

## **Judicial Perspectives on Pollution Control, Water and Forests**

1. It is a privilege to participate in COP29, which is a crucial platform where nations come together to deliberate upon shared responsibility towards the environment.
2. India being the second-most populous country, having a population of 1.4 billion has both opportunities and challenges in addressing the environmental issue. With a GDP growth rate of approximately 7% annually, India faces the dual challenge of fostering economic development while combating environmental degradation. Therefore, strenuous efforts have been made to diligently work out a delicate balance between the developmental and environmental commitments.
3. Our commitment to environmental stewardship is reflected in the robust legal framework set up in the country to protect the water, forest and other natural resources by promoting sustainable practices.
4. The courts have played a very important role in India in the implementation of environmental laws, preservation and conservation of natural resources and in controlling pollution.

5. After the Stockholm Declaration in 1972, India became the third country in the world and the first developing country to set up a specialised Tribunal to deal with environmental norm violation cases. The National Green Tribunal Act, 2010 was enacted with the object to handle the multidisciplinary issues involved in environmental cases. The further object of the Act is to set up a tribunal for effective and expeditious disposal of civil cases relating to environmental protection and conservation of forests.
  
6. The National Green Tribunal set up under the Act is a specialised Tribunal comprising of judges and members, experts in environmental field. The NGT not only decides the issues brought before it by the litigants by filing the petition, but it also has powers to register a case based on letter petitions sent by the citizens from remote places highlighting violations of environmental laws. Even on the basis of the news items disclosing the violation of environmental norms by exercising *suo motu* power the NGT registers cases and start action, calling the report from the concerned authority to remediate the situation.

7. The Supreme Court of India, which is the apex court in the country, has played an important role in the implementation of environmental laws. Under Article 141 of the Constitution, the judgments of the Supreme Court of India have a binding effect. On various important issues, the Supreme Court has not only interpreted the environmental laws but has also given the guidelines for their effective implementation.
8. The rule of *locus-standi* has been relaxed by promoting public interest in environmental law which empowers the citizens and gives them easy access to the courts.
9. The courts effectively apply different principles to ensure the protection of the environment and prevent pollution. The Precautionary Principle is applied to ensure that precautionary measures are taken when there is uncertainty about potential harm to human health or the environment. The court ensures that industries must prioritise environmental protection even in the absence of complete scientific certainty regarding potential risk.
10. The Polluter Pays Principle is applied to ensure that those responsible for pollution must bear the costs associated with remediation and restoration efforts. This principle fixes

accountability upon the industries discharging effluent in the water bodies.

11. The sustainable development principle is applied to strike a fine balance between environmental protection and development activities. Inter-generational equity and public trust doctrine are invoked to ensure the preservation of natural resources for future generation.
  
12. The courts can play an active role in the implementation of the environmental laws. For example, the National Green Tribunal in the matter of ***Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues in OA No. 606/2018*** is continuously monitoring the municipal solid and liquid waste management in the urban bodies throughout the country. The issue relating to municipal solid and liquid waste management is taken up by the Tribunal State-wise. Each State submits six-monthly periodical compliance reports to the NGT disclosing the improvement and progress concerning compliance with the liquid and solid waste management in each of the urban bodies within the State. Those reports are appraised and examined by the NGT, lapses are pointed out to the States, and further progress reports are

called. It is a continuous process which is going on before the NGT for the last many years, which has resulted in effective mitigation of air and water pollution on account of improper management of solid and liquid municipal waste by the urban bodies.

13. Similarly, the NGT in the matter of ***M.C. Mehta vs. Union of India & Ors.*** in **OA No. 200/2014** is monitoring the issue of pollution in the River Ganges which is the longest river in the country flowing through seven States. Therefore, state-wise compliance of norms in respect of the stretch of river falling in each of the State is taken up by the NGT on different dates separately and the reports are called from each of the State to ascertain the status of prevention of flow of pollutant in river Ganges within each urban body in the State from which river Ganges flows. These periodical reports are examined, and directions are issued by the NGT on a regular basis which is an example of continuous monitoring by the court.

14. The Supreme Court also in the matter of ***T.N. Godavarman Thirumulpad vs Union of India & Ors.*** in last 29 years has issued various directions for the protection and preservation of forests. The forest laws have been examined microscopically in

these proceedings. Not only the violations are prevented, but the gaps in the forest legislation are pointed out and guidelines are issued. This clearly reflects that the courts in India, are playing a very important and effective role in the implementation of environmental laws, control of pollution and conservation of forest and water resources.

Thank you!