

“Role of NGT in Environment protection”

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Background of NGT

The NGT was established under the NGT Act of 2010 on 18th October 2010. The Tribunal has the mandate to effectively tackle growing environmental concerns and expeditious dispose of cases relating to the subject of wildlife, forest, environment and biodiversity. It can be said that it is a special body formed with various powers and functions which are exercised to deal with environmental disputes and other violations. Though the NGT was established in 2010, the NGT started functioning from 4th July 2010. There is one Principal Bench in New Delhi and there are other circuit bench at Pune, Kolkata, Chennai and Bhopal. All the Benches are currently functioning¹. The object of creating circuit benches was to have a pan-India reach which can be accessible to the urban and rural parts of the country. Therefore it can be said that NGT has good reach as regards its accessibility to address environmental concerns.

In 1992, India vowed the states participating in the Rio de Janeiro summit of United Nations Conference on Environment and Development that it would provide judicial and administrative remedies to the affected persons because of the pollutants and other environmental damage. There are other such reasons for which the tribunal was established like India's move towards carbon credits, the tribunal was also created with the intention and hopes that it will play a very important role in controlling emissions of pollutants and maintaining desired levels and eventually work towards sustainable development. One of the most important feature of the tribunal is that by the parent statute itself it is required to apply the 'polluter pays' principle. This tribunal can be rightly called as 'special' as India is the third country in the world only behind Australia and New Zealand to have such a tribunal specifically to address environmental issues.

The Act of Parliament defines the National Green Tribunal Act, 2010 as follows,

"An Act to provide for the establishment of a National Green Tribunal 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

¹ Anonymous, *Green Tribunal*, WWF, (Nov 20, 2017, 6.30Am), https://www.wwfindia.org/about_wwf/enablers/cel/national_green_tribunal/.

giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto"².

The tribunal is comprised of a chairperson (full-time), judicial and expert members. The chairperson has been given the power to appoint one or more persons having special knowledge and experience in a particular issue before the tribunal. The persons are invited to assist the tribunal on technical issues involving various aspects of environmental concerns.

As regards the qualifications of the chairperson of the tribunal, "A person shall not be qualified for appointment as the Chairperson or Judicial Member of the Tribunal unless he is, or has been, a Judge of the Supreme Court of India or Chief Justice of a High Court: Provided that a person who is or has been a Judge of the High Court shall also be qualified to be appointed as a Judicial Member"³.

As regards the qualification of the expert member, he has a degree in Master of Science (in physical sciences or life sciences) 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 environment and forests (including pollution control, hazardous substance management, environment impact assessment, climate change management, biological diversity management and forest conservation) in a reputed National level institution; or has administrative experience of fifteen years including experience of five years in dealing with environmental matters in the Central or a State Government or in a reputed National or State level institution"⁴.

Jurisdiction of the Tribunal

The tribunal exercises original jurisdiction on matters relating to substantial question relating to environment, here substantial question relates to the affected community at large and damage to the public well-being and health at large and also negative consequences of various activities on the environment. However the explanation is not exhaustive and it has been kept so deliberately, so that the tribunal can address emerging and complex issues which concerns the environment

An individual's access to the tribunal is restricted to personal grievances and the tribunal can hear an individual only if the tribunal considers that damage to the environment is substantial. It can be said that the tribunal has powers to pass awards are equivalent to the orders passed by the civil court and the tribunal if it thinks fit to transmit any order to civil court having local jurisdiction, even though the tribunal's powers are in parlance with the civil court, the tribunal doesn't follow the civil law and in turn follows the principles of natural justice.

However one of the issues as regards jurisdiction of the tribunal is that the legislators have restricted the competency of the tribunal to decide matters relating to seven acts and they are The Water (Prevention and Control of Pollution) Act, 1974; The Water (Prevention and Control of Pollution) Cess Act, 1977; The Forest (Conservation) Act, 1980; The Air (Prevention and Control of Pollution) Act, 1981; The Environment (Protection) Act, 1986; The Public Liability

² Foreword to the NGT Act, 2010

³ Sec 5 of the NGT Act, 2010

⁴ Sec 5(2) of the NGT Act, 2010

Insurance Act, 1991; The Biological Diversity Act, 2002⁵. However is important to note that According to the Act, the tribunal also exercises appellate jurisdiction related to these Acts and the decision of the majority of the members of the tribunal shall be final and binding on all the parties. However, if any person is aggrieved by the order or the decision of the tribunal then he may appeal to the Supreme Court within 90 days of passing of the order. however it can be said that the High Court also have jurisdiction to hear appeals against the orders of the tribunal as in Section 29 of the NGT Act 2010, which deals with bar of jurisdiction of civil courts the jurisdiction of the high court under Article 226/227 is not ousted, this was held by a division bench of the Madras high court comprising Justice N Paul Vasanthakumar and Justice P Devadass.

