

**14– 03 – 2023**

**News:** NGT appointed committee holds Kochi Corporation responsible for fire incidents

- The State Level Monitoring Committee (SLMC) on Solid Waste Management appointed by the National Green Tribunal has held the Kochi Corporation responsible for all the fire incidents at the Brahmapuram dump site.

## **National Green Tribunal (NGT)**

- NGT was constituted in 2010 as per the provisions of **National Green Tribunal Act, 2010**.
- India became **the third country in the world after Australia and New Zealand, for setting up a specialized environmental tribunal** and also the **first developing country** to do so.
- NGT consists of a **Chairperson and a minimum of 10 to maximum of 20 Judicial and Expert members**. Chairperson is a **retired judge in SC** and other judicial members are retired judges in HC. Experts must have a professional qualification and a minimum of 15 years of experience in forest conservation / environment protection.

- NGT follows the principles of **sustainable development**, **precautionary principle** and the **polluter pay** principle.
- The Chairperson of NGT is **constituted by Central Government in consultation with Chief Justice of India**.
- Term of the members **of NGT is 5 years** and they are **ineligible for reappointment**.
- National Green Tribunal Act, 2010 provides for the **application of the principle of no-fault while determining the liability of the responsible person** to provide relief or compensation to the affected persons.

### **No Fault Liability Principle**

- **Generally, a person is liable for his own wrongful acts and one does not incur any liability for the acts done by others.**
- If an individual commits a fault, he is liable for it.
- However, **there is a principle that claims an individual liable without his being at fault**. This is the '**no-fault liability principle**'.
- **Section 3 of the Public Liability Insurance Act, 1991** provides for '**no-fault liability principle**'.

It reads as

- Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall be liable to give such relief as is specified in the Schedule for such death, injury or damage.
- This act has the major aim of providing immediate relief to the persons affected by accident occurring while handling any hazardous substances for matters connected with the incident. It has the goal of providing public liability insurance.
- This act says that every owner who works with hazardous substances and hires employees to control those dangerous things, shall have policies and insurances where he will be insured against liability to give relief in case of death or injury to a person or damage to property arising from the accident caused while carrying on the hazardous activities.

## **Powers**

- Tribunal has jurisdiction over all civil cases involving substantial question relating to environment.
- The tribunal is not bound by the procedures under Code of Civil Procedure, 1908.

- Apart from original jurisdiction side of filing an application, **NGT acts as an appellate jurisdiction.**
- The order/decision/award of Tribunal shall be executable as a **decree of a civil court.**
- NGT can provide for a penalty of **Imprisonment upto 3 years, or fine upto 10 crore or both.**
- NGT is mandated to make **disposal of applications finally within 6 months of filing the same.** An appeal against order of NGT lies to the SC within 90 days of communications.
- NGT has 5 places of sitting; New Delhi being the principal place of sitting and Bhopal, Pune, Kolkata and Chennai being the other four.
- The **Madras High Court has recently disapproved a 2017 Central notification which terms the north zone Bench in Delhi as the principal Bench,** and reiterated that **all five zonal Benches of the National Green Tribunal (NGT) are equally powerful and that their orders would be applicable pan India.**
- NGT Act of 2010 does not speak about any principal Bench, the court said.

### **The NGT deals with 7 laws related to the environment**

- Water (Prevention and Control of Pollution) Act, 1974
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- Forest Conservation Act, 1980
- Air (Prevention and Control of Pollution Act), 1981
- Environment (Protection) Act, 1986
- Public Liability Insurance Act, 1991
- Biological Diversity Act, 2002
- However, NGT avoids **Indian Forest Act, 1927, Wildlife Protection Act, 1972;**  
and **The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition  
of Forest Rights) Act, 2006 (simply Forest Rights Act).**