

Salient Features of the National Green Tribunal (NGT) Act, 2010 (India)

The **National Green Tribunal Act, 2010** established India's first specialized environmental court to expedite resolution of environmental disputes and enforce sustainable development. Here are its key features:

1. Legal Mandate & Jurisdiction

- **Statutory Basis:** Created under **Article 21** (Right to Life) of the Indian Constitution and **India's commitment to the Rio Summit (1992)**.
- **Replaced:** The **National Environment Appellate Authority (NEAA)**.
- **Jurisdiction:** Covers **civil cases** related to:
 - Environmental laws (Air/Water Acts, Forest Conservation Act, etc.).
 - Damage to forests, biodiversity, or public health.
 - Climate change and hazardous waste disputes.

2. Structure of NGT

- **Principal Bench:** New Delhi.
- **Regional Benches:** Bhopal, Pune, Kolkata, Chennai (flexible circuit benches).
- **Composition:**
 - **Judicial Members** (former High Court/Supreme Court judges).
 - **Expert Members** (environmental scientists/technocrats).

3. Key Powers

- **Adjudicatory Powers:**
 - Can hear cases within **6 months** of filing (speedy justice).
 - Applies **polluter-pays principle** and **precautionary principle**.
- **Relief & Compensation:**
 - Orders **remediation, compensation, or restoration** for environmental harm.
 - Penalties for non-compliance (₹10 crore max for companies).
- **Appellate Authority:**
 - Reviews decisions of regulatory bodies (e.g., MoEFCC, State Pollution Boards).

4. Special Provisions

- **Time-Bound Resolutions:**
 - Cases to be disposed of within **6 months** (fast-track justice).
- **No Strict Civil Procedure Code:**
 - Flexible procedures to reduce delays.
- **Expert Committees:**
 - NGT can appoint technical experts to investigate cases.

5. Access to Justice

- **Who Can File Cases?:**
 - Affected individuals, NGOs, or government bodies.
 - **Public Interest Litigation (PIL)** allowed.
- **Low-Cost Mechanism:**
 - Minimal court fees compared to regular courts.

6. Landmark Principles Enforced

- **Polluter Pays Principle** (Industries must bear cleanup costs).
- **Precautionary Principle** (Preventive action in case of uncertainty).
- **Sustainable Development** (Balances growth & ecology).

7. Limitations & Challenges

- **No Criminal Jurisdiction:** Cannot hear criminal cases (e.g., wildlife poaching).
- **Limited Regional Benches:** Causes accessibility issues.
- **Enforcement Delays:** State governments sometimes ignore NGT orders.

8. Notable Cases

- **Vardhaman Kaushik vs. Union of India (2015)** – Enforced stricter diesel vehicle bans in Delhi-NCR.
- **Almitra Patel vs. Union of India (2016)** – Solid waste management reforms.
- **Art of Living Case (2017)** – Fined for Yamuna floodplain damage.

Comparison with Other Laws

Feature	NGT Act (2010)	Environment Protection Act (1986)
Focus	Dispute resolution	Regulatory framework
Cases Handled	Civil environmental cases	Broad policy implementation
Penalties	Compensation & fines	Criminal prosecution possible
Speed	6-month disposal target	No fixed timeline

Conclusion

The NGT Act, 2010, is a **progressive step** in India’s environmental governance, ensuring **faster justice** and **accountability**. However, challenges like **limited jurisdiction** and **enforcement gaps** remain.

Suggested Reforms:

- Expand **criminal jurisdiction**.
- Increase **regional benches** for accessibility.
- Strengthen **compliance mechanisms**.