Constitutional Provisions and History if Environment Protection Laws in India

The constitution is known as the "Fundamental Law of the Land" from which every single other law determine their legitimacy. In this manner it must be a living and developing law – implies that it must have the capacity to adapt to the fresher circumstance and improvement. That is the reason, as and when it is felt that a unique circumstance has emerged and the present established arrangements are not satisfactory and can't manage the improvement adequately. They are corrected by Parliament now and again. The previous Prime Minister of India Smt. Indira Gandhi had gone to the United Nation Conference on Women Environment at Stockholm, Sweden. This Stockholm announcement is known as, "the Magna Carta" on Human environment. The Indian Parliament passed the 42nd Amendment to the constitution in 1976 and consolidated uniquely Article 48 (A), Article 51-A (g), identifying with protection and improvement of the environment. Along these lines, Indian turned into the primary nation in the world to have provisions relating to environment in the constitution.

The post independence time saw a great deal of changes, states of mind of the Governments as for ecological and environmental protection. The Constitution of India, which came on 26th January 1950, had barely any arrangements with respect to administration of environment. At beginning of Indian Constitution, Constituent Assembly did not give careful consideration towards the protecting the environment. In the discussions of the assembly one finds barely a particular reference to sustainable development.⁶

Part - IV of the Constitution is concerned about the Directive Principle of State Policy. Directive Principle of State Policy concerning environment has been incorporated in Part IV of the Constitution. The Constitution (Forty-Second Amendments) Act, 1976 included another directive in Article 48A which bargains particularly with protection of environment. It broadcasts as takes after: The state might try to ensure and enhance the environment and to protect the forest and wildlife of the country. The Constitution of India can be said as of the unique constitutions of the world where particular arrangements were made in the Supreme Law putting commitment on the "State" under Article 48 (An) and also "Subjects" under Article 51-

⁵ Schedule I of the NGT Act 2010

⁶ P. Leela Krishnan, Law and Environment, 1992, p. 7

A(g) to 'protect' and 'improve' the earth. There is, accordingly, a positive advancement of Indian law.⁷

Notable Orders and Judgments of NGT

As far as air contamination, when the air quality in Delhi started to deteriorate toward the starting of November, finishing in what at last was named a natural crisis, the NGT's part was basic in the endeavours to re-establish normal conditions. The NGT held to ban the 15-year-old diesel vehicles in Delhi, it put strict standards on burning plants, constituted a panel to review gas stations, and even spearheaded a restriction on disposable plastics, as a result from January 2017. It likewise set an essential point of reference by restricting development movement as regards construction activities in Delhi and stood unmistakably on the position that monetary misfortunes can't be motivation to disregard colossal natural issues.

The NGT likewise bolted horns with the Bangalore Development Authority in regards to the development of a steel flyover project, which failed environmental clearance. It restricted the construction of the flyover until the point that a legitimate assessment could be conducted, especially showing concern for the trees and old and important buildings that existed around the proposed project of the flyover.

The NGT in addition, suspended the environmental clearances for the Nyamjang Chu Hydro Project in the Tawang Valley in Arunachal Pradesh in a notable order relating to wildlife protection. They found that the evaluation had overlooked the way that the region was occupied by the endangered black-necked cane and considered the requests of wildlife activists who were calling for habitation of birds.

In Himachal Pradesh, the NGT perceived the privileges of forest dwellers and tribes over forest land and secured the same on account of land pre-occupation. The Kashang Hydropower Project, which was optimized regardless of requests from local community bodies, was brought before the NGT, which coordinated the Ministry of Environment, Forests, and Climate Change to put the full proposition before the Gram Sabhas (village council) to consider claims and effects before settling on whether the project can move forward.

The National Green Tribunal has cancelled the permissions given by the then Union Environment and Forests Minister, Jairam Ramesh, to the Parsa East and Kante-Basan hostage coal hinders in the Hasdeo-Arand woods of Chhattisgarh, overruling the statutory Forest Advisory Committee.

The clearance was given by Mr. Ramesh in June 2011, superseding the opinion of the Ministry's master board on the two squares for mining by a joint venture amongst Adani and Rajasthan Rajya Vidyut Utpadan Nigam Limited. The squares requiring 1,989 hectares of forestland fell in a territory that the government had at firstly barred as it was considered a patch of valuable forest and demarcated as a 'no-go' area.

⁷ Inserted by the Constitution (forty-second Amendment) Act, 1976 (w.e.f. 3.1.1977)

The request will undoubtedly have a more expansive effect, with the tribunal holding that "minor articulation of whimsical reasons identifying with natural worries with no premise, logical investigation or past experience would not render the exhortation of FAC — a collection of specialists — unimportant. Under the Forest Conservation Act, 1980, the FAC is required to evaluate ventures that require forestlands and prompt the Environment Ministry to give endorsement or reject the proposals.

