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Suo-Motu Powers of National Green Tribunal

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Why in News

Recently, the Supreme Court has declared the **National Green Tribunal's (NGT)** position as a “unique” forum endowed with **suo motu** (on its own motion) **powers** to take up environmental issues across the country.

Key Points

- **Highlights of the Judgement:**
 - **Not limited to Adjudicating Role:** The role of the NGT is not simply adjudicatory in nature. The Tribunal has to perform equally vital roles that are preventative, ameliorative or remedial in nature.
 - The functional capacity of the NGT is intended to leverage wide powers to do full justice in its environmental mandate.
 - **Article 21 rights** cannot stand on a narrow compass of interpretation. Article 21 of the constitution **protects the right to life and personal liberty**.
 - **Multidisciplinary Role:** NGT, as a complimentary, competent, specialised forum, to deal with all environmental multidisciplinary issues both as original and also as an appellate authority.
 - **International Commitment:** The NGT embodied the international obligation India owed to the environment.
 - The NGT has been recognised as one of the most progressive Tribunals in the world.
 - This jurisprudential leap has allowed India to enter a rather exclusive group of nations which have set up such institutions with broad powers.

- **About National Green Tribunal:**

- It is a specialised body set up under the **National Green Tribunal Act (2010)** for effective and expeditious **disposal of cases relating to environmental protection and conservation of forests and other natural resources**.
- With the establishment of the NGT, India became the **third country** in the world to set up a specialised environmental tribunal, only after **Australia and New Zealand**, and the first developing country to do so.
- The **NGT Act provided a specialized role** to the tribunal to act on issues where a dispute arose **under seven specified laws** (mentioned in Schedule I of the Act): The Water Act, The Water Cess Act, The Forest Conservation Act, Air Act, Environment Protection Act, Public Liability Insurance Act and the Biological Diversity Act.
- NGT is mandated to make **disposal of applications or appeals finally within 6 months of filing the same**.
- The NGT has **five places of sittings**, New Delhi is the Principal place of sitting and Bhopal, Pune, Kolkata and Chennai are the other four.
- The Tribunal is **headed by the Chairperson** who sits in the Principal Bench and has at least ten but not more than twenty judicial members and at least ten but not more than twenty expert members.
- **Decisions of the Tribunal are binding**. The Tribunal has powers to review its own decisions. If this fails, the decision **can be challenged before the Supreme Court within ninety days**.

- **Associated Challenges:**

- **Persistent Vacancies:** In the last nine years, the NGT has **never got the minimum strength of ten judicial and ten expert members** to address the increasing number of environmental litigations across the country.
- **Implementation of Orders:** There are also serious challenges as far as implementation of the NGT's orders is concerned.
 - The NGT Act specifies that the compensation amount as ordered by the tribunal should be remitted to the authority of the Environmental Relief Fund within a period of 30 days from the date of order.
 - However, it is observed that the polluters don't abide by this rule.
 - Further, there is no institutional mechanism to ensure that the environmental regulatory authorities comply with the orders of the tribunal.
- **Appeals to Supreme Court:** The NGT orders are increasingly challenged in the Supreme Court, where a heavy penalty has been imposed by the tribunal.

Way Forward

- There is a need for more autonomy and to widen NGT's scope for effective protection of the environment in balance with human developmental activities.
- The government needs to provide adequate financial and human resources — if it does not want the NGT to wither away.

- NGT offers a path for the evolution of environmental jurisprudence by setting up an alternative dispute resolution mechanism. It helps reduce the burden of litigation in the higher courts on environmental matters.

Source: TH