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ROLE OF NATIONAL GREEN TRIBUNAL ON ENVIRONMENTAL GOVERNANCE IN INDIA

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ABSTRACT

Environmental protection refers to policies and procedures aimed at conserving the natural resources, preserving the current state of natural environment and where possible, reversing its degradation. The question of Environmental protection is a global issue and it is not an isolated problem of any area or nation. Currently human society is experiencing unknown abnormalities in the nature and its functioning in governing the global sustenance. The post 2010 period has witnessed the worst hit natural calamities which results in the death and disablement of millions of people and loss of billions worth of properties throughout the world. Even the global warming is in an increasing trend. In India, we face a crisis in agriculture because of resources like land; energy and water are becoming scarce. The heavy use of chemical fertilizers and toxic pesticides has ravaged our soil and contaminated our food chain and water supply. The prolonged and unprotected handling of toxic chemicals is also exposing out farmers to multiple health problems. There is a need for paying global attention for bringing back, the adversely affected environment to its natural existence at any cost. It is to be noted that after the establishment of National Green Tribunal, it has settled number of environmental issues, and has got overwhelm response from different corners. As it has been noted, “Almost all nations, including developing ones, have basic environmental protection laws in place, but an enormous gap exists between the letter of the law and what is actually happening on the ground. Therefore, in this paper, an attempt has been made to highlight different pronouncements of the Green Tribunal in protecting the natural environment.

Key Words: Environment, Protection, Pollution, Remedies, Legislations, Tribunal, Benches.

“Earth provides enough to satisfy every man's needs, but not every man's greed”

----Mahatma Gandhi.

INTRODUCTION:

India being a signatory State in the United Nations Conference on Human Environment held at Stockholm in June, 1972, United Nations Conference on Environment and Development held at Rio de Janeiro in June, 1992 and Judicial Pronouncements in India also, the right to healthy environment has been construed as a part of the right to life under Article 21¹ of the Constitution, it is considered expedient to implement the decisions taken at the aforesaid Conferences and to have a National Green Tribunal in view of multi-disciplinary issues relating to the environment. National Green Tribunals are established under the National Tribunal Act, 2010.

Due to complex nature of environmental litigations, The Supreme Court of India in its landmark judgements has called the need for “Green courts” many times for the expeditious disposal of environment related cases. The Supreme Court has elevated the ‘right to healthy environment’ to the status of a fundamental right under Article 21 of the Constitution in the process of progressive enrichment of the environmental jurisprudence with principles like sustainable development, polluter pays, public trust doctrine, precautionary principle and intergenerational equity for the first time in *Subhash Kr. vs. State of Bihar*.² The Supreme Court held that right to life is a fundamental right under Article 21 of the Constitution and include the right to enjoyment of pollution free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws a citizen has recourse to Art.32 of the Constitution for removing the pollution of water or air which may be detrimental to life. A call has been made for the constitution of green Tribunal by the Supreme Court for the immediate relief to the victims of industrial disasters. In *Charanlalsahu vs. Union of India* [1990 AIR SC 1480] and in *M. C. Mehta vs. Union of India (the Oleum Gas Leak case)*,³ the Supreme Court established the concept of absolute liability – “stricter than strict liability” – for disasters aroused from the storage of or usage of hazardous materials from their factories. Further in *Vellore Citizens Welfare Forum vs. Union of India*,⁴ the Supreme Court employed

¹ In *Virender Gaur vs. State of Haryana* [(1995) 2 SCC 577], the Supreme Court stated that protection and preservation of the environment, ecological balance free from pollution as part of Article 21.

² [1991-1- SCC 598]

³ [1987 AIR SC 1086]

⁴ [1996 AIR SC 2715]

the “*precautionary principle*” and “*polluter pay principle*” as a part of the law of the country. Although Industries are vital for the country’s development, but having regard to pollution caused by them, principle of ‘Sustainable Development’ has to be adopted as the balancing concept. In *Indian Council of Enviro-Legal Action vs. Union of India 1996 [AIR SC 1446]*, (the Bichhri pollution case)⁵, followed the decision in the Oleum Gas leak case and based on the polluter pays principle, the polluting industries were directed to pay compensation for the harm caused by them to the villagers in the affected areas, especially to the soil and to the underground water. Articulating the doctrine of ‘Public Trust’ in *M. C. Mehta vs. Kamal Nath*,⁶ the Supreme Court held that “Resources such as air, sea, waters and the forests have such a great importance to the people as a whole that by leasing ecologically fragile land to the Motel management, the State Government had committed a serious breach of public trust”. In the case of *A.P. Pollution Control Board Vs. M.V. Nayudu-II*, the Supreme Court requested the Law Commission of India to consider the need for constitution of specialized environmental courts.

