



## AN ANALYSIS OF JUDICIAL PERSPECTIVE OF NGT ON SUSTAINABLE DEVELOPMENT

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### ABSTRACT

In order to resolve the conflicts between environment and development many legal efforts have been taken at international and national level since 1972 to till date for achieving the sustainable development goal. The principles of Stockholm Conference and Rio Declaration and other International Instruments provide the protection and improvement of human environment as well as access to judicial remedy and effective adjudication of environmental disputes by the national court. There is no doubt that Indian judiciary particularly Supreme Court and High Courts played an important role in developing the environmental jurisprudence. Further, the complex nature of environmental disputes which Insole scientific and other sues the Supreme Court expressed his desire in number of cases for the need of a specialized court Related to environmental matters Apart from that the Law Commission of India in its 186th Report 2003, also proposed to constitute environment courts for achieving the objectives of Articles 21, 47 ,48 A, 51 A (g) of the Constitution of India, 1950 by means of fast, fair and satisfactory judicial process. Keeping in view the abuse developments the Parliament has passed a comprehensive legislation named as the National Green Tribunal Act, 2010 the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources for realizing goals of sustainable development. In this paper, the researcher attempted to analysis the jurisprudence of NGT on sustainable development measures with the effective implementations.

**Key Words:** Environmental Protection, Sustainable Development, Judgements, Forest.

### I. Introduction

The link between environmental degradation and economic development has become a matter of great concerns over national and international level over past four decades. It is therefore futile to resolve the clash towards environmental protection and economic growth that paved the imbalance on sustainable development. This term sustainable development used by the World Commission on Environment and Development Report(Brundtland Report) as in the name of Our Common future in the year of 1987. But the links between environmental protection and development issues are already articulated from Stockholm Conference on 1972. Thereafter, the Rio Declaration in 1992, Johannesburg Summit in 2002 and Rio 20 submit in 2012 continuously renew global commitment to sustainable development. Further,

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the United Nations Conference on Sustainable Development is popularly known as Rio 20 again connotes the challenges over environment and economic crises that have to compile the agendas of sustainable development goals in post-2015 development agenda known as Sustainable Development Goals 2030 in the coming years. One of the most important facets of environmental justice.

The above conferences which enlist the principles towards the environment protection, assured intergenerational equity compiled with the judicial remedy and effective adjudication of environmental disputes by the national courts by its legislation regarding liability over the polluters and the justice for the victims with the effective environmental sustainability to resolve all their environmental disputes by appropriate means. Indian government has passed various socio-economic and environmental legislations and policies towards the implementations the three pillars of sustainable development in post Rio period.<sup>1</sup> Verdicts of Supreme Court and High Courts proceeds with the environmental jurisprudence since 1980. It is incomplete to without mentioning Environmentalist M. C. Metha in this study of environmental jurisprudence. Further, the complex nature of environmental disputes which involves scientific and other issues the Supreme Court pressed its desire in serious number of cases for the need of a specialized court related to environmental matters. Apart from that, Indian Law Commission recommends to constitute environment courts by its 186<sup>th</sup> Report in 2003<sup>2</sup> towards the objectives of Articles 21, 47, 48 A, 51 A (g) by means of fast, fair and satisfactory judicial process, but this execution taken out by National Green Tribunal Act, 2010 have enacted for environmental protection and conservation of forests and other natural resources for effective and expeditious disposal of environmental matters. The present article wishes to examine the role and contribution of National Green Tribunal as the green institution in the faces to environmental justice and goals of sustainable development.

## II. Sustainable Development: International and National Perspective

In the international context, sustainable development law considers to be a corpus of international environmental principles and conventions, the areas of intersection between the three pillars of sustainable development as international economic law, international

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<sup>1</sup> The three pillars - Society, Environment and Economy, in associated with the international forum and other Environmental organisations. Purvis, B., Mao, Y. and Robinson, D., "Three pillars of sustainability: in search of conceptual origins", 14 *Sustainability Science* 681 (2019).

<sup>2</sup> 186<sup>th</sup> Law Commission Report, 2003, p. 8-9.

environmental law (interracial environmental law)<sup>3</sup> and international social law as to be referred as three pillars. The journey begins with the Stockholm Conference in 1972. This principle gained an international importance in 1987 by World Commission on Environment and Development the Our Common Future a fundamental document that gave a new concept for the strategic framework for sustainable development across nations. That defines sustainable development in term of "development that meets the needs of the present without compromising the ability of future generations to meet their own needs".

