

76

जनवरी-जून, 2019

मध्य भारती

मानविकी एवं समाजविज्ञान की द्विभाषी शोध-पत्रिका

मध्य भारती

मानविकी एवं समाजविज्ञान की द्विभाषी शोध-पत्रिका

ISSN 0974-0066

(अंक-76, जनवरी-जून, 2019)

संरक्षक

प्रो. राघवेन्द्र पी. तिवारी

कुलपति

प्रधान सम्पादक

प्रो. अम्बिकादत्त शर्मा

सम्पादक

प्रो. भवतोष इन्द्रगुरु

प्रो. ब्रजेश कुमार श्रीवास्तव

डॉ. आशुतोष कुमार मिश्र

प्रबन्ध सम्पादक

डॉ. छबिल कुमार मेहेर



डॉक्टर हरीसिंह गौर विश्वविद्यालय

सागर (मध्यप्रदेश) - 470003

दूरभाष : (07582) 297133

ई-मेल : madhyabharti.2016@gmail.com

The National Green Tribunal In Indian Perspective

Vivek Dubey

Introduction

The environmental disputes are typical and complicated in nature so it requires an expertise in different fields (like biology, sociology, economics, administration, management and law etc.) to resolve the environmental matters in effective and expeditious manner which is not possible with a regular judicial and administrative set up in India. The need for environmental courts has long been felt for other reasons also like the higher judiciary in India is overburdened with a large backlog of cases.¹ Thus, in order to have effective prevention of environmental pollution environmental complaints should be decided expeditiously which is not possible in the present context of judicial administration. Therefore, there was an urgent need for an alternative forum so that environmental cases were decided without much delay.² India is a party to the decisions taken at Stockholm Conference 1972 and Rio De Janerio Conference, 1992, wherein the participating states were called upon to provide effective assess to judicial and administrative proceedings and to develop national laws regarding the liability and compensation for the victims of pollution and other environmental damage.³

Prominent jurists of the country also expressed the similar views.⁴ The Rio Declaration on Development and Environment states that "states shall develop the national law regarding liability and compensation for the victims of Pollution and other environmental damage".⁵

The Law Commission of India in its 186th Report recommended that the government needs to constitute special Environmental Courts, to deal with multidisciplinary issues relating to protection of environment, which would have members with judicial or legal experience assisted by members with technical knowledge. Since the advice of environmental experts is required in deciding cases related to the environment it would be feasible to include environmental experts in this specialised body. Setting up such a body would help in fast disposal of cases. Environmental Courts in various states or group of states would have original jurisdiction in all civil cases where a substantial question relating to environment is involved and Appellate jurisdiction under various other statutes.⁶

Madhya Bharti-76, January-June, 2019, ISSN 0974-0066, pp. 189-194
UGC Care List, Group-C (Multi disciplinary), Sl.no.-15