In any case, for this situation, the NGT noticed, the Minister had depended upon his "understanding and belief" with no "premise either in any authoritative examination or experience in relevant fields." The Minister, while clearing the coal blocks, had given six reasons behind doing as such, including that the coal blocks are connected to super-critical thermal power plant, which is basic to manage the force created in the XI Plan for increasing power generation. These 'human-centric' considerations, the NGT held, were not legitimate to assess the task.

The National Green Tribunal (NGT) made new progress for the 'polluter pays' principle by imposing it in two very important judgments. First instance, it ordered Alaknanda Hydro Power Co. Ltd., a hydroelectric power corporation, to pay Rs 9 crore as remuneration to individuals influenced by Uttarakhand floods in 2013 in light of the fact that the dam developed by the organization added to the flooding experienced by occupants of the area. Second, it fined Delta Marine Shipping Co., a marine delivery organization, Rs 100 crore for the oil slick and resulting biological harm caused when one of the organization's boats sank off the bank of Mumbai in 2010.

The judgments in the two cases are important occasions of the NGT practicing its power to impose obligation and consider privately owned businesses in responsible for environmental harm they cause. These judgments set a point of reference for moving the monetary obligation of amending environmental harm from the government to the private characters in charge of causing the harm. The choices will spare the taxpayer and, critically, the Alaknanda case is an uncommon case of influenced regular people effectively suing an enterprise for pay.

"These decisions are truly inaugural. They subject economic enterprises to a code of environmental jurisprudence."⁸

"The stand of the ministry of environment and forest has been that dams don't damage the environment." He added that previous court decisions reflected this way of thinking as companies would use an "act of God" defence to shun liability for the damage caused and instead ascribe it to floods and natural disasters."⁹

For this situation, the tribunal confirmed that the cloud burst on June 16 and 17, 2013, caused outrageous measures of rains in the district that gathered in the dam's store. The organization's ensuing choice to open the dam's conduit doors "brought about monstrous stream of water all of a sudden clearing without end the waste dumped on the waterway body and conveying it to the towns and the territory overflowed by the surges," expressed the judgment. The tribunal

⁸ Upendra Baxi

⁹ Dutta

additionally noticed the organization's carelessness when it came to executing wellbeing measures for discarding the refuse created amid the dam's development, another factor that exacerbated the surge related harm.

Utilizing the legal meaning of 'accident', which signifies “an accident involving a fortuitous or sudden or unintended occurrence”, the tribunal discovered that the loss of harm and property endured by the candidates was without a doubt unintentional. Be that as it may, despite everything it accused the organization of paying remuneration to those influenced by the Uttarakhand surges by conjuring the rule of ‘no-fault liability’. The rule is connected when the respondent for a situation is held subject and anticipated that would pay remuneration regardless of whether their activities are not responsible of the harm caused.

The tribunal finished up by issuing bearings, beginning with: "Alaknanda Hydro Power Co. Ltd.- GVK to store a measure of Rs. 9,26,42,795 as remuneration to the casualties inside a time of 30 days from the date of request."

In the Delta case, the NGT utilized the 'polluter pays' guideline to force a fine on Delta Shipping Marine Co., a Panama-based transporting organization, for the harm caused when a ship owned by the organization sank and caused an environmentally decimating oil slick off the Mumbai drift in 2011. Strikingly, the tribunal stretched out the standard to incorporate Adani Enterprises Ltd., the expected beneficiary of the ship's load of coking coal.

The ship was containing 600,000 metric tonnes of coal in its holds, more than 290 tons of fuel oil and another 50 tons of diesel. The resultant oil slick made grave harm to the mangroves and marine flora and fauna of the area. The arrangement of tar balls on the sea's surface antagonistically affected sea life in the zone also. The applicants even gave evidence which demonstrated that the dispersants used to clear the oil slick were additionally unsafe to the marine environment of the influenced district.

The tribunal decided that “no party from any country in the world has the right/privilege to sail an unseaworthy ship to the Contiguous and Exclusive Economic Zone of India and in any event to dump the same in such waters, causing marine pollution, damage or degradation thereof.”

The tribunal ordered Adani Enterprises to pay Rs 5 crore as “environmental compensation” and stated that “the fine of Rs 100 crore shall include the expenses incurred by the Coast Guard and other forces for the prevention and control of pollution in different ways, as stated above, caused by the oil spill and saving the crew etc.”

The judgement further ordered that a committee is to be formed to decide whether the wreckage needs to be removed from the area to calculate the cost of environmental harm. “Delta will have to remove the ship’s remnants within six months of the committee filing its report.”