OBJECT OF THE NATIONAL GREEN TRIBUNAL ACT, 2010:

The main object of the Act is to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and for conservation of forests and other natural resources including enforcement of any relief and compensation for damages to persons and property.

This Act totally contains 38 Sections and these Sections are inserted in five Chapters, they are viz.- Chapter I deals – preliminary, Chapter-II deals the establishment of the National Green Tribunal Chapter-III states the jurisdiction, powers and proceedings of the Tribunal Chapter IV contain Penalty provisions, Chapter-V consist of Miscellaneous Provisions. This Act contains totally III Schedules. First Schedule contains the List of Acts. The substantial questions of the Acts mentioned in that List, which are only covers under the jurisdiction of Green Tribunal.

The Acts mentioned in the First Schedule are as follows-

- (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 [AIR SC 1446], (the Bichhri pollution case)

⁶ [1997- 1- SCC 388]

- (5) The Environment (Protection) Act, 1986,
- (6) The Public Liability Insurance Act, 1991 and
- (7) The Biological Diversity Act, 2002.

The Central Government may by notification amend the schedule - I. Second Schedule gives the different heads under which compensation or relief for damages may be claimed. The Third Schedule states that the Amendment to certain enactments as per Section 36.⁷ This Schedule contains six Parts. First Part deals the Amendment to the Water (Prevention and Control of Pollution) Act, 1974. Second Part deals to the Amendments to the Water (Prevention and Control of Pollution) Cess Act, 1977, the Third Part deals to Amendment to the Forest (Conservation) Act, 1980, Forth Part deals to the Amendment to the Air (Prevention and Control of Pollution) Act, 1981, The Fifth Part deals to Amendment to the Environment (Protection) Act, 1986 and the Last Part i.e. six Part deals to Amendment to Biological Diversity Act, 2002.

ESTABLISHMENT OF THE NATIONAL GREEN TRIBUNAL:

There are too many cases relating to environmental governance which led to the formation of National Environment Tribunal Act, 1995 and National Environment Appellate Act, 1997 by the Indian Parliament but unfortunately both proved to be non-runner. The wide elucidations of Article 21 by the Supreme Court had become the warp and woof for environmental jurisprudence which not only protected the livelihoods based on environment but also added a large number of laws relating to environment and led to the foundation of National Green Tribunal 2010.

The National Green Tribunal has been established on 18.10.2010 under the National Green Tribunal Act 2010⁸ for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto. It is a specialized body equipped with the necessary expertise to handle environmental disputes involving multi-disciplinary issues. The Principal Bench of the NGT has been established at Delhi, the regional

⁷ **Section 36.** *The enactments specified in the Schedule III to this Act shall be amended in the Amendment manner specified therein and such amendments shall take effect on the date of establishment of certain of the Tribunal.*

⁸ <https://www.greentribunal.gov.in/>

Benches in Pune (Western Zone Bench), Bhopal (Central Zone Bench), Chennai (Southern Bench) and Kolkata (Eastern Bench). Each Bench has specified geographical jurisdiction covering several States in a region. There is also a mechanism for circuit benches. For example, the Southern Zone Bench, which is based in Chennai, can decide to have sittings in other places like Bangalore or Hyderabad.⁹

The Tribunal's dedicated jurisdiction in environmental matters shall provide speedy environmental justice and help reduce the burden of litigation in the higher courts. The Tribunal is mandated to make and endeavour for disposal of applications or appeals finally within 6 months of filing of the same. Initially, the NGT is proposed to be set up at **five places** of sittings and will follow circuit procedure for making itself more accessible. *New Delhi* is the Principal Place of Sitting of the Tribunal and *Bhopal, Pune, Kolkata and Chennai* shall be the other four place of sitting of the Tribunal.¹⁰