With the adoption of these instruments, sustainable development becomes a leading concept of international environmental policy and after thirty years of Brundtland Report, we have to analyse our position with the huge population in the international consensus regarding sustainable development. These aforesaid international documents dealt about the access to environmental justice, assured right to health to everyone and social justice ensuring equality and to develop a national dispute resolution procedure to deal with the settlement and exploitation of nature. In the recent past, in 2015 the global community adopted future agenda popularly known as sustainable development goals by 2030. It prescribes international level, every developed, developing and transition nation has committed to ensure access to justice for all by an effective means of accountably inclusive institutions in its efficient levels comprehensive in every nation to promote the rule of law at the national and international levels. As far as the national perspective is concerned that the Indian 'Law Commission of India, '186<sup>th</sup> Report on Proposal to Constitute Environment Courts, September 2003. This effective measure is amongst the few in the world that contains specific provisions related to environmental protection and improvement'.

The principle of sustainable development was used to require executive and administrative authorities to give due regard to existing policies in their decision-making processes.<sup>4</sup> The principle of sustainable development has embedded in the fundamental rights under Part III of the Constitution and the judicial remedies for the enforcement of fundamental right to wholesomeness of the environment have been very much expanded and liberally construed to sustain the claim of the competing stakeholders of such rights in number of cases as part of Article 21 in a number of judicial pronouncements by the Supreme Court and High Courts.

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<sup>3</sup> The international environmental law segregates the protection of environment, but it specifically implanted white space area. The implementations not be measured other than, the place of whites. – Nadia B Ahmed and Melissa Bryan, "Environmental law as Segregation" 64(3) *Howard Law Journal* 439 (2021).

<sup>4</sup> In *Vellore Citizens' Welfare Forum v. Union of India and Ors*, (1996) 5 SCC 647.

Apart from this, for the concerns of environmental protection, legislations enacted for the protection of land, water, air and sustainable environment over by rules and policies related to the improvement for implementing the three pillars of sustainable development.

### **III. National Green Tribunal: Institutional Structure**

The National Green Tribunal (NGT) was set up on 18th October 2010 under the NGT Act, 2010, for the purpose of effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief relating to environment and giving relief compensation for damages to persons and property and for matters connected therewith or incidental thereto NGT has five places of sitting, i.e. the principal Bench in Delhi and zonal benches in Pune, Kolkata, Bhopal, and Chennai. Apart from this, the tribunal holds three circuit benches at Shimla, Shillong, and Jodhpur.

### **IV. Powers and Functions of National Green Tribunal**

The Tribunal can resolve disputes pertaining to the environment both initially and on appeal. All civil matters involving a significant environmental challenge arising from enactments listed in Schedule-I of the NGT Act fall under the original jurisdiction. The time limitation for adjudication of application is within a period of six months from the date on which the cause of action in such a dispute first arose; it may be extended for 60 days where there is sufficient cause. Tribunal has its own procedure and have the same power as are vested in a civil court under Civil Procedure Code 1908, but neither it is bound by the procedure of Civil Procedure Code 1908 nor the rule of evidence. The fundamental tenets of Indian environmental jurisprudence namely, the principles of precaution, sustainable development, and the polluter pay principle must be applied by the Tribunal. Any aggrieved party may appeal the Tribunal's decision or award to the Supreme Court of India under the terms of the Act. It may be based on any of the grounds specified in Civil Procedure Code, 1908, Section 100. The tribunal has a power to impose the penalty on individuals and companies for noncompliance of tribunal's orders i.e individual is subject to a three-year prison sentence or fine of Rs. 10 crores, or both, while corporate entities subject to a fine of Rs. 25 crores, with relevant company officials potentially facing personal culpability. This Compensation is inadequate while harming the environment is irreparable damage to the ecology.

The National Green Tribunal (NGT) has emerged in recent years as a significant environmental regulatory authority that may give harsh directives on matters pertaining to waste management, pollution and deforestation, etc. Among the National Green Tribunal's principal authorities are the following:

- i. NGT facilitates the advancement of environmental law by creating a substitute conflict settlement process.
- ii. It contributes to lessening the load of environmental litigation in higher courts.
- iii. NGT offers a less formal, less expensive, and quicker resolution to a range of environmental problems.
- iv. It stops actions that harm the environment. The Environment Impact Assessment procedure is strictly adhered to by NGT.
- v. NGT offers indemnification and redress for any harm done to people or property.

