



## **National Green Tribunal and its Role in Environment Protection**

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### Abstract:

Environment is the key for existence of life on the earth. But there is drastic environment change due to global warming, excessive pollution, industrialization etc. The natural environment is a gift of nature and we need to conserve it for the benefit of life in future. The environment is an important issue even when society is faced with economic crises, wars, and unending social problems. It matters because Earth is the only home that humans have, and it provides air, food, and other needs. Environment is the sole factor for existence of life on earth. Without it, there can be no life on earth. In our solar system there are other big planets but, having no life due to lack of environment. The environment is the most important factor for development to all kinds of animals, plants and others. It is the greatest gift of God to man and other living and non-living things. It's abiotic (non-living) components like air, water, light etc. and its biotic (living) components like plants, animals and human beings etc. They are responsible for the survival and continuance of life on this earth, so environment is most important factor for everything.

### introduction:

Our environment consists of different compartments namely air, water, soil, which together are responsible for our survival. If the equilibrium of these compartments disturbs the existence of human being, it will be dangerous. Since, we obtain our survival elements from all these compartments, one need Pollution free air to breathe, uncontaminated water to drink, nutritious food to eat, hygienic condition to live and healthy environment to move. These elements are 'Sine qua non' for the sound and healthy development of human personality. In the absence of pollution free environment human being can not develop themselves with fullest extent. Pollution free environment is basic need of every human being, but everyone has

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contributed in its pollution and in present day it has become universal Phenomenon. Healthy environment is essential for our existence in spite of that we are polluting and destroying our own environment and creating endanger for us. The basic reason behind it is that we are taking advantage of development at the cost of health. In present era money become more essential for us than our life.

In view of the above, the core area of this study concentrates upon analyzing the problem discussing the constitutional and statutory provision. This topic also focuses on the principle laid down by the Supreme Court for the solution of environment like sustainable development, precautionary principle and polluter pays principle. The present environmental problems point towards the fact that the principle laid by the Supreme Court and various High Court and existing constitutional and statutory provision are not enough to solve the problem is absence of independent, imperial and effective enforcing institution. In India Judiciary is the effective institution to enforce the fundamental rights as well as create healthy environment.

In the case of Subhash Kumar v. State of Bihar the Supreme Court declared pollution free environment is fundamental right under Article 21 of the our constitution. This verdict of the Supreme Court established a case for equilibrium between environment and development and in case Indian Council for Enviro-legal Action v. Union of India Supreme Court also suggested for the establishment of green court for the protection of Environment, and this study is directly relates to the establishment, function and utility of National green tribunal. Judicial pronouncement and principle laid down by Supreme Court are in existence but the problem is still persisting. Hence, through this study an attempt will be made to understand the functions of National Green Tribunal vis-à-vis protection of environment and sustainable development. Moreover, it is also envisaged that study its contribution in this direction as how to provide the guarantee of the pollution free environment to human being of India.

Since, ages i.e. in Vedic era the environment was considered very pious position and matter of religions importance in the Bharat Varsh. “One tree is equal to ten sons”. This quotation of Padmapurana, (1.44.455.) shows the importance of environment. The mentality and need is a



kinetic term and it changes according to time. The ancient literature clearly shows that there are evidences to prove that the society in those time paid more attention to the protection of environment than what we think today. It was the dharma of each individual in the society to protect the nature. The people worshipped the objects of nature. The trees, water, land and animals gained important position in the ancient time.

