



“ROLE OF NGT IN ENVIRONMENTAL LAWS IN INDIA”

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ABSTRACT :

Indian society has predominantly been a rural society where traditional ways of living are being followed, people use environment friendly means of life but in recent times like urban societies environment in rural areas is also being degraded because of various legal and illegal activities combined together, governments are allowing construction of hydroelectricity generation projects in haphazard manner in addition to it illegal activities like mining and deforestation are contributing towards the degradation of environment. At this juncture the need of formation and implementation of environment law is being felt, various western countries have already enacted such laws. An environmental law is a collective term describing the network of treaties, statutes, regulations, common and customary laws addressing the effects of human activity on natural environment. NGT is part of such environmental law in India playing very important role in providing citizens the right to a healthy environment.



KEYWORDS : society, traditional means, environment, environmental laws, movements, pollutants.

INTRODUCTION

India has been a rural society where two third of the population still lives in villages where an environment friendly way of life is in vogue. People breath in fresh air, love very clean air free from pollutions, they do love natural fresh water resources and organic food items available for consumption. Contrary to urban life style they do not depend on artificial means to enjoy fresh cool air they have excess of trees to give them real life experiences. The availability of such amenities is not without living a disciplined life they do listen to “mother natural” and abstains from playing with nature and in return nature care and nature then like a mother takes care of a toddler. But, off late the rural areas is also degrading day by day. Rural and tribal societies have always been particular as for as projection of environment is concerned. History is replaced with various movements which have been prevalent in our society since very long “Chipko movement” being one of the most prominent.

Chipko Movement also known as ‘ChipkoAndolan’ a non-violent social and ecological movement run by rural society & especially by women in the decade of seventies aimed at protecting tress and forest slaked for government backed logging. The Andolan organized in the Himalayan region of UP now known as Uttrakhandand this andolan rapidly speed to the whole Himalayan region in the meanwhile. In this ‘andolan’ a typical modus operandi was adhered to in which andolankari used to ‘Chipko’ which means ‘to hug’ or to a free in order to thwart a tree being cut.

In addition to it various other environmental movements have been carried out in India with the sole objective of ‘conservation of environment’.

Bishnoi Movement Led by Amrita Devi of Marwar region in Rajasthan state other names of the region in 1700 co-operated with her. They had faith in the sanctity of trees and she used 'to hug' trees from being cut. In these movements 385 Bishnoi villagers sacrificed their lives for the noble cause of protection of environment.

Save Silent valley Movement Occurred in 1978 in silent valley evergreen tropic forests in the palakkad district of Kerala organized by KSSP (Kerala Sastra Sahitya Parishad) an NSO and poet activist Sugatha Kumari. This movement was carried out for protection of the beautiful silent valley from destruction by a hydroelectric project.

Jungle Bachao Andolan Carried out in 1982 in Singhbhum district of Bihar led by tribals of Singhbhum. This was carried out with the objective of protection of Traditional sal forest which was being replaced 'teak'.

Appiko Movement is also known as southern version of 'Chipko Movement' locally known as 'Appiko Chaluvali' started in 1983 in the Uttara Kannada and Shimoga districts of Karnataka state. It was such a movement neither led by a personality nor it was institutionalized it was only facilitated by a person named 'Pandurang Hegde'. This movement was against felling and commercialization of natural forests which provided means of livelihood to the people of native areas.

Narmada Bachhao Andolan (NBA) was started in 1985 led by Medhapatkar, Baba Amtoadiris farmers and environmentalists. This movement was against a large number of dams being built across the Narmada river. It was against not providing rehabilitation to displaced people and destruction of eco-systems.

ENVIRONMENTAL LAW

Environmental law, also known as environmental and **natural resources law**, is a collective term describing the network of treaties, statutes, regulations, common and customary law addressing the effects of human activity on the natural environment. The center natural law routines address ecological contamination. A related however unmistakable arrangement of administrative routines, presently firmly impacted by ecological legitimate standards, center around the administration of explicit common assets, for example, backwoods, minerals, or fisheries. Different territories, for example, ecological effect appraisal, may not fit conveniently into either class, however are in any case essential segments of natural law.

Water quality laws oversee the arrival of toxins into water assets, including surface water, ground water, and put away drinking water. Some water quality laws, for example, drinking water guidelines, might be planned exclusively with references to human wellbeing. Numerous others, including confinements on the adjustment of the concoction, physical, radiological and organic attributes of water assets, may likewise reflect endeavors to ensure sea-going biological community all the more comprehensively. Administrative endeavors may incorporate identifying and arranging water toxins, directing worthy poison focus in water assets, and restricting contamination releases from affluent sources. Administrative zones incorporate sewage treatment and transfer, modern and rural waste water the executives, and control of surface overflow from building locales and urban situations.

Squander the executives laws administer the vehicle, treatment, stockpiling and transfer of all way of waste, including city strong waste, dangerous waste, and atomic waste, among numerous different sorts. Squander laws are commonly intended to limit or take out the uncontrolled dispersal of waste material into the natural in a way that may cause environmental or organic mischief, and incorporate laws intended to lessen the age of waste and advance or order squander reusing. Administrative endeavors incorporate recognizing and classifications squander types and ordering transport, treatment, stockpiling, and transfer rehearses.