## **V. NGT's Contribution in Environmental Justice and Sustainable Development**

The role of courts is emphasized environmental protection by judicial decisions viewed as potential means. An analysis of the NGT's role for the past decade screened as a progressive means of its approach towards environmental protection in sustainable development concerns. NGTs first contribution Forest Clearance given for generating hydroelectricity power Environment Clearance for Thermal Power Project in Nagpur, sometimes crack had occurred in the tunnel based hydro power projects. The ecology may suffer irrevocable and irreparable harm if the dam's construction is approved. The concepts of polluter pay, precautionary principle, and sustainable development shall be applied by the Tribunal enforcing any order, decision or award. It is to be declared an important tool ensuring optimal use of natural resources and confirms by sustainable development is Environmental impact assessment EIA.

*In Adivasi Majdoor Kisan Ekta Sangthan Vs. Ministry of Environment and Forests*<sup>5</sup>,

When delivering its ruling, the NGT noted that there had not been a few minor procedural errors made at the public hearing. Thus determines the crucial step to approve an environmental

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<sup>5</sup> *Adivasi Majdoor Kisan Ekta Sangthan v. Ministry of Environment and Forests NGT New Delhi, M.A. No: 36 of 2011, (Arising out of Appeal No. 3 of 2011).*

permit. In actuality, it was a quintessential illustration of how the laws and ideals of natural justice were broken. Held that, it is proper to declare that the case's public hearing was invalid. The theory of sustainable development has gained acceptance as a solution to balance, on the one hand, the several developmental initiatives meant to guarantee a higher standard of life and enhance the social and economic circumstances of people. However, making sure that the effects of growth are consistent with the need to preserve and enhance the environment rather than surpassing it carrying capacity need to protect and improve the environment with the same interest. With the change of time, Sustainable Development was dealt by NGT which seems that after this year every authority or institutions were focused on sustainable development.

In *Kehar Singh Vs. The State of Haryana Through the Secretary*,<sup>6</sup> the application has been filed that dealt with the legal absence of any requirement for environmental approval in order to build a sewage treatment plant. By comparing the project's negative consequences to the benchmarks of sustainable development, human welfare, and the environment, they may conduct a comparative analysis. Inherently, sewage is a highly dangerous contaminant. It can lead to severe health risks and harm the environment, including unbearable odours. It contains nutrients that might cause receiving water bodies to become eutrophic, pathogenic organisms that can spread disease to people and animals, and ecotoxicity. Here, the NGT has focused on protection of human health, which is also part of sustainable development, and again a consideration of Ratlam Municipal case<sup>7</sup> as well said by the Supreme Court.

*Goa Foundation and Peaceful Society Vs Union of India and Others*<sup>8</sup> Applicant relied on an apex court ruling to argue that the Tribunal should not propose the anthropocentric sustainable development. The request was made for the protection of the environment in the Western Ghats and for relief that Respondents be directed not to issue any consent, environmental clearance, or permission under different laws within Western Ghat areas. Nonhumans are only valuable to humans as tools, according to anthropocentrism, which is constantly grounded on human interests. Ecocentrism holds that nonhuman animals have inherent value and that humans are a part of nature. Human interests do not always come first, and people have duties to nonhuman entities that are separate from their own. Therefore, ecocentrism is life-centered and nature-centered, with people and non-humans both being a part of nature. The Public Trust Doctrine mandates that the government protect and preserve the natural balance of the environment.

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<sup>6</sup> *Kehar Singh v. The State of Haryana Through the Secretary NGT New Delhi*, A No:124/2013.

<sup>7</sup> *Municipal Council, Ratlam v. Shri Vardhichand & Others*, 1980 AIR 1622, 1981 SCR (1) 97.

<sup>8</sup> NGT New Delhi 2013,M.A No: 49/2013, Appl. No: 26/2012.

*In M/s. Sterlite Industries (India) Ltd. Vs. Tamil Nadu Pollution Control Board and Others*<sup>9</sup>

The appellants company installed and operates a copper smelter plant in south Tamil Nadu. The National Environmental Engineering Research Institute's (NEERI) report in 2005 prescribed its certain emissions from the company haven't meet the regulations, overall emission levels not stipulate within the standard prescribed range. The most basic quality of air been poor quality but this regard meant to bound the right to life under Article 21 should ensure the quality life.

The scale of human health and environment's impact should be previewed in the curvature of public interest, fixed in 'reasonable person' test. Priorities include life, public health, and environment over joblessness and economic loss. It is frequently asserted that environmental preservation and development are complementary aspects of one another rather than rivals.