During ancient times, it was not an affair limited to an individual or individuals but the society as a whole accepted its duty to protect the environment. The dharma of environment was to sustain and ensure progress and welfare of all. The inner urge of the individuals to follow the set norms of the society, motivated them to allow the natural objects to remain in the natural state. Apart from this motivation, there was the fear of punishment. There were efforts not just to punish the culprit but to balance the ecosystem. The noteworthy development in this period was that each individual knew his duty to protect the environment and he tried to act accordingly.

objectives of study:

- To study the historical development of legal provisions for protection of environmental compartments in India
- To assess the constitutional provisions related to protection of environment and sustainable development.
- To study the factors responsible for pollution of various environmental compartments in Nagpur Area
- determine the utility of present statutory provisions for protection of all the environmental compartments (air, water and soil) in Nagpur Area
- To critically assess the functioning of National Green Tribunal and its effectiveness in relation to National green tribunal Act – 2010
- To determine the effectiveness of National Green Tribunal in ensuring sustainable development of industries in Nagpur.



hypothesis:

- The environmental conservation has received great attention throughout the history in India
- The constitutional provisions related to protection of environment and sustainable development in Nagpur area of India, are inadequate.
- There are multiple factors responsible for pollution of different environmental compartments and hence, separate legal provisions are necessary to protect each of the environmental compartment
- The present statutory provisions for protection of environmental compartments (air, water and soil) in Nagpur Area are inadequate
- The National Green Tribunal has important role in ensuring environment protection and sustainable development in Nagpur

**Major Concepts**

- **National Green Tribunal:** National Green Tribunal Act, 2010 (NGT) is an Act of the Parliament of India which enables creation of a special tribunal to handle the expeditious disposal of the cases pertaining to environmental issues. It draws inspiration from the India's constitutional provision of Article 21, which assures the citizens of India the right to a healthy environment.
- **Environment:** The circumstances, objects, or conditions by which one is surrounded. Or the complex of physical, chemical, and biotic factors (such as climate, soil, and living things) that act upon an organism or an ecological community and ultimately determine its form and survival.
- **Sustainable Development:** Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
- **Legal framework:** A legal doctrine is a framework, set of rules, procedural steps, or test, often established through precedent in the common law, through which judgments can be determined in a given legal case.

**Nature/Type of study:**

The study in hand is doctrinal or non-empirical. This is doctrinal because it will be carried out on published secondary data like Books, Journals, information collected from different web sites of

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internet. This is exploratory as well as diagnostic. The study is exploratory because the study explored the various provisions under National Green Tribunal's mandate and of the numerous conventions relating to environmental protection. The study is diagnostic because its main focus is to diagnose the means and measures which are related to environmental damage and threats to sustainable development.

**Methods of data collection:**

The method of data collection in this study is secondary in nature. The study is based on data from different sources which are already published. The main sources are published books, journals, web sites information. Apart from above, the environment pollution related data will be collected from the study area i.e. Nagpur District of Maharashtra.

**Limitation:**

The present study is a doctrinal one based majorly upon secondary data. However, some aspects will demand collection Therefore no fieldresearch on the subject is attempted. The study is solely an exclusively concerned with environmental protection laws. Therefore it is not dealing with the other forms recognized by the Indian Law. The study or research primarily focuses of those legislations & practices, which have a direct relationship with NGT but not with the other agencies.

**Possible Contribution:**

A preliminary survey of the literature reveals that the topic of legal regime for protection of environmental compartments has not received much attention of legal researchers in India. Therefore, since the present research is unique in its own way it will immensely help the law makers, lawyers and academicians. The legal regime as it exists in India consists of both common law as well as the statutory law. A victim of environmental protection law infringement has to make a choice, between common law remedy and statutory remedy. The cost benefit analysis of both types of remedies undertaken in this research will help various stakeholders in the society to



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make a rationale and pragmatic choice between the alternative remedies vis-à-vis NGT's mandate.

In this study the researcher shall try to study critically whether the existing legal regime conforms to the real environmental protection, which is necessary to beckon sustainable development in India. Therefore, this study is expected to help the law makers in bringing Indian environmental protection law at par with the international standards. The study is an honest and humble attempt to carry out certain research into critical areas of environment protection laws which can stimulate the interest for carrying out further extensive research for the law students, academicians, industrial personnel and lawyers.

Conclusion:

Through this study an attempt will be made to understand the functions of National Green Tribunal vis-à-vis protection of environment and sustainable development. Moreover, it is also envisaged that study its contribution in this direction as how to provide the guarantee of the pollution free environment to human being of India.

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