Measures Taken By NGT To Protect Ganga

Order of the National Green Tribunal in the matter of M.C. Mehta Versus Union of India and Others dated 13/07/2017 with respect to Ganga stream contamination. NGT takes note of that GAP I and GAP II has neglected to yield the required outcomes and in actuality there has been enormous increment in the modern and sewage contamination load in Ganga and its tributaries. That at Haridwar, Uttarakhand the characteristic stream of waterway Ganga is 31,000 cusecs, after which gets is decreased to 4000 cusecs when it achieves Kanpur and from specific STPs/CETPs, even the effluents straightforwardly enter Ganga and its tributaries either on account of flood or the bypass made by such plants due to of low limit of the plant.

Some of the directions passed by NGT are the following:

1. All the 86 drain outlets and also other real depletes and sewerage line connecting thereto should be dug, cleaned of slop and waste expelled.
2. Till the state government demarcates the permissible and non-permissible activities of the state on the floodplains of Ganga by this judgement till then, NGT directs low developments of construction zones which fall within the 100 meters from the edge of the river in segment-B of Phase-I (Haridwar to Unnao, Kanpur)
3. There should be a complete ban on dumping of MSW, E-waste or bio-medical waste on the floodplain or into the Ganga or its tributaries falling in Segment B of Phase-I.
4. There should be no dumping or landfill destinations for any sort of waste independent of any innovation for waste processing, in and around 500 meters from the edge of the Ganga and additionally its tributaries.
5. While doing prudent digging of the waterway, no instream mechanical mining is allowed and even the mining on the flood plain ought to be semi mechanical and ideally more manual.
6. Any Government Agency, Public Authority, Industry or individual who disregards any of the headings contained in this judgment and all the more especially in connection to capacity, transportation of spent chrome alcohol, dumping of any sort of waste in Ganga and its tributaries or on the banks of the same and releases effluents from outlet, including the STP/CETP in infringement to the endorsed standards or is observed to release spent chrome alcohol or any effluent containing chrome or something else, might be at risk to pay natural remuneration of Rs. 50,000/- for each breach default.¹⁰

The National Green Tribunal has directed four northern states — Punjab, Haryana, UP and Rajasthan — for not submitting action plans to keep contamination emerging from stubble burning after the harvest season. A bench, headed by NGT Chairperson Justice Swatanter Kumar, cautioned the state governments that on the off chance that they neglected to conform to its directions, it would order attach the treasury account of the states. “Despite our judgement and subsequent orders, the state government have failed to comply with the directions and take

¹⁰Anonymous, *Judgement of the National Green Tribunal regarding Ganga river pollution, 13/07/2017*, INDIAN ENVIRONMENT PORTAL (Nov 24, 2017, 2.30pm), <http://www.indiaenvironmentportal.org.in/content/445260/judgement-of-the-national-green-tribunal-regarding-ganga-river-pollution-13072017/>

preventive precautionary and controlling measures for air pollution resulting from crop residue burning.”

“We grant last and final opportunity requiring them, at least, to file action plans with complete accountability and elements of performance, within one week... (If) compliance is not made, we will be compelled to attach the treasury account of the states concerned,” the bench, also comprising expert member B S Sajwan, said.

The NGT had before settled the ENVIRONMENT penalty amount for environment pollution with respect to each incident of stubble burning, are to be paid by the farmers having land which is less than 2 Acres at Rs 2,500, medium land holding above 2 acres and below 5 acres at Rs 5,000 and those owning land more than 5 acres of land at Rs 15,000.

It had likewise guided the state governments to make coercive and corrective move against steady defaulters and requesting that they pull back the assistance given to such farmers.

The green board had said the five states — Rajasthan, Uttar Pradesh, Punjab, Haryana and Delhi — which had issued warnings regarding prohibiting stubble burning and ensured rigorous and proper action were to be taken against the defaulters.¹¹

Yamuna Case

The National Green Tribunal (NGT) has directed the Delhi Pollution Control Committee (DPCC) to make strict move against industries which contaminate the Yamuna with dangerous effluents. Led by Justice Swatanter Kumar, the NGT coordinated DPCC to ensure that such industries must adhere with the mandatory pollution standards.

A year ago, DPCC was directed not to give permissions to any unit which specifically or indirectly releases poisonous effluents into the stream without following The Hazardous Waste (Management and Handling) Rules, 1989. DPCC had additionally issued closure notifications to shut down few units in northern Delhi's Wazirpur Industrial Area for not following standards that administer the nature of effluents in the Yamuna. These units likewise included steel pickling units, as per a DPCC source.