If using the concept of sustainable development makes it feasible to continue with developmental activities without endangering the environment or by minimizing its negative impacts via 'the implementation of strong hurdles, development must continue in that case since it is essential to the growth of industry, irrigation resources, power projects, etc., as well as the enhancement of employment possibilities and income production'.

Tribunals must strike a balance between the need for environmental preservation and development. Therefore, the term 'sustainable development' should refer the level of development is possible and that is supported by the environment and nature, whether or not mitigation is required. The public interest must now be considered when determining the risk of harm to the environment to habitat, as per the reasonable person's test.

*In Wilfred J. Vs. Ministry of Environment & Forests*<sup>10</sup> Present application filed against Vizhinjam Port Project on the ground that said project affects not only ecology and environment of that area would be affected but there would also be the adverse impact on their livelihood Whether NGT had jurisdiction to entertain said application - Held the NGT Act's structure explicitly grants the Tribunal total autonomy to carry out its judicial duties, tenure security, favorable employment conditions, and all the capabilities of a court. The NGT's presiding members served as judges and justice administrators in their official capacities; they

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<sup>9</sup> AIR 2019 SC 1074.

<sup>10</sup> *Wilfred J. Vs. Ministry of Environment & Forests* (2014) NGT (Principal Bench) Apl No. 74/2014.

were not administrative officers. Subject to the rules of applicable Acts, the Tribunal would have to review any environmental concern that fell under Scheduled.

The Court held that intergenerational equity has been incorporated into international law and is a crucial component of environmentally sustainable development. According to the theory, it is the responsibility of all those who care about the present to make sure that the next generation is not subjected to excessive suffering or environmental or ecological damage.

*In Rohit Choudhury v. Union of India & ors,*<sup>11</sup>(Kaziranga National Park case) The United Nations Educational, Scientific, and Cultural Organization (UNESCO) has designated Kaziranga National Park in Assam as a World Heritage Site. The Kaziranga National Park is home to several rhinoceroses, including one horned rhino, elephants, and a diverse range of plant and animal species. In this instance, the applicant sought the NGT, claiming a gross breach of the MoEF circular, which declared a 15-kilometer radius surrounding the Numaligarh Refinery and Kaziranga National Park to be a "No Development Zone" (NDZ). Though, applicant had filed multiple objections and approached the State and Central Authorities in a request that they take action to stop infringement and violation of law, the applicant contended that mushrooming stone quarries were installed indiscriminately within the NDZ in flagrant violation of the aforementioned notification, severely harming the ecology, wildlife, and environment.

*Kalpavriksha Vs Union of India*<sup>12</sup>- Petition challenging Notification issued prescribing eligibility criteria for chairperson and members of Committee of National committee on Environmental planning. The authority to take any action the Central Government saw fit to prevent, control, and mitigate pollution as well as to safeguard and enhance the quality of the environment was granted to it. The individuals nominated ought to possess extensive administrative expertise in the relevant development sector, be experienced ecologists or environmentalists, or both. It was no longer necessary for a technical professional or someone with managerial experience in the relevant development area to have any connection to environmental development or conservation.

*The Forward Foundation, Charitable Trust and Others Vs State of Karnataka and Others*<sup>13</sup>. National Green Tribunal has condemned Mantri Tech Zone Pvt Ltd. and Core Mind Software

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<sup>11</sup> *Rohit Choudhury v. Union of India & ors*, (2012) NGT App No. 38/2011.

<sup>12</sup> *Kalpavriksha v. Union of India*, NGT (New Delhi), (2014) A.No: 116/2013.

<sup>13</sup> *The Forward Foundation, Charitable Trust and Others v. State of Karnataka and Others*, NGT (New Delhi) (2015) 19.

and Services Ltd., imposed with penalties of Rs 117.35 crores and Rs 22.5 crores respectively, for starting construction on two projects on the Bangalore catchment area in Agara lake and in Bellandur lakes before receiving environmental clearance, the application filed for seeking restoration of ecologically sensitive land on ground projects were implemented without following environmental norms.

