THE MECHANISMS OF THE NATIONAL GREEN TRIBUNAL

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Abstract The National Green Tribunals ('the Tribunal') were established across the nation to exclusively deal with questions related to the environment, and to promote sustainable development. Entrusted with the great responsibility of ensuring a safe and healthy environment, in practice, these tribunals face a multitude of issues. These range from an expanding scope of the Tribunal's jurisdiction to its disregard of the sustainable development principle and the principles of natural justice. The emergence of these issues necessitates a serious reconsideration, rethinking, and reflection by the Tribunal, on the exercise of its powers in consonance with the provisions of the National Green Tribunal Act ('the Act'). The Tribunal must harmonize environmental care and development through the principle of sustainable development. It should prevent abuse of the process of law, and interpret and apply the provisions of the Act in a manner such that justice is done to the environment, without injustice being done to others.

I. INTRODUCTION AND PHILOSOPHICAL UNDERPINNINGS

The alleviation of the masses out of poverty is not only a principal constitutional obligation for every elected government, but also the litmus test for its existence. The protection of the environment and maintenance of the ecological balance has become an equally pressing duty of every government. Striking a balance between these two objectives has grappled every nation in the world.

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This balancing act, between two palpably conflicting needs, becomes more complicated for the developing countries. The solution to this dichotomy lies in the concept of 'Sustainable Development'.

This concept was first conceived at the *United Nations Conference on the Human Environment* at Stockholm in June, 1972 ('the Stockholm Conference'). Pursuant to deliberations at the said Conference, a Declaration known as the Stockholm Declaration of 1972 was issued.[1] The said Declaration outlines the broad principles on the basis of which the concept of 'Sustainable Development' has evolved.[2] The concept was given a definite shape by the *World Commission on Environment and Development* in its Report titled *Our Common Future*, more popularly known as the *Brundtland Report*. The Brundtland Report ('the Report') summarily defines 'Sustainable Development' as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs".[3] The Report recorded that the essential needs of the vast number of people in developing countries for food, clothing, shelter, and jobs were not being met. The Report also emphasizes that the people, beyond their basic needs, also have a legitimate aspiration to an improved quality of life. The Report argues that the satisfaction of human needs and aspirations being the major objective of development, such development must be balanced with the need for the conservation of the environment in order to ensure the sustainability of the human race. The Report underlines the need for development—economic, social, and technological, and argues that a world in which poverty and inequity are endemic, is prone to ecological and other crises. After the publication of the Brundtland Report, various international conferences, United Nations General Assembly Resolutions, and Reports have discussed, adapted, and reiterated the concept of Sustainable Development.[4]

The Environment (Protection) Act, 1986 was passed by Parliament, *inter alia*, as a legislation aimed at incorporating and implementing the principles evolved and decisions taken at the Stockholm Conference and reflected in the Stockholm

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1 UN General Assembly, *United Nations Conference on the Human Environment*, UN Doc. A/RES/2994 (December 15, 1972), http://www.refworld.org/docid/3b00f1c840.html.

2 Principle 8 of the *Declaration of the United Nations Conference on the Human Environment*–

"Economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions on earth that are necessary for the improvement of the quality of life."

Principle 11 of the *Declaration of the United Nations Conference on the Human Environment*–

"The environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries, nor should they hamper the attainment of better living conditions for all, and appropriate steps should be taken by States and international organizations with a view to reaching agreement on meeting the possible national and international economic consequences resulting from the application of environmental measures."

3 United Nations, *Our Common Future - Brundtland Report* (1987).

4 United Nations, *Gathering a Body of Global Agreements: Sustainable Development*, http://www.un-documents.net/k-001303.htm.