While hearing a case related with enterprises situated close to the Ganga and its tributaries in October a year ago, the Supreme Court had enabled NGT to disengage power and water supply to any industry that was not following standard pollution standards. From that point forward, NGT has been hearing all cases related to contamination of the Ganga. Yamuna, the biggest tributary of the Ganga, voyages a short separation of 22 km through Delhi. But this small 2 percent stretch of the river is responsible for more than 80 percent of the entire pollution of the river.

If one sees the latest parameters it reveals the disturbing facts that the river is dead in the Delhi area. For example, the latest CPCB report states that “the Dissolved Oxygen (DO), Biological Oxygen

¹¹ PTI, National Green Tribunal Raps Punjab, Haryana, UP, Rajasthan on crop burning, THE INDIAN EXPRESS, August 7, 2017. <http://indianexpress.com/article/india/national-green-tribunal-raps-punjab-haryana-up-rajasthan-on-crop-burning-4786449/>

Demand (BOD) and Total Coliform (TC) levels in the river make it unfit for outdoor bathing. The DO drops to zero in the Delhi stretch while the standard DO for outdoor bathing must be 5 mg/l. The BOD is also as much as 13 times higher than the standard value for outdoor bathing which is less than 3 mg/l. The TC reaches 17,000 million MPN/100 ml which is much higher than the standard value for outdoor bathing of less than 500 MPN/100 ml. Moreover, the city impounds the river water at a barrage in Wazirabad where the river enters Delhi. Thus, the river ceases to exist at Wazirabad. Unavailability of water in the river makes the dilution of waste impossible. What flows in the river for the rest of the stretch is only sewage and waste from Delhi's 22 drains.”¹²

The National Green Tribunal recently lashed out at the Delhi government and the Central Pollution Control Board for not issuing orders to close construction and industrial activities in the capital despite the fact known that it was deteriorating the air quality.

“Why don't you pass directions to stop construction and industrial activities for a month? What are you waiting for? Are courts your local guardians? What are you doing to the children? Old people are not able to walk,” a bench headed by NGT Chairperson Justice Swatanter Kumar remarked. The tribunal also said even though the people have been advised not to go outside “have any of the pollution monitoring bodies tested the ambient air quality indoors”¹³

Closure Of Industries

The National Green Tribunal recently ordered closure of 13 industries in Uttar Pradesh, including Amroha-based drug firm Jubilant Life Sciences, after investigations found that they were violating pollution norms. NGT Chairperson passed the order after noting the findings of a special inspection team which informed that effluents discharged in the Bagad River were beyond the prescribed limits.

Bagad, which spans a distance of 200 kms, contained heavy industrial pollutants from Gajraula and Bhagrara industrial areas as there was no common effluent treatment plant on this river.

The tribunal had noted that though Bagad does not meet Ganga, the effluents would meet the river when there is a heavy flow.

"We hardly find any substance in the submissions made by the industry. We grant them time to put on record to show that they are compliant. These industries have failed to discharge their onus...We hereby direct 13 industries to shut down forthwith," the bench said. The tribunal also directed UP government and the state pollution control board to immediately disconnect their

¹² Sushmita Sengupta, *NGT orders strict action against Delhi's Yamuna-polluting industries*, DOWN TO EARTH (Nov 23, 2017, 8.15am), <http://www.downtoearth.org.in/news/ngt-orders-strict-action-against-delhis-yamunapolluting-industries-48492>

¹³ Anonymous, *NGT raps Delhi govt and CPCB for not taking action against construction*, LAW GUP SHUP (Nov 25, 2017, 5.02pm), <http://lawgupshup.com/2017/11/ngt-raps-delhi-govt-and-cpcb-for-not-taking-action-against-construction/>

electricity and water supply. It also asked these industries to file their response on the findings of the committee within a week.¹⁴

In a point by point report covering different parts of contaminated stream, CPCB had informed the NGT that the Ganga, spread over 543 km amongst Haridwar and Kanpur, was influenced by 1,072 genuinely contaminating industries which were discharging substantial metals and pesticides.

At present, 823.1 million litres for each day of untreated sewage and 212.42 MLD of industrial effluents stream into the river, while three of the four checked Sewage Treatment Plants were resistant with the set principles, it said.

The green board has separated crafted by cleaning the waterway in various portions - Gomukh to Haridwar (Phase-I), Haridwar to Unnao (named as section B of Phase-I), Unnao to outskirts of Uttar Pradesh, fringe of Uttar Pradesh to outskirts of Jharkhand and fringe of Jharkhand to Bay of Bengal.

Construction Activities

The National Green Tribunal today issued different directions to manage the circumstance, including restricting development and mechanical exercises and passage of trucks, while attacking the Delhi government and city bodies over the intensifying air quality in Delhi and neighbouring states.

"No construction activity will be carried out on structures until further orders... All industrial activities in Delhi-NCR which are causing emissions will also not be allowed to carry on their functioning" till November 14, a bench headed by NGT Chairperson Justice Swatanter Kumar said.