Held - The applicant could not have accessed any remedy prior to the dates the Act came into force and the Tribunal was constituted. As a result, the statute of limitations would begin to run at best from these dates. Consequently, the application for purposes of Section 15 of the Act had been filed within the specified years therefrom and was within time. Respondent had received environmental clearance on a specified date, and all events had occurred thereafter until the institution of the petition. The Center for Ecological Sciences, Bangalore, handled the application for The Environmental Information System (ENVIS), conducted research and produced a report on the necessity of Bellandur Wetlands Conservation and Decision Makers' Obligation to Ensure Intergenerational Equity. It focused addressed the Karnataka Industrial Area Development Board's SEZ proposals in six zones. The opinion expressed was that this practice goes against sustainable development since it affects wetlands, lakes, and natural resources. Eliminating rajakaluve<sup>14</sup>, or storm water drains, and progressively encroaching onto them is equivalent to removing lake connection, which intensifies flood occurrences and related calamities. To regain the advantages of wetland ecosystems, sustainable development management measures must be put into place due to the increased loss of ecosystem products and services and the deterioration of water quality.

*SP. Muthuraman Vs Union of India and Others*,<sup>15</sup> In this case, NGT observed that,

When projects are finished and even permanent harm to the environment and ecosystem is done, the Precautionary Principle may no longer be relevant. But in partially finished projects, the circumstances could be different; in such situations, prompt corrective action would be required to safeguard the environment. It could be feasible to take action at this point, but waiting much longer would make it completely unfeasible. Using the precautionary principle is a proactive approach to mitigating the likelihood of environmental harm. The goal should always be to stop the principal environmental issue before its most detrimental impacts and secondary effects become apparent. An aid for improving judgments about the environment

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<sup>14</sup> A water resource or flow of water into the lake, pond or canal or any accumulated ground water.

<sup>15</sup> *SP. Muthuraman v. Union of India and Others* NGT, Southern Zone Chennai, 2020.

and human health is the precautionary principle. Instead, then managing it after the fact, its goal is to avoid it from the beginning. This rule may need to be implemented more strictly in specific circumstances, especially if the project sponsor is responsible for any errors or commissions of commissions. Under Environment (Protection) Act of 1986, the authorities empowered to the cease any operation of projects that volatile the environment. Due observance of the precautionary principle and the theory of balance is implied by the necessity of the sustainable development concept.

## VI. Challenges and Concerns before NGT

Although the National Green Tribunal has served as a ‘effective deterrent’ against environmental norm violations, there is cause for worry given the recent high court appeals to the tribunal’s rulings. The fact that recently NGT’s decisions contested before High Courts under the Constitutional power of Article 226 also raised concerns. Some High Courts, such as the Bombay High Court, have begun to hear appeals against the NGT orders and have argued that they are superior to the NGT because ‘High Courts are constitutional bodies, and the NGT is statutory bodies’.<sup>16</sup>

The NGT Act allows for challenges to rulings before the Supreme Court; nevertheless, petitioners have been challenging decisions before the High Courts by citing Article 226 (the authority of High Courts to issue certain writs). The Supreme Court has not yet determined which NGT rulings, and on what grounds, may be appealed to the High Courts. The report also expresses worry about the fact that the NGT's rulings were described as "not feasible to implement within a given timeframe in situations where they were disregarded. The largest obstacle that individuals encounter is getting justice. In Jharkhand’s Chaibasa district, the Bindrai Institute for Research Study and Action (BIRSA), along with the Occupation Health and Safety Centre (OHSC), had approached NGT over abandoned asbestos mines at Roro in the same district. BIRSA pointed out that their role was to make people aware of the harmful effects of asbestos, but only activists in metro cities could approach NGT over the issue<sup>17</sup>:

According to the BIRSA Convenor, ‘We don’t know a lot about NGT’ It is quite difficult for a tribal activist who is stationed in a rural area to get to Kolkata and find lodging there. Dayamani Barla, a tribal leader who has spearheaded efforts against mining and relocation, offers perhaps

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<sup>16</sup> Geetoanjoy Sahu, “Impact of the National Green Tribunal on Environmental Governance in India: An Analysis of Methods and Perspectives”, 3 *Journal of Environmental Law Policy and Development* (2016).

<sup>17</sup> Dutta M, Sreedhar R, Basu A. “The blighted hills of Roro, Jharkhand, India: a tale of corporate greed and abandonment”, 9(3) *International Journal on Occupational Environment Health* 254 (2003).

the clearest and most concise criticism of NGT's inaccessibility. She expressed regret, saying, 'I am not aware of NGT' She queries the rationale of someone making the lengthy trip to Kolkata to pursue legal action. 'A green tribunal should have been based in a place that has the largest mineral deposit or the highest forest cover,' she continued<sup>18</sup>. That is where the dispute is and that is where the extremely poor live.

