leading to the NGT Bill was introduced which led to the Act which established the NGT.

The involvement of technical experts in the NGT helps in decision-making and promotes better environmental results”.

The NGT has helped in the speedy disposal of cases since it is a fast-track court for issues relating to environmental protection. The Tribunal has heled increase the efficiency of enforcement agencies and State Pollution Control Boards by efficiently implementing environmental legislations. The NGT also monitors enforcement agencies to ensure compliance of requirements. The NGT has the power to issue prohibition and closures of plants and corporations that do not follow environmental directions and guidelines. NGT has not only helped reduce the workload on judiciary, but also the executive. There is minimal control that is exercised by the executives on the Tribunal. The process of

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<sup>23</sup> *K.K. Royson v. Govt. of India*, Appeals Nos. 172, 173, 174 of 2013 (SZ) and Appeals Nos. 1 and 19 of 2014 (SZ) and Appeal No. 172 of 2013 (SZ) dated 29-5-2014

appointment and removal of members is done by the Supreme Court. Even the appointment of Expert members is done by the NGT itself.

The NGT has helped incorporate international conventions and directions into the domestic legislative framework. The National Green Tribunal Act, 2010, for the first time, gives legislative status to these quintessential principles such as the precautionary principle and the polluter pays principle.

## **VI. CONCLUSION**

With a population of over 1.3 billion, economic growth rate of 7.5% and 13 of the top 20 cities worldwide with the worst quality of air being Indian cities, environment protection is currently one of the most serious challenges for the country.

NGT is a milestone as it has been successful in heralding a new era in the environmental justice delivery system of India. It has revamped the enforcement mechanisms at various levels and has proved to be an efficient alternative adjudication forum. Even the Supreme Court has acknowledged its proficiency and expert character and has transferred cases relating to the environment for its consideration. The hitherto developed jurisprudence on environment, which itself is dynamic and not under any State Control and the organic growth of the legal frame work needs constant judicial watch and states' proactive approach to upgrade the substantive law, procedure and enforcement mechanism progressively.

In light of the several hurdles and hindrances faced by the National Green Tribunal in the path of efficient environment justice delivery due to the lacunae in the system as aforementioned, adequate measures for its reinforcement are to be taken. It is through an efficacious justice delivery system that the goal of sustainable development can be realized; and the realization of sustainable development is imperative for a developing country as no development can rightly be termed as 'development' if it fails to touch the cornerstone of 'sustainable development'.

The NGT is the most consistent and progressive environmental authority in India. Unlike the Supreme Court, the NGT does not routinely favour infrastructure projects, nor does it cause a delay in resolving

the cases before it. It had redefined the role of environmental experts and the criteria to select such experts. It has been largely successful in implementing its orders, which usually relate to staying environmental clearances. The regional green tribunals seem even more active and aggressive than the NCT in Delhi, as the regional judges are fearless and have no ambition for national positions. Finally, the NGT seems to have encouraged a number of lawyers all over India to specialize in environmental law.

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