The tribunal told the authorities that "holding meetings, writing letters and shifting responsibility from one to the other for non-performance can hardly be made an excuse for meeting "such a bad environmental emergency".

Noting flagrant violation of the prescribed limits of PM (particulate matter) 10 and PM 2.5, it banned construction and industrial activities causing emissions till November 14."

"You (officials) go to the hospital and see what kind of trouble people are facing. You kept playing with people's life. Right to life has been infringed with impunity by the authorities and other stakeholders who have been mere spectators to such crisis," the bench said.

The NGT likewise coordinated the concerned authorities and the local bodies to sprinkle water where PM 10 is observed to be in abundance of 600 micrograms for each cubic meter. It additionally guided the authorities to execute EPCA's guidelines to enhance encompassing air

¹⁴ PTI, *NGT orders closure of 13 industries violating pollution norms*, BUSINESS STANDARD, Apr 26, 2016, http://www.business-standard.com/article/pti-stories/ngt-orders-closure-of-13-industries-violating-pollution-norms-117042601177_1.html

quality while requesting that the city bodies constitute groups to guarantee there is no consuming of waste in Delhi-NCR.¹⁵

Taj Case

Declaring that environment of the area around the Taj Mahal cannot be compromised, the National Green Tribunal recently ordered the Uttar Pradesh government to demolish the unlicensed restaurant in the vicinity of the Taj Trapezium Zone close to the eastern door of the heritage site.

The NGT directed the Uttar Pradesh government to enhance the environment of the close-by ranges of the Taj Mahal by promoting plantation drive. The NGT had looked for a response from the Centre and the UP government over a complaint of tree felling in the eco-sensitive zone close to the Taj Mahal. The tribunal was hearing a plea filed by Taj Mahal Welfare Association through its secretary Mukesh Kumar looking for punishment against those in charge of cutting down trees close to the Taj Mahal in spite of a ban by the Supreme Court. The petition association had composed a one-page letter to the NGT charging that an illicit construction of lodging and resort in Agra was being attempted in the Taj Trapezium Zone close to the eastern entry of Taj Mahal. It said that one individual had cut 20-25 trees on a region of 12,000 sq feet for building lodging and when the issue was conveyed to the notice of the Agra Development Authority, it turned a deaf ear to the entire issue. In a different case, the NGT had prior ordered the UP government to guarantee that no unapproved development exercises are allowed and no trees cut in the eco-sensitive zone close to the heritage site.¹⁶

“We dispose of this petition with direction that the UPPCB, CPCB long with senior officers of the Taj Trapezium zone shall conduct survey of the entire area Firozabad where glass industries are operating and collect samples. If the same are found polluting, necessary action be taken as per law,” said a Bench headed by NGT chairperson Swatanter Kumar.

The bench further directed that the investigation team “shall examine if even the use of natural gas can cause pollution and if so, what control measures have been taken.”¹⁷

Forest And Wildlife

Order of the National Green Tribunal (Eastern Zone Bench, Kolkata) in the matter of Subhas Datta Vs State of West Bengal and Others dated 22/11/2017 in regards to business foundations (lodgings, hotels and eateries) situated in Buxa Tiger Reserve Forest Area.

NGT coordinates that means ought to be taken for ensuring that the Buxa Tiger Reserve Forest is made free from all infringements. Additionally measures be taken to avoid settlement of any individual and to restrict any business movement to be embraced inside the secured range.

¹⁵ Anonymous, 'Right To Life Being Snatched From People,' NGT Bans All Construction, Industrial Activities In Delhi-NCR, OUTLOOK, Nov 9, 2017, <https://www.outlookindia.com/website/story/right-to-life-being-snatched-from-people-ngt-bans-all-construction-industrial-ac/304106>

¹⁶ Vikas, *NGT directs UP govt to demolish illegal restaurant near Taj Mahal*, ONEINDIA, (Nov 25, 2017 9.30pm), <https://www.oneindia.com/india/ngt-directs-up-govt-demolish-illegal-restaurant-near-taj-mahal-2512918.html>

¹⁷ Akankasha Jain, *New Threat to Taj Mahal*, THE HINDU, Aug 13, 2015, <http://www.thehindu.com/news/cities/Delhi/new-threat-to-taj-mahal/article7532662.ece>

Subhas Datta, the Applicant, has expressed that there are a few Govt. foundations likewise existing inside the hold woodland territory. NGT guides this claim to be analyzed by the West Bengal Government and suitable oath be recorded managing this perspective in their report.¹⁸

Rain Water Harvesting

Order of the National Green Tribunal in a matter of with respect to establishment of water harvesting systems in every schools and universities (private or government) in NCT Delhi. NGT ordered every one of the schools and universities to introduce water collecting systems, if not as of now introduced, within of two months from the date of the order at their own cost. Any establishment which does not agree to these directions shall be subject to pay an environmental remuneration of Rs. 5 Lakh after expiry of the time of two months conceded in this judgment.¹⁹

