



National Green Tribunal

An Information Booklet

Faridkot House, 1 Copernicus Marg

New Delhi-110001

Website:www.greentribunal.gov.in

January 2014

Preamble

Taking into account the large number of environmental cases pending in higher courts and involvement of multidisciplinary issues in such cases, as well as the views of the Supreme Court of India, the Law Commission of India recommended the setting up of Environmental Courts having both original and Appellate jurisdiction relating to Environmental Issues based on the observation of Supreme Court in judgments, namely M.C.Mehta v. Union of India, Indian Council of Environmental-Legal Action v. Union of India, A.P.Pollution Control Board v. M.V.Nayudu II, during September 2003.

The National Green Tribunal has been established on 18th October 2010 under the National Green Tribunal Act 2010, to dispose of the civil cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal rights relating to environment.

Jurisdiction, Power, Proceedings and Procedures of NGT

The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment) is involved and such question arises out of the implementation of the enactments specified in the Schedule I and grant relief and compensation to the victims of pollution and other environmental damage arising under such enactments and to hear appeals under certain enactments in the Schedule.

Any person aggrieved by an order or decision of the Appellate Authority under the Acts in Schedule I may file an appeal to the National Green Tribunal in accordance with the provisions of the respective Acts.

National green Tribunal adjudicates on the matters coming under following acts as per Schedule I

1. The Water (Prevention and Control) of Pollution Act, 1974
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3. The Forest (Conservation) Act, 1980
4. The Air (Prevention and Control) of Pollution Act, 1981
5. The Environment (Protection) Act, 1986
6. The Public Liability Insurance Act, 1991
7. The Biological Diversity Act, 2002

Section 14: To settle disputes

Limitation: No application for adjudication of dispute under this section shall be entertained unless it is made within a period of six months from the date on which the cause of action for such dispute first arose;

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause to file the application within the said period, allow it a further period of not exceeding sixty days.

Section 18: Procedure for filing application or appeal

To be presented in Form I along with IPO or DD of Minimum Rs.1000/- (Where compensation is not claimed) by the applicant or Appellant in person, or by an agent or by a duly authorized legal practitioner to the Registrar or any other officer authorized by Registered Post with acknowledgment due and send to the concerned place of sitting.

Application for relief and compensation must be presented in Form II, accompanied by a fee equivalent to 1% of the amount of compensation claimed, subject to minimum of Rs. 1000/-.

All Appeals or applications must be submitted in the following two compilations:-

- No.1 -Application or Appeal with the impugned order, if any,
- No.2 - All other documents and annexures referred to in the application or appeal, in paper book form.

Bar of Jurisdiction

With effect from the date of establishment of the Tribunal, no civil court shall have jurisdiction to entertain any appeal in respect of any matter, which the Tribunal is empowered to determine under its appellate jurisdiction.

Territorial Jurisdiction

Zone	Place of Sitting	Territorial Jurisdiction
North	Delhi (Principal Bench)	Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh, Jammu and Kashmir, National Capital Territory of Delhi and Union Territory of Chandigarh

Zone	Place of Sitting	Territorial Jurisdiction
West	Pune	Maharashtra, Gujarat, Goa with Union Territories of Daman and Diu and Dadra and Nagar Haveli
Central	Bhopal	Madhya Pradesh, Rajasthan and Chhattisgarh
South	Chennai	Kerala, Tamil Nadu, Andhar Pradesh, Karnataka, Union Territories of Pondichery and Lakshadweep
East	Kolkata	West Bengal, Orissa, Bihar, Jharkhand, Seven sister States of North-Eastern region and Sikkim, Andaman and Nicobar islands

Substantial Question relating to Environment

i. Direct violation of specific Statutory environmental obligation by a person by which

- A. community at large other than individual or group of individuals are affected or likely to be affected by the environmental consequences,
- B. the gravity of damage to the environment or property is substantial,
- C. the damage to public health is broadly measurable.

ii. The environmental consequences relate to specific activity or a point source of pollution.

Section 15: Relief, Compensation and Restitution

Time limitation: Within five years from the date on which the cause of action for such compensation first arose.

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause to file the application within the said period, allow it a further period of not exceeding sixty days.