The Central Government shall by Notification in the Official Gazette establish with effect from such date as may be specified there in establish a Tribunal, it may be known as the National Green Tribunal. The Tribunal consists of a Chairperson and members not less than 10 and not more than 20 in respect of Judicial Members and not less than 10 but not more than 20 members of Expert Members, all members should be full time members. The Chairperson of the Tribunal may, if considered necessary, invite any one or more persons having specialized knowledge and experience in a particular case before the Tribunal to assist the Tribunal in that case. A person shall not be qualified for appointment as a chairperson or judicial members of the Tribunal unless he is, or has been a Judge of the Supreme Court of India or Chief Justice of High Court. Provided that a person who is or has been a judge of the High Court shall not be qualified to be appointed as a Judicial Member.

A person shall not be qualified for appointment as an expert member , unless he (a) has a degree in master of science (in physical science or life science) with a Doctorate degree or master of engineering or master of technology and has an experience of fifteen years in the relevant field including five years practical experience in the field of environmental and forests (including pollution control , hazardous substance management , environment impact assessment, climate change management , biological diversity management and forest conservation) in a reputed

⁹ <https://greentribunal.in/>

¹⁰ <https://www.greentribunal.gov.in/>

national level institutions, or, (b) Has administrative experience of 15 years including experience of 5 years in dealing with environmental matters in the Central or a State Government or in a reputed National or State level intuitions. Chairperson and all other members (judicial and experts) of the Tribunal shall be appointed by the Central Government. The Chairperson shall be appointed by the Central Government in consultation with the Chief Justice of India. The Judicial and Experts Members of the Tribunal shall be appointed by the recommendation of such selection committee and in such manner as may be prescribed. The Chairperson, Judicial Members and Expert Members of the Tribunal shall hold office as such for a term of five years from the date on which they enter upon their office, but shall not be eligible for re appointment.

JURISDICTION, POWERS & PROCEEDINGS OF THE NATIONAL GREEN TRIBUNAL:

Chapter III of the Act deals the jurisdiction, powers and proceedings of the Tribunal. The Tribunal shall the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule-I. The application for adjudication of dispute should be filed within six months from the date on which the cause of action for such dispute first arise. However, the petition may be allowed after the expire of six months, if the applicant shows sufficient cause for not failing the application, but that application shall not be condone the delay of exceeding sixty days.

For every application/appeal where no claim for compensation is involved, a fee of Rs. 1000/- is to be paid. In case where compensation is being claimed, the fee will be one percent of the amount of compensation subject to a minimum of Rs.1000/-. A claim for compensation can be made for- (a) Relief/compensation to the victims of pollution and other environmental damages including accidents involving hazardous substances; (b) Restitution of property damaged; (c) Restitution of the environment for such areas as determined by the NGT.¹¹

¹¹<https://www.greentribunal.gov.in/faqs#:~:text=The%20Tribunal%20has%20jurisdiction%20over,before%20the%20National%20Green%20Tribunal.>

RELIEFS:

The Tribunal may by an order provide (a) relief and compensation to the victims of pollution, (b) for restitution of property damaged, (c) for restitution of the environment for such area or areas as the Tribunal may think fit. The relief and compensation and restitution of property and environment shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991.

The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure but shall be guided by the principles of natural justice. The Tribunal shall also not be bound by the rules of evidence contained in the Evidence Act, 1872¹² the Tribunal shall have the same power as are vested in a Civil Court. The Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautions principle and the polluter pays principle. The decision of the Tribunal by majority of members shall be binding. Any person aggrieved by any award, decision or order of the tribunal, may file an appeal to the Supreme Court within ninety days from the date of communication of the award.

Where any amount by way of compensation is ordered to be paid under any award made by the Tribunal on the ground of any damages to environment the amount shall be remitted to the authority specified u/sub sec (3) of sec 7 as of the Public Liability Insurance Act, 1991 for being credited to the Environment Relief Fund established under that section. An award or order or decision of the tribunal under this Act shall be executable by the Tribunal as a decree of Civil Court, and for this purpose the Tribunal shall have all the powers of a Civil Court.