Declaration.[5] Thus, the Environment (Protection) Act, 1986 is a statutory recognition of the principle of Sustainable Development, which all Courts and Tribunals in the country are bound to implement. Pursuant to the enactment of the Environment (Protection) Act, 1986, the ideas of development and environment have been harmonized and balanced. The Supreme Court has, in its landmark judgment in *Vellore Citizens' Welfare Forum* v. *Union of India*,[6] ('*Vellore Citizens Welfare Forum*') held that the traditional concept that development and ecology are opposed to each other is no longer acceptable. In the said judgment, the Supreme Court has accepted Sustainable Development as the balancing concept between development and ecology, and has held that the concept is part of customary international law. The judgment of the Supreme Court in *Indian Council for Enviro-Legal Action* v. *Union of India*,[7] has laid down the dictum that the necessity to preserve the environment must be seen as compatible with economic and other developments. The Supreme Court, in its judgment in *Essar Oil Ltd.* v. *Halar Utkarsh Samiti*,[8] ('*Essar Oil Ltd.*') has held that the objective of all laws on the environment should be to create harmony between development and environment, as neither one can be sacrificed at the altar of the other. Further, the Supreme Court has held that Sustainable Development means "what type or extent of development can take place which can be sustained by nature/ecology with or without mitigation".[9]

With the manifestation of the ill-effects of environmental degradation in larger measure, coupled with the evolution of the revolutionary concept of public interest litigation, the already over-burdened Supreme Court and the numerous High Courts were flooded with environment-related litigation. Apart from the constraints of judicial time and pendency of cases, the other challenge faced by the Constitutional courts was the lack of expertise to assess and evaluate complex scientific and technical data, which is an essential factor in dealing with environment-related litigation. Thus, the Supreme Court, in a series of judgments,emphasized on the need to establish 'Environment Courts' across the country, manned by judicial members and technical/scientific experts, to exclusively deal with matters relating to the environment.[10]

Pursuant to the aforesaid observations of the Supreme Court, the Law Commission of India undertook a detailed study on the subject of Environmental Courts which culminated in the 186th *Report of the Law Commission of India on the Proposal to Constitute Environment Courts.* In the said report, the Law

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5 Statement of Objects and Purpose of the Environment (Protection) Act, 1986 [Act No. 29 of 1986].

6 (1996) 5 SCC 647.

7 (2004) 2 SCC 392.

8 Essar Oil Ltd. v. Halar Utkarsh Samiti, (2004) 2 SCC 392.

9 Narmada Bachao Andolan v. Union of India, (2000) 10 SCC 664.

10 M.C. Mehta v. Union of India, (1986) 2 SCC 176; Indian Council for Enviro-Legal Action v. Union of India, (1996) 3 SCC 212; A.P. Pollution Control Board v. M.V. Nayudu, (1999) 2 SCC 718; A.P. Pollution Control Board (2) v. M.V. Nayudul, (2001) 2 SCC 62.

Commission recommended the establishment of Environment Courts in each State or for a group of States, manned by persons with judicial or legal experience, and assisted by persons having technical and scientific knowledge, and possessed with expertise on matters relating to the environment The Law Commission specifically enumerated the concept of Sustainable Development as one of the fundamental principles which the proposed Environment Courts would be obligated to apply and enforce in the matters to be adjudicated upon.[11] While dealing with the constitution of Environment Courts, the Law Commission emphasized on the need to maintain a proper balance between Sustainable Development and the control/regulation of pollution.[12] The Law Commission has also, almost prophetically, highlighted the potential abuse of environmental litigation for the purpose of blackmail. Therefore, it recommended that the proposed Environment Courts must be aware of and deal with such blackmail appropriately.[13]

Pursuant to the said report, the Parliament enacted the National Green Tribunal Act, 2010, for the establishment of National Green Tribunals across the nation, to exclusively deal with substantial questions relating to environment. The following section of the Article analyses the workings of this Act.

