

National Green Tribunal (NGT)
(19 January, 2022)

About NGT(National Green Tribunal)

- It is a specialized body set up under **National Green Tribunal Act, 2010** for **effective and expeditious disposal of cases** relating to environmental protection and conservation of forests and other natural resources.
- NGT is **mandated to make disposal of applications or appeals** finally **within 6 months of the filing of the same.**

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Structure of NGT (National Green Tribunal)

- The Tribunal comprises the **Chairperson, the Judicial Members, and Expert Members.**
- They shall hold office for a term of **5 years** and are **not eligible for reappointment.**



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- The **Chairperson** is appointed by the **Central Government** in consultation with the **Chief Justice of India (CJI)**.
 - A **Selection Committee** shall be formed by the **central government** to appoint the **Judicial Members** and **Expert Members**.
 - There are to be at least **10 and a maximum of 20** full-time **Judicial members** and **Expert Members** in the tribunal.

Powers & Jurisdiction of NGT(National Green Tribunal)

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- The Tribunal has jurisdiction over all civil cases involving substantial questions relating to the environment (including enforcement of any legal right relating to the environment).
- National Green Tribunal also has appellate jurisdiction to hear appeals as a Court (Tribunal).
- The Tribunal is not bound by the procedure laid down under the Code of Civil Procedure 1908, but shall be guided by principles of 'natural justice'.
- While passing any order/decision/award, it shall apply the principles of sustainable development, the precautionary principle, and the polluter pays principle.
- NGT by order can provide:
 - relief and compensation to the victim of pollution and other environmental damage (including accidents occurring while handling any hazardous substance).
 - for restitution of property damaged, and
 - for restitution of the environment for such area or areas, as the Tribunal may think fit.
- An order/decision/award of Tribunal is executable as decree of a civil court.
- The NGT Act also provides a procedure for a penalty for non-compliance:
 - Imprisonment for a term which may extend to three years,
 - Fine which may extend to ten crore rupees, and
 - Both fine and imprisonment.
- An appeal against order/decision/award of the NGT lies to the Supreme Court, generally within ninety days from the date of the communication.

The NGT(National Green Tribunal) deals with civil cases under the :

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

Landmark Judgements of NGT(National Green Tribunal)

- In 2012, POSCO a steelmaker company signed an MoU with the Odisha government to set up a steel project. NGT suspended order and this was considered a radical step in favor of the local communities and forests.
- In 2013 in the Uttarakhand floods case, the Alaknanda Hydro Power Co. Ltd. was ordered to compensate the petitioner – here, the National Green Tribunal directly relied on the principle of 'polluter pays'.
- In 2015, the NGT ordered that all diesel vehicles over 10 years old will not be permitted to ply in Delhi-NCR.



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- In 2017, the **Art of Living Festival** on Yamuna Food Plain was declared violating the environmental norms, the National Green Tribunal panel imposed a penalty of Rs. 5 Crore.
- The NGT, in 2017, **imposed an interim ban on plastic** of less than **50-micron thickness** in Delhi because “they were causing animal deaths, clogging sewers and harming the environment”.

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