PENALTIES:

Every offence under this Act shall be deemed to be non-cognizable. Whoever fails to comply with any order or award or decision of the Tribunal under this Act, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten crores (in case of company the fine may extend to twenty five crore rupees) or with both and in case the failure or contravention continues with additional fine which may extend to twenty five thousand (in case of company 1 lakh) rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.

¹² *Bhartiya Sakshya Adhiniyam-2023(BSA-2023)*

HIGH COURT V. NATIONAL GREEN TRIBUNAL:

Before National Green Tribunal, High Courts in different states used to take up important environmental cases, including *suomotu* ones through '**Green Benches**'.¹³ While some, in Tamil Nadu, West Bengal and Karnataka, remain active, others are slowly dying down, as environmental matters now go to National Green Tribunal. According to environmentalist Subhash Dutta, the Green Bench is likely to become non-functional in the near future.

However, conflicts are brewing between National Green Tribunal and the high courts. As per the National Green Tribunal Act, appeals from National Green Tribunal can only go to the Supreme Court, thus by-passing the high courts. But the Madras High Court has disagreed with this provision. It has stressed that the bar imposed on lower courts by the Act, excluding them from deliberating on environmental cases, does not extend to the high courts. This is because the jurisdiction of a high court under Article 226/227 of the Indian Constitution is part of the Constitution's basic structure. In other words, the court stressed that environment appeals from National Green Tribunal had to go to the high court first before going to the apex court.

WORKING OF NGT TOWARDS ENVIRONMENTAL GOVERNANCE:

The National Green Tribunal was constituted to provide for effective and expeditious disposal of the cases involving multidisciplinary issues relating to environmental protection and to provide effective access to judicial and administrative proceedings, including redress and remedy, and to develop National Laws regarding liability and compensation for the victims of pollution and other environmental damage. From the inception of NGT till 31st January 2015, a total number of 7768 cases were filed before the NGT out of which 5167 cases stood disposed off, thus, leaving a pendency of 2601 cases in all the NGT benches. Some of the cases decided by the NGT are as under:

In N.Chellamuthu Vs. The District Collector, the NGT set aside the environmental clearance granted to the Municipal Solid Waste Proceedings Plant of Municipal Corporation of Chennai for providing false information in the Environment Impact Assessment (EIA) Report. Similarly, in the case of *Hussain Saleh Mahmad Usman Bhai Kara Vs. Gujarat State Level EIA Authority and Others*,¹⁴ the NGT suspended environmental clearance to Scania Steel and Power

¹³ A **green bench** is a judicial bench that hears and adjudicates disputes relating to the preservation of forests and the protection of the environment. The word green bench was coined by the Supreme Court in the '*Madras Tanneries*' case, on August 28, 1996.

¹⁴ **APPEAL NO. 19 OF 2011**

Ltd. for expansion of its sponge iron plant in Chhattisgarh in the absence of public hearing.

In Ranjana Jetley Vs Union of India, the original applications were filed in NGT against the proposed widening of sectoral roads involving cutting of number of trees in front of National Media Centre (NMC). The NGT allowed the widening of the road subject to following directions:

1. **Afforestation Work:** The project proponent must have a proper plan with time frame and financial commitment to undertake afforestation work according to the permission given by the Forest Department.
2. **Noise Prevention:** The project proponent should provide adequate and effective acoustic barrier in front of NMC and other nearby human settlement to avoid any noise pollution problems to the residents. Also, this stretch of land in question be declared as “ No Honking Zone”
3. **Internalization of Environmental Issues:** In order to internalize environmental issues at the planning stage of the projects, it will be desirable for DLF and HUDA to have an Environmental Adviser who would report to the top Executive, say Chairman or Managing Director so that environmental issues get addressed quickly by way of policy interventions and financial commitments at the initial stage of the projects.

In Sanjay Kumar Vs. Union of India, the appellant approached for protection of the forest area and environment, particularly, in relation to the central ridge of New Delhi, falling under the jurisdiction of New Delhi Municipal Corporation (NDMC). The NGT directed the Delhi Government to demolish all permanent and temporary illegal structures built by Sant Shri Asa Ramju Bapu Trust in Karol Bagh within 4 weeks from the date of passing of order. It also directed the trust to dismantle the sewage pipe emanating from the ashram and to plant 1000 trees in the area. It was further directed that in case of default the cost of demolition would be recovered from the trust.