Specifically Southern zone of NGT at Chennai registered in oil spill case at Ennore port in 2017. The status report filed before it clearly affidavits its distribution of compensation about Rs. 141 Crore and the Government of TN grants about 203 Crore<sup>19</sup>, but the restoration takes as long and the spill also continues. The sadden is that the oil spill and leakage still be rattled, Champang district in Nagaland, still oil leakage issue doesn't ended. Thus it be better to increase the Benches to respective states. This preview have to include two new UTs Ladakh and Jammu & Kashmir as of now mining license have granted.

## VII. Conclusion and Suggestions

Environmental preservation and development are not antagonistic. The synonyms of development should be in sustainable in nature, without harming the environment or minimizing its negative effects by enforcing strict safeguards. This is because it is essential to develop industries, irrigation resources, power projects, and other projects, as well as to increase employment opportunities and revenue generation. Since its founding, the National Green Tribunal (NGT) has unquestionably been India's most dependable and forward-thinking environmental body. It had reinterpreted the function of environmental specialists and the standards used in choosing them. When it comes to carrying out its orders which often have to do with maintaining environmental clearances it has generally been effective. Every person has a responsibility to safeguard and enhance the natural environment in addition to the laws, policies, organizations, and agencies already in place. To start, we must prioritize the duty-based approach in addition to the right-based approach. With the attention, all governmental branches must urgently assist in ensuring that laws and policies are effectively enforced by the means to balance the development coexist with sustainability.<sup>20</sup>

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<sup>18</sup> Anumeha Yadav, on The Hindu, dated Nov 6<sup>th</sup>, 2012.(Ranchi)

<sup>19</sup> *Meenava Thanthai K R Selvaraj v. The Chairman*, National coastal zone NGT Chennai, (2020) Original App. No. 14/2017.

<sup>20</sup> Tandon, Usha, "Assessing India's Green Tribunal for Conservation of Biodiversity" in *Biodiversity: Law, Policy and Governance*, 200 (Routledge, Taylor and Francis Group, London, New York, 2018).

Technical specialists in engineering and other technological fields, as well as scientists in the physical and biological sciences, make up the NGT's expert membership. It's interesting that no exception is made for social scientists, environmental activists, or other concerned individuals who have the necessary training or experience with hazardous jobs or the environment. It is important to emphasize that the scope of the NGT's authority is restricted to the acts specified in the schedule. Thus, in addition to their primary functions as a venue for environmental public interest litigations, the HC and SC continue to play a significant and concurrent role in this regard. For example, there may be no clear connection between this and statutory infractions and environmental health issues.<sup>21</sup>

The NGT is not empowered to deal about certain legislations that deal with the concerns of environment such as the Wildlife (Protection) Act 1972, the Indian Forest Act 1927, and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006<sup>22</sup>

Reverting to our ancient dharma of environmental conservation is the most crucial action that can be recommended to improve the quality of life on Earth. To do this, we must first and foremost change the way we think about the environment, which can only be done by living a more natural lifestyle. The natural way of living basically entails a balanced perspective on life, where materiality and spirituality are viewed as equally significant for the overall sustainable development of society and humans in particular, and as such, coexist in harmony. Discretion and reason are developed by spirituality, allowing a man to discern right from wrong and act appropriately. Environmental problems, have to dealt as a duty over the humanity all over the globe.

A strong recommendation through this article is that the clear principle policy decision have to determine that the environmental sustainability should prevail over the investment arena. The NGT judiciary functionary should not entertained without the departmental experts. The fine or compensation collected should be diverted to a separate publicly accountable department should ensure the environmental sustainability and other recreational activities in the concerns of environmental protection sense.

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<sup>21</sup> Gill, Gitanjali, "A Green Tribunal for India", 22(3) *Journal of Environmental Law* 461 (2010).

<sup>22</sup> Neetu Singh, "NGT: a Beacon for Sustainable Development", 11 *International Journal of Scientific & Innovative Research Studies* 13 (2023).

Every state should establish an environment court in order to produce more productive results. Furthermore, before much water goes down, it is the constitutional responsibility of all those who concerned towards the sustainable environment, with most conscious legislators and "We the people of India" to ensure that the Parliament makes the necessary changes to address the shortcomings mentioned above with serious responsibilities. In conclusion, it is anticipated that NGT would satisfy the long standing demand for an alternate court that can provide victims of environmental damage with appropriate justice in the sense of environmental sustainability.