Ecological cleanup laws oversee the expulsion of contamination or contaminants from natural media, for example, soil, dregs, surface water, or ground water. Not at all like contamination control laws, cleanup laws are intended to react sometime later to ecological defilement, and thus should frequently characterize the essential reaction activities, yet in addition the gatherings who might be in charge of undertaking such activities. Administrative prerequisites may incorporate tenets for crisis

reaction, obligation designation, site appraisal, medicinal examination, achievability thinks about, therapeutic observing, and site decline.

Concoction security laws administer the utilization of synthetic substances in human exercises, especially artificial synthetic substances in present day modern applications. As diverged from media-situated ecological law, synthetic control laws try to oversee the(potential) toxins themselves. Administrative endeavors incorporate restricting explicit concoction constituents in buyer items (for example Bisphenol An in plastic jugs), and managing pesticides.

NATIONAL GREEN TRIBUNAL ACT

National Green Tribunal Act, 2010 is an Act of the Parliament of India which enables creation of a special tribunal to handle the expeditious disposal of the cases pertaining to environmental issue. It draws inspiration from the India's constitutional provision of Article 21 which assures the citizens of India the right to a healthy environment.

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

"An Act to accommodate the foundation of a National Green Tribunal for the viable and speedy transfer of cases identifying with ecological security and protection of woods and other normal assets including authorization of any lawful right identifying with condition and giving alleviation and pay for harms to people and property and for issues associated therewith or coincidental thereto"

On 18 October, 2010 Justice Lokeshwar Singh Pant became its first Chairman. Justice Swatanter Kumar retired on 20 December, 2017. After him acting Chairman of NGT was Justice Jawad Rahim. Retired Justice Adarsh Kumar Goel is the incumbent Chairman of National Green Tribunal.

The Tribunal's devoted ward in natural issues will give expedient ecological equity and help diminish the weight of suit in the higher courts. The Tribunal will not be bound by the system set down under the Code of Civil Procedure, 1908, yet will be guided by standards of regular equity. The Tribunal is ordered to make and attempt for transfer of utilizations or offers at long last inside a half year of recording of the equivalent. At first, the NGT is proposed to be set up at five spots of sitting and will pursue circuit methodology for making itself progressively open; New Delhi is the Principal spot of sitting of the Tribunal and Bhopal, Pune, Kolkata and Chennai will be different spots of sitting of the Tribunal.

Amid the Rio de Janeiro summit of United Nations Conference on Environmental and Development in June 1992, India promised the partaking states to give legal and regulatory solutions for the casualties of the contaminations and other ecological harm.

There untruth numerous purposes for the setting up the Tribunal. After India's turn with carbon credits, such court may assume an indispensable job in guaranteeing the control of outflows and keeping up the ideal dimensions. This is the primary body of its thoughtful that is required by its parent statute to apply the "polluter pays" standard and the rule of practical improvement.

This court can properly be called 'unique' since India is the third nation following Australia and New Zealand to have such a framework.

The Tribunal has Original Jurisdiction on issues of "considerable inquiry identifying with condition" and "harm to condition because of explicit movement". Be that as it may, there is no particular technique characterized in Law for deciding "significant" harm to condition, property or general wellbeing. There is confined access to an individual just if harm to condition is generous. The forces of council identified with an honor are equal to common court and council may transmit any request/grant to common court have neighborhood ward, be that as it may, the court does not pursue common law. It pursues standards of common justice. The bill determines that an application for debate identified with condition can be filled inside a half year just when first time question arose(provide court can acknowledge application following 60 days on the off chance that it is fulfilled that litigant was kept bt adequate reason from filling application).

Additionally Tribunal is skilled to hear cases for a few demonstrations, for example, Forest Conservation Act, Biological Diversity Act, Environment Protection Act, Water and Air contamination Act water & Air (Prevention and control of contamination) acts and so forth and furthermore have re-

appraising purview identified with above acts after foundation of Tribunal inside a time of 30 days of honor or request gotten by abused gathering. The bill says that choice taken by larger part of individuals will tie and each request of Tribunal will be conclusive. Any individual oppressed by an honor, choice, request of the Tribunal may engage the Supreme Court inside 90 days of initiation of honor however Supreme Court can engage claim even following 90 days if litigant fulfilled SC by giving adequate reasons.

The national green court offered freedom to Sterlite plant at Thoothukudi, Tamil Nadu, which was closed down after vicious challenges by nearby individuals for supposed ecological contamination. Thirteen individuals were killed in police terminating on may 22-23,2018 , after the 99-day long challenge by the nearby individuals and Tamil Nadu government rashly requested the conclusion of the plant referring to contamination worries on may 28, 2018. A seat headed by NGT director A K Goel legitimately coordinated the Tamil Nadu contamination control load up (TNPCB) to issue a crisp request OF "reestablishment of assent" inside three weeks time. The NGT additionally acknowledged Sterlite organization's idea to put Rs 100 crore in social welfare conspires in towns around Thoothukudi more than three years. The NGT'S organization, dated December sixteenth 2018, enabling the plant to revive came as a stun, was broadly condemned and undermined the trust and straightforwardness of NGT among people in general. The request was bid by the Government of Tamil Nadu in the Supreme Court, which put aside the NGT's judgment on February eighteenth 2018, expressing that NGT does not have locale to do as such, and requested that Vedanta gathering can approach the High Court.

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