*In the case of Krishnan Kant Singh Vs. National Ganga River Basin Authority Ors*¹⁵, the matter related to pollution in the River Ganga due to discharge of highly toxic and harmful effluents. The contamination from discharge of trade effluents was so high that it not only polluted the Syna Escape Canal and the River Ganga but also threatened the life of endangered aquatic species such as dolphins, turtles and other aquatic life. It has also polluted the groundwater of

¹⁵ ORIGINAL APPLICATION NO. 299 OF 2013

villages. The NGT after concerning the facts the case applied the Polluter Pay Principle and directed to pay a sum of Rs. 25 Lacs within one month for not strictly complying with the conditions of the consent order. This amount of Rs. 25 lacs was to be paid to UPPCB and was to be spent for the restoration in the environment, for taking general remedial measures, for preventing pollution and for restoring the damage already done to the Syana Escape Canal and ground water or other water bodies.

In Manoj Mishra Vs. Delhi Development Authority and Ors. And Promod kumar Tyagi Vs. Art of Living International Center & Others And Anand Arya Vs. Delhi Development Authority And Ojasvi Party Vs. Ministry of Environment & Forest & Ors, in this case the NGT pass an order to pay costs of Rs. 1 lakh on DPCC on the ground that DPCC has failed to discharge its statutory obligation despite the fact that the Foundation of AoL (Art of Living) had submitted an application for obtaining its consent. For the damage caused to the environment, ecology, biodiversity an aquatic life of the river, the Foundation should be held liable for its restoration in respects. In that regard and in exercise of powers of NGT under sections 15 and 17 of NGT Act, 2010 the NGT impose and Environmental Compensation, initially of Rs. 5 crores to Foundation. This amount would paid by the Foundation prior to the commencement of the event of World Culture Festival held on March 11th to 13th, 2016. The said amount shall be deposited with DDA and shall be maintained in a separate account.

In 2016, the menace of human waste being splattered on houses from airplanes while landing, also led the tribunal to slap a fine of 50,000 rupees on aircraft which empty toilet tanks in air. The order imposing 100 crore rupees damage on a Panama-based shipping firm and two of its Qatar-based sister concerns for causing an oil spill in South Mumbai coast on August 4, 2011, was noteworthy. While asking the three companies to pay environmental compensation to the Ministry of Shipping, the NGT also ordered Gujarat-based Adani Enterprises Ltd to pay 5 crore rupees as environmental compensation for dumping in the seabed 60,054 MT coal, being carried by ship M V RAK, and polluting the marine environment. The panel drew government's attention to approve and implement action plans to tackle "environment Emergency" in Delhi and neighbouring areas and ordering deregistration of 10-year-old diesel vehicles.

The NGT passed a string of direction to the Railways clear the Railways of filth which gives it the tag of "biggest open toilet". The Tribunal empowered the Railways to impose a fine of Rs.5,000/- on anyone found littering or engaging in any other act such as open defecation on

tracks or platforms. The fine would also be imposed on those residing along the tracks and disposing of waste on railway tracks or property.

This Tribunal had passed certain orders in '*Vardhaman Kaushik vs. Union of India*' prohibiting registration of ten years old diesel vehicles in the NCR in the light of earlier order of the Hon'ble Supreme Court. However, in certain cases, exemption was granted for BS-IV compliant new Diesel Vehicles. The BS IV norms have been enforced across the country since April 2017. And No BS-IV vehicle shall be sold in the country from April 1, 2020, only *Bharat Stage Six (BS VI)* compliant ones will be allowed for sale after the given date, *skipping BS V*.¹⁶ The National Green Tribunal (NGT) has imposed a fine of Rs 500 crore on German auto giant for damaging the environment through the use of "*cheat device*" in its diesel cars in India. The company has been ordered to pay the amount within two months by a bench headed by NGT chairperson Justice *Adarsh Kumar Goel*. On March 07th 2019. A committee appointed by the NGT had recommended a penalty of Rs 171.34 crore on Volkswagen as "*health damages*" for causing air pollution in Delhi due to excess nitrogen oxide (NOx) emissions. However, the tribunal increased the amount as a means of "*creating deterrence*". Then, The Supreme Court has provided some temporary relief to Volkswagen Group by directing the National Green Tribunal not yet to implement fine of Rs 500 crore it had slapped on the German carmaker for polluting the air through use of cheat device in its diesel cars.

