



## **LEGAL FRAMEWORKS FOR ENVIRONMENTAL PROTECTION: ASSESSING THE ROLE OF THE NATIONAL GREEN TRIBUNAL IN ENSURING SPEEDY JUSTICE IN INDIA**

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### **ABSTRACT**

This study examines the role of National Green Tribunal (NGT) in environmental laws focusing on its effectiveness in delivering speedy justice. The NGT established with aims to resolve environmental disputes efficiently reducing the burden on traditional courts and ensuring its prompt enforcement and compliance. The study reviews key statutes relating to environments in India and analyzes landmark judgments to highlight the NGT's contributions and challenges to function effectively, including delays and resource limitations. It concludes with recommendations for legal reforms, enhanced resources and better use of technology to strengthen the NGT's capacity to ensure timely and effective environmental justice in India.

**KEYWORDS:** *NGT, speedy justice, environmental disputes, legal reforms, environmental governance, use of technology, etc.*

### **INTRODUCTION**

India having approximately one third of its geographical area covers with forest as per India State of Forest Report (India State of Forest Report, 2021) faces significant environmental challenges due to industrialization, urbanization and population growth. These led to environmental degradation, including air and water pollution, deforestation, loss of biodiversity and climate change impacts. This degradation has not only impacted public health and livelihoods but also posed significant risks to the country's long-term ecological sustainability. India responded to environmental challenges through general laws related to public health, forests and wildlife. However, the growing recognition of environmental protection as a critical component of sustainable development led to the enactment of specific environmental laws like the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

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Despite, the judicial system struggled to resolve environmental cases efficiently, hindered by procedural delays, a lack of expertise and weak enforcement mechanisms. In response to these shortcomings, the National Green Tribunal (NGT) Act 2010 was enacted with expertise in environmental law and object to expedite cases. This marked a significant step in India's environmental governance. The NGT was established as a specialized body with expertise in environmental law to handle environmental disputes involving multi-disciplinary issues. It was designed to provide effective and expeditious disposal of cases related to environmental protection and conservation of forests and other natural resources. It empowers to hear all civil cases relating to environmental laws ensuring speedy justice. By offering a dedicated platform for handling multi-disciplinary environmental issues, the NGT has significantly improved the speed and effectiveness of environmental case resolution. As such, the NGT has played a crucial role providing a platform for resolving environmental disputes in a timely manner. It has the authority to issue orders, directions, and guidelines for the protection of the environment and the prevention of pollution, thereby contributing to more effective environmental governance.

The paper starts by discussing the environmental challenges India faces and the existing laws aimed at addressing these issues. It then focuses on the creation of the National Green Tribunal (NGT) explaining how it was set up to handle environmental cases more efficiently. Finally, the paper looks at how well the NGT has done in improving environmental justice and highlights any ongoing challenges it faces.

## **STATEMENT OF THE PROBLEM**

The environmental challenges facing India are vast and complex, requiring an effective legal framework for timely resolution. Despite, establishment of the NGT to expedite and speed up environmental justice, the Tribunal faces significant challenges in delivering swift and effective outcomes. Procedural delays like complex environmental disputes require extensive evidence and expert input results backlogs. Bureaucratic delays in implementing the NGT's orders further exacerbate this problem. Resource constraints also impede its effectiveness along with a shortage of expert staff and inadequate infrastructure strain the ability to handle its caseload efficiently. Additionally, jurisdictional limitations restrict authority leading to overlaps with other judicial bodies and further delays. These challenges undermine the NGT's goal of expediting environmental justice. This study seeks to address these issues by critically analyzing the NGT's role within India's environmental legal framework and evaluating its effectiveness in ensuring speedy justice.

## **LEGAL FRAMEWORK FOR ENVIRONMENTAL PROTECTION**

India has developed a comprehensive legal framework for environmental protection which evolved in response to growing environmental challenges. Non-compliance of provisions of the environmental laws leads to fines and imprisonment.

The Water (Prevention and Control of Pollution) Act, 1974 (Water Act, 1974) is India's first environment law to tackle water pollution. It set up pollution control boards at the central and state levels to monitor and regulate water pollution. It aims to keep water clean by preventing pollution and restoring water quality. It empowers the boards to set standards for pollutant discharge into water bodies and requires industries and municipalities to establish treatment plants.

The Air (Prevention and Control of Pollution) Act, 1981 (Air Pollution Act, 1981) enacted to tackle air pollution in India. It sets up pollution control boards at both central and state levels to

monitor and control air pollution. The goal sets to maintain and improve air quality by setting emission standards for industries, vehicles and other sources. It also regulates air pollutants and issues permits to industries that meet these standards.

The and the Environment (Protection) Act, 1986 (Environment Protection Act, 1986) was enacted after the 1984 Bhopal gas tragedy. It is a comprehensive law aimed at protecting and improving the environment and controlling pollution. The Act gives the central government broad powers to take necessary steps to safeguard the environment. This includes closing, regulating or prohibiting industries that pose environmental risks.

Indian environmental laws influenced by various international conventions and agreements as one of the signatories to. The United Nations Conference on the Human Environment (Stockholm Declaration, 1972) was a significant event influenced the global environmental movement, United Nations Conference on Environment and Development (UNCED), (Rio Declaration and Agenda 21:, 1992) emphasized sustainable development. India's ratification of the Paris Agreement underscores its commitment to combating climate change (Paris Agreement, 2015). Indian environmental laws are a combination of national imperatives and international obligations creating a framework aimed at ensuring environmental protection and sustainable development.

The Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986, set standards for India's water and air quality along-with overall environmental protection of the country. The National Green Tribunal (NGT) was established in 2010 for enforcement of these laws by quickly handling environmental disputes and ensuring compliance making it easier to address pollution and other environmental issues.

## **ESTABLISHMENT AND JURISDICTION OF THE NGT**

The National Green Tribunal (NGT) was established under Section 3 of the National Green Tribunal Act, 2010 “for the 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” (The National Green Tribunal Act, 2010). The NGT consists of a chairperson (Section 4), who is a retired Supreme Court judge or Chief Justice of a High Court, and several expert members with backgrounds in environmental science, law, and other relevant fields (Section 5). It has to handle environmental disputes more efficiently than traditional courts. Its main goal is to reduce the burden on civil and high courts by providing a specialized forum for environmental cases (Section 14). The NGT ensures the enforcement of environmental rights, offers relief to victims and can issue orders to protect the environment. This Act establishes NGT benches across India for easier access and faster case resolution. The NGT having judicial and expert members has wide powers including summoning witnesses, ordering evidence and imposing penalties for non-compliance.

The NGT sits at principal place at New Delhi and other four benches “Bhopal, Pune, Kolkata and Chennai” (National Green Tribunal, 2024). The NGT benches handle a variety of environmental cases including those related to pollution, conservation of natural resources and compliance with environmental laws. They address issues such as violations of pollution control standards, environmental damage and disputes involving environmental regulations.

The NGT plays key role in enforcing environmental laws in India by providing a specialized forum for resolving environmental disputes. It ensures that environmental laws are followed and

violators are held accountable. The NGT handles various cases from industrial pollution to deforestation and its judgments have set important legal precedents. The NGT can order the closure of polluting industries, impose fines and direct environmental restoration. It also monitors compliance to ensure that laws are enforced and violations are addressed.

### **IMPACT OF THE NGT ON ENVIRONMENTAL GOVERNANCE**

The NGT has had a significant impact on environmental governance in India, influencing both compliance with environmental laws and public perception of environmental justice.

1. **Strengthening Compliance:** The NGT has enforced strict adherence to environmental laws pushing industries and government agencies to follow regulations.
2. **Promoting Environmental Awareness:** The NGT's proactive rulings have raised public and government awareness about environmental issues emphasizing the need for sustainable development and influencing policy.
3. **Public Trust:** The NGT is respected for its commitment to environmental protection and speedy justice earning public confidence by holding powerful entities accountable.
4. **Challenges to Public Perception:** The NGT faces challenges like delays and reliance on other agencies for enforcement which can affect public trust in its effectiveness.

### **CHALLENGES FACED BY THE NGT**

Despite its successes, the NGT faces several challenges that impact its ability to deliver speedy and effective justice. These challenges are

1. **Delays and Backlogs:** Though the NGT aims to resolve cases within six months, it often faces delays due to a high volume of cases and the complexity of disputes. Frequent adjournments and slow compliance with orders also contribute to backlogs.
2. **Implementation Issues:** The NGT's orders are sometimes slow to be enforced, especially when state agencies and industries are involved, delaying desired environmental outcomes.
3. **Funding:** Limited financial resources hinder the NGT's ability to function effectively, affecting staffing, site visits, and necessary infrastructure.
4. **Staffing:** The NGT struggles with delays in appointing expert members, impacting its ability to handle cases promptly due to a shortage of qualified experts.
5. **Jurisdictional Limitations:** The NGT's jurisdiction is restricted to environmental laws listed in Schedule I of the NGT Act, limiting its ability to address broader environmental issues. Appeals to the Supreme Court can also delay case resolutions.

### **MECHANISMS FOR ENSURING SPEEDY**

One of the key objectives of the NGT is to ensure the speedy disposal of environmental cases, which is crucial given the time-sensitive nature of many environmental issues.

1. **Streamlined Procedures:** The NGT follows a simplified procedure for filing of dispute arisen within six months [Sections 14(3)] and adjudicating cases without delay and ensures that it be resolved within six months from the date of filing [Section 18(3)].
2. **Use of Expert Panels:** To handle the technical complexities of environmental cases, the NGT generally appoints expert committees to provide on-ground assessments. The recommendations made by such expert committee are not binding but only assist the NGT to arrive at a correct decision in the matter (Singrauli Super Thermal Power Station vs. Ashwani Kumar Debey, 2023).

3. **Regional Benches:** The establishment of regional benches across the country has made it easier for affected parties to access the NGT, reducing the need to travel to New Delhi for hearings. This decentralization has contributed to the more efficient handling of cases.

## RECOMMENDATIONS

Following recommendations made on the basis of study for Strengthening the NGT;

1. To broaden the jurisdiction of NGT to cover more environmental laws allowing it to address a wider range of issues.
2. To set clearer guidelines for enforcing NGT orders possibly by creating dedicated enforcement units within state governments.
3. To enforce strict timelines for evidence submission and case resolution with penalties for unnecessary delays.
4. To simplify the appeal process to prevent unnecessary delays and limit frivolous appeals.
5. To use e-filing, virtual hearings & case management software to improve transparency.
6. To improve coordination between the NGT and other government agencies for better enforcement of its orders.

## CONCLUSION

The National Green Tribunal is vital for environmental governance in India handling complex cases and delivering timely justice. However, challenges like procedural delays, limited jurisdiction and inadequate resources hinder its effectiveness. To strengthen the NGT, legal reforms, better funding, more staff and improved coordination with government agencies are needed. Addressing these issues will help the NGT fulfill its role in protecting the environment and ensuring speedy justice. These recommendations provide a path to make the NGT a stronger force for environmental justice in India crucial for safeguarding the country's ecological future.

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