Environmental Clearance To Teesta-IV Hydro-Electric Project, Sikkim

Judgment of the National Green Tribunal (Eastern Zone Bench, Kolkata) in a matter of with respect to Teesta-IV Hydro-Electric Project on the Teesta waterway close Chandey Village on left bank and close to the Gyathang Village on the right bank in North area of Sikkim. The project was for development of a 65m high solid gravity dam crosswise over river Teesta in downstream of juncture of Runchu with Teesta for generation of 520 MW hydropower.²⁰

NGT while refusing to quash the EC laid down certain conditions for the Project Proponent (NHPC) which are:

“(a) 3 regime e-flow in consultation with the experts of CIFRI to the MoEF&CC to the satisfaction of the EAC.

(b) Prepare a mitigation plan to prevent reservoir induced seismicity due to Teesta IV Project for consideration and approval by MoEF & CC.”

Order of the National Green Tribunal in a matter of in regards to the falling apart encompassing air quality record in Delhi NCR.

The directions passed by the courts are as follows:

1. National Green Tribunal orders Central Pollution Control Board, Delhi Pollution Control Committee, Haryana Pollution Control Board, Rajasthan State Pollution Control Board, Punjab State Pollution Control Board and Uttar Pradesh Pollution Control Board to inform the public at large about the deteriorating air quality index (AQI) which will incorporate PM2.5, PM10, SO₂, NO₂, PM2.5, PM10, CO, Ozone, Ammonia and Lead. This ought to be done in the different parts of NCR by all source of contamination and report be submitted before the Tribunal.

¹⁸ Subhas Datta Vs State of West Bengal and Others dated 22/11/2017

¹⁹ Mahesh Chandra Saxena Vs. The Ministry of Urban Development and Others dated 16/11/2017

²⁰ Tenzing Lepcha and Others Vs Ministry of Environment and Forests and Others dated 15/11/2017

2. The states of Uttar Pradesh, Punjab and Haryana have been made to report the means taken to guarantee that there is no stubble burning in the territory neighbouring Delhi and under their own particular purviews.

3. NCT Delhi and all the State Government would state before the Tribunal in the matter of why the agrarian deposit lying in the field of the farmers has not been gathered and used for biomass based vitality plants and for the businesses which can make board and other things from such farming residue.

4. NCT Delhi and the State Governments of Punjab, Haryana and Uttar Pradesh have been directed to show as to why there was so much delay in stopping construction and other industrial activities.²¹

Solid Waste Management Case

Order of the National Green Tribunal (Eastern Zone Bench, Kolkata) in an issue in regards to strong waste administration and withdrawal of sweet water in the shoreline region of Puri, Odisha.

The Puri Municipality, the Deptt. Of PHE, Govt. of Odisha and the Odisha Water Supply and Sewerage Board, are directed to facilitate the way toward building up productive strong waste treatment plant and to finish laying of the water supply pipelines in the city. NGT additionally guided the State Chief Secretary to document a give an account of the issue of building up desalination plants at admissible distances from the ocean shoreline as a wellspring of water supply to the city of Puri.²²

Illegal Mining

Order of the National Green Tribunal (Western Zone Bench, Pune) in a matter with respect to covert sand mining amid the last six months at Island 'Zuvom de Tuyem' in Chapora River amongst Camurlim and Arabo towns in North Goa.

NGT directs the State of Goa to present details regarding the move made against the unlawful sand mining around the island 'Zuvom de Tuyem' in Chapora River, North Goa.²³

Landfills In Delhi

Order of the National Green Tribunal in a matter with respect to landfills in Delhi. The Commissioner of the East Delhi Municipal Corporation, Special Secretary of Urban Development and officers of Fire Department gave undertaking to the Court that means would be taken up to guarantee that none of the landfill destinations in Delhi don't get or are put ablaze in future.²⁴

Regarding Use Of Fresh Water For Gardening Purpose

²¹ Vikrant Kumar Tongad Vs. Condition Pollution (Prevention Control) Authority and Others dated 08/11/2017

²² Subhash Datta Vs Union of India & Others dated 02/11/2017

²³ Saldas R. Khorjuvekar V/s Directorate of Mines and Geology dated 01/11/2017

²⁴ Almitra H. Patel and Others Vs. Union of India and Others dated 27/10/2017

Order of the National Green Tribunal in a matter in regards to utilization of fresh water for gardening in Vasant Kunj region of Delhi. NGT passes guidelines that DDA/MCD must undertake that DJB should supply treated sewage water for cultivating at the settled rate which will be the essential obligation of the authorities and local bodies. The residents, DDA/MCD and DJB are precluded to utilize fresh water for gardening use.²⁵