Compensation and relief can be claimed under the following heads:-

- A. Death;
- B. Permanent, Temporary, total or partial disability or other injury or sickness;
- C. Loss of wages due to total, partial, permanent or temporary disability;
- D. Medical expenses incurred for treatment of injuries or sickness;
- E. Damages to private properties;

- F. Expenses incurred by the Govt. or any local authority in providing relief, aid and rehabilitation to the affected persons;
- G. Expenses incurred by the Govt. for any administrative and legal action or to cope with any harm or damage including compensation for environmental degradation and restoration of the quality of environment;
- H. Loss to the Govt. or local authority arising out of, or connected with, the activity causing any damage;
- I. Claims on account of any harm. Damage or destruction to the fauna including milch and draught animals and aquatic fauna;
- J. Claims on account of any harm. Damage or destruction to flora including aquatic flora, crops, vegetables, trees and orchards;
- k. Claims including cost of restoration on account of any harm or damage to environment including pollution of soil, air, water, land and eco-system;
- l. Loss and destruction of any property other than private property;
- m. Loss of business or employment or both;
- n. Any other claim arising out of, or connected with, any activity of handling of hazardous substance.

Section 19: Procedure and Power

1. Guided by the principle of natural justice
2. Have power to regulate its own procedure
3. Shall not be bound by the rules of evidence
4. Power of a Civil Court
5. All proceedings are Judicial Proceedings
6. Apply the principles of Sustainable Development, the Precautionary Principle and the Polluter Pay Principle.
7. Decision by majority of members

Section 22: Appeal to Supreme Court

Any person aggrieved because of the decision of the Tribunal U/S 100 of the Code of Civil Procedure, 1908 (5 of 1908) may file an appeal before the Apex court within 90 days

The Apex court may entertain the appeal after even 90 days if satisfied that the Appellant was prevented by sufficient cause from preferring the appeal.

Section 26: Penalty

Whoever fails to comply with the order or award or decision of the Tribunal shall be punishable with imprisonment up to three years, or fine up to Rupees 10 crores or both. In case failure or contravention continues, with additional fine @Rs.25,000/- every day after conviction for first such failure. In case of company, it is up to Rupees 25 crores and for continuous contravention, additional fine may extend to Rupees 1 lakh/day.

**Chairperson and Members of the
National Green Tribunal**

Principle Bench, Faridkot House, Copernicus Marg, New Delhi-110001		Tel:011-23043501 Fax-011-23043515
Sr.No.	Name	Designation
1	Hon'ble Mr. Justice Swatanter Kumar	Chairperson
2	Hon'ble Mr. Justice Dr.P.Jyothimani	Judicial Member
3	Hon'ble Mr. Justice U.D.Salvi	Judicial Member
4	Hon'ble Mr. Justice S.N.Hussain	Judicial Member
5	Hon'ble Mr. Justice M.S.Nambiar	Judicial Member
6	Hon'ble Dr. Devendra Kumar Agrawal	Expert Member
7	Hon'ble Dr. Gopal Krishna Pandey	Expert Member
8	Hon'ble Prof.(Dr.) P.C.Mishra	Expert Member
9	Hon'ble Prof. A.R Yousuf	Expert Member
10	Hon'ble Shri Bikram Singh Sajwan	Expert Member
11	Hon'ble Dr.Ramesh Chandra Trivedy	Expert Member
12	Hon'ble Shri Ranjan Chatterjee	Expert Member
Southern Zone Bench ,950/1 ,TNPCB Building ,P.H.Road ,Arumbakkam, Chennai		Tel-044-26264025 Fax-044-26264024
1	Hon'ble Mr. Justice M.Chokalingam	Judicial Member
2	Hon'ble Prof. (Dr.) R.Nagendran	Expert Member
Central Zone Bench, State Commission Bhawan, 3rd Floor, Arera Hills, Bhopal- 462011		Tel-0755-2575745 Fax-0755-2575680
1	Hon'ble Mr. Justice Dalip Singh	Judicial Member
2	Hon'ble Shri Satyanarayana Rao	Expert Member
Western Zone Bench ,new Administration Building, 1st Floor , B-Wing, Opposite Council Hall, Pune		Tel-020-26350161
1	Hon'ble Mr. Justice V.R.Kingaonkar	Judicial Member
2	Hon'ble Dr. Ajay A. Deshpande	Expert Member

Registrar General /Registrars / Deputy Registrars

1	Shri Sanjay Kumar, Registrar General	Principal Bench
2	Shri M.P.Tiwari, Registrar	Central Bench
3	Shri K.L. Vyas, Registrar	Western Bench
4	Mrs Sheetal Sharma, Dy.Registrar	Principal Bench
5	Shri S.Kumar, Dy.Registrar	Southern Bench