NGT had directed the government to prohibit use of (Reverse Osmosis) RO purifiers where (Total Dissolved Solids) TDS was below 500mg per litre and had asked them sensitise public about the ill-effects of demineralised water on September 2019.¹⁷

On 25th November 2019 - A bench headed by NGT Chairperson Justice *Adarsh Kumar Goel* passed the order after perusing a report filed by an Oversight Committee, headed by former Judge *Justice Pratibha Rani*, which said that show-cause notices have been issued to 4,774 industries located in residential areas in different municipal corporations. The NGT has directed the Delhi government to immediately shut down, industrial units running in residential areas.

¹⁶ A three judge bench headed by *Justice Madan B Lokur* made it clear that only BS VI compliant vehicle shall be sold in the country from April 1st, 2020.

¹⁷ *Friends through its General Secretary Vs. Ministry of Water Resources*

In *Mohammed Nayeem Pasha & Others Vs The State of Telangana & Others*¹⁸, regarding remedial action against pollution of river Musi at Hyderabad - Telangana which is reported to be contaminated due to industrial and domestic sewage discharged into the river or into the drains connected thereto. The industries in the catchment areas are bulk drug and pharmaceutical units. Green tribunal tells GHMC to clean river by March next year or pay hefty penalty.

CONCLUSION:

It is submitted that a perusal of the above mentioned orders of the NGT shows that its approach in deciding various issues towards environmental governance is consistent with the principles of sustainable development, the precautionary principle and the polluter pays principle as envisaged under section 20 of the NGT Act, 2010. The Green Tribunals fulfil the aim of the Acts mentioned in Schedule I and the Tribunals have a wide jurisdiction including execution, it is a very unique feature and comprehensive to solve the all problems relating to protection of environment in India. It is hoped that the approach adopted by the NGT will go a long way in protecting the environment. And recently NGT has taken great initiative that is e-Filing, to curb the contamination is encouraging the individual to bring to its notice through appropriate proceeding through internet using its website where an individual in a designated required format is able to file petition to bring appropriate action against either individual or multi-million corporation causing contamination through simple clicks of computer while having the luxury of sitting at convenient place with nominal fee and also dedicated jurisdiction in environmental matters shall provide speedy environmental justice and help reduce the burden of litigation in the higher courts.

REFERENCES

1. Environmental Law An Introduction (Lexis Nexis) – Nawneet Vaibhaw.
2. Environmental Law, Environment Protection, Sustainable Development And the Law by Dr Paramjit S. Jaswal, Dr Nishtha jaswal, Vibhuti jaswal, Allahabad Law Agency.
3. Environmental Law BY S.S Sastri, Eastern book Publications
4. Environmental studies, B R Jindal, K L Toky and paramjit S. Jaswal-295 1997.
5. International Environmental Law by Dr Padma, Asian Law House 2003
6. SUSTAINABLE DEVELOPMENT: Emerging Issues in India's Mineral Sector.

¹⁸ Original Application No. 426/2018 (06/12/2019)

Institute for Studies in Industrial Development 4, Institutional Area, Vasant Kunj, New Delhi

7. Environmental Education. Jayam Publications: Hyderabad. Govinda Reddy, V and Gayatri, Aluru. (2017)
8. Social Science- International Journal of Research in Humanities & Soc. Sciences .Vol. 4(N G T- A Road to Environmental Justice) [Ruchi Singh -2016]
9. Environment Protection, Sustainable Development & the LAW. Pioneer Publication.
10. <http://www.conservationindia.org/resources/ngt>.
11. <https://ngtonline.nic.in>
12. <https://www.downtoearth.org.in/news/environment>
13. <http://www.indiaenvironmentportal.org.in>
14. <https://www.legalbites.in/national-green-tribunal>
15. http://www.greentribunal.gov.in/ofc_ord_princii.aspx