Regarding Restaurants in South Delhi

Order of the National Green Tribunal in a matter in regards to eateries in South Delhi running without getting necessary environmental clearances. Counsel appearing for Delhi Pollution Control Committee and the Corporation present that they would guarantee that no eateries are allowed to complete their operations or business exercises unless they have acquired agree to work from Delhi Pollution Control Committee and permit from the Municipal Authorities. The enterprise might likewise guarantee that they deplete to which these eateries are associated isn't allowed to be gagged due to release from the eateries.²⁶

Regarding The Proposed Subansiri Lower Hydro Electric Project (SLHEP)

Order of the National Green Tribunal (Eastern Zone Bench, Kolkata) in a matter in regards to the proposed Subansiri Lower Hydro Electric Project (SLHEP) situated at the Assam Arunachal border with a 116 m high dam to create 2000 mw of energy has offered ascend to a dismal circumstance that debilitates the biology of lower Subansiri river alongside the probability of disturbance of the way of life and lives of riparian individuals. The Applicant has expressed that the area of the dam is in a profoundly seismic (Zone-V) and the venture which is asserted to be "Keep running of the River" (ROR) plan will hold up the water stream for 20 hours of the day when the task is "off matrix" and would make surge like state of the downstream for top load age of 4 hours by eight turbines.

NGT has directed the Ministry of Environment and Forest and Climate Change to constitute an Expert Committee which includes the whole range of the issues relating to the seismological, dam plan and downstream effect. The respondents in their answer recorded under the steady gaze of the Court has expressed that extra security measures have been proposed to be set up on the premise of the suggestions of the master panels selected by the Planning Commission, State of Assam and State of Arunachal Pradesh as a team with the NHPC, Ministry of Power, Ministry of Electricity and the Brahmaputra Board. In perspective of the over the Application is discarded.²⁷

Elephant Corridor

Order of the National Green Tribunal (Eastern Zone Bench, Kolkata) in the matter with respect to elephant passages in the territory of Odisha. Deepak Kumar Pani, Additional Standing Counsel presents that Asian Nature Conservation Foundation (ANCF) has finished its work

²⁵ Rear Admiral AP Revi IN (Retd.) Vs. Delhi Jal Board and Others dated 26/10/2017

²⁶ Pankaj Sharma Vs. MoEF and Others dated 26/10/2017

²⁷ Aabhijeet Sharma Vs Union of India and Others dated 16/10/2017

relating to the elephant corridor and the report will take some time, especially on ecologically feasible corridor.²⁸

Conclusion

There has been dire need in protecting the environment and there has been increase in burden of cases as regards environmental concerns on the courts which led to the establishment of the National Green Tribunal in 2010 under the National Green Tribunal Act 2010 also known as India's first Green court which was established specifically to deal with matters related to environment. The role of NGT in disposing cases regards environmental cases increased in light of it giving various important judgments. Some of the important orders delivered by NGT are the Yamuna flood plain case where in 2015 the NGT imposed a fine of Rs. 5 crores on the organisers of the Art of Living foundation as the world cultural festival was hosted on the flood plains which adversely affected the environment. NGT held to phase out 15 years old generators which have been used for residential and commercial purpose in the National capital which resulted in bringing down the city's air and noise pollution. Another significant judgement passed by the NGT was regards to coal blocks in Chhattisgarh forest under which the NGT cancelled all the clearances given by the union environment and forest ministry to the Kant-Basan captive coal blocks which was in violation of the statutory forest advisory committee. Yamuna conservation zone order was another feather in the cap where the NGT which delivering the judgment said that the Yamuna river's health was depleting by the proposed recreational facilities on the river. The NGT further declared that 52 km stretch of the Yamuna River in Delhi and Uttar Pradesh as a conservation zone. The NGT directed Delhi, Punjab, Haryana and Rajasthan to control the stubble burning by the farmers and to impose penalty for the violation as crop burning by the neighbouring states deteriorating the air quality in and around Delhi. One of the most talked about orders passed by the NGT was the ban on decade old diesel vehicles in Delhi NCR, as per the order 10 year old diesel cars and 15 year old petrol cars were called off from the roads of the national capital. This was because the air quality reached at an alarming level of 2.5 PM particles.

Therefore in the light of the above orders passed by the tribunal it can be said that the NGT has played a significant role in protecting the environment but has it been efficient enough to tackle upcoming challenges is the question. For example, India doesn't have a separate legislation for climate change which is an upcoming global concern it only deals with the Acts which were incorporated during its incorporation and which are reflected in its mandate.

²⁸ Wildlife Society of Orissa (Elephant Corridors) Vs State of Odisha and Others dated 12/10/2017