II. LIMITED JURISDICTION

The Statement of Objects and Reasons of the Act postulate that the risk to human health and environment arising out of "hazardous activities" has become a matter of concern. The right to a healthy environment is a part of the right to life under Article 21 of the Constitution of India.[14] The Act was enacted for the constitution of specialized environmental courts. The Tribunal has been set up for effective and expeditious disposal of civil cases involving substantial questions relating to the environment. However, Section 14 of the Act has circumscribed the jurisdiction of the Tribunal. As per Section 14 of the Act, the Tribunal shall have jurisdiction only in respect of those civil cases:

i) where a substantial question relating to the environment is involved; and

ii) that such question arises out of the implementation of the enactments specified in Schedule I of the Act.

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[11] Law Commission of India, 138th *Report of the Law Commission of India on Proposal to Constitute Environment Courts*, 132, 148 (September, 2003).

[12] *Id.*, at 8.

[13] Law Commission of India, *supra* note 11, at 20.

[14] A.P. Pollution Control Board (2) v. M.V. Nayudu, (2001) 2 SCC 62; Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161.

Section 2(m) of the Act provides that a "substantial question relating to the environment" shall include an instance where, —

> "(i) there is a direct violation of a specific statutory environmental obligation by a person by which, —
>
> (A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or
>
> (B) the gravity of damage to the environment or property is substantial; or
>
> (C) the damage to public health is broadly measurable;
>
> (ii) the environmental consequences relate to a specific activity or a point source of pollution".

Thus, unless the aforesaid pre-requisites are primarily satisfied, invoking the jurisdiction of the Tribunal would clearly fall foul of Section 14. Experience has shown that numerous applications filed before the Tribunal relate to matters far beyond the scope of the Acts enumerated in Schedule I of the Act. Many matters relate to local municipal and town planning laws, in respect of which the Tribunal has neither the jurisdiction, nor the requisite expertise. The Hon'ble Bombay High Court in *Parshuram Uparkar* v. *Union of India*,[15] laid down that an application under Section 14 before the Tribunal is maintainable only if it raises a substantial question of law relating to the environment and that such question arises out of the implementation of the enactments specified in Schedule I of the Act. However, unfortunately, the said legal position has been ignored by the Tribunal in the exercise of its jurisdiction.

III. THE PRINCIPLE OF SUSTAINABLE DEVELOPMENT GIVEN A GO-BY

The Act, while granting powers to the Tribunal, expressly provides adjudication ought to take place not merely on the basis of the 'Precautionary Principle' and the 'Polluter Pays Principle', but rather, the Tribunal is also required to apply the principle of Sustainable Development. Section 20 of the Act is the statutory guideline for the Tribunal in this regard. In fact, the Preamble to the Act clearly stipulates that the object of the enactment of the Act is to implement the decisions taken at the Stockholm Conference, and the *United Nations Conference*

[15] PIL No. 49 of 2013, Order and Judgment dated May 8, 2013.

on Environment and Development held at Rio de Janeiro in June 1992.[16] The principle of Sustainable Development was one of the most important concepts evolved at the aforesaid conferences. The principle of Sustainable Development is also a part of the international law obligations of India, as held by the Hon'ble Supreme Court in *Vellore Citizens' Welfare Forum* case. The intendment of the Legislature is also very clear from the Statement of Objects and Purpose of the Act. The Hon'ble Supreme Court has consistently stated that development ought not to be hampered in the name of the environment. It has been reiterated time and again that development must be carried out in harmony with ecology. It has further been stated and restated that while the environment requires protection, the nation requires development.

An under-developed nation can cause immense harm to the lives of citizens of the country, leading to further environmental degradation. Therefore, the Legislature has mandated that the Tribunal must apply the principle of Sustainable Development in deciding environmental matters. However, unfortunately, in various matters, the principle of Sustainable Development, as provided for in Section 20 of the said Act, has been completely ignored by the Tribunal. The Tribunal has also overlooked the wealth of case law emanating from the Supreme Court in respect of balancing ecology and development. This is a matter of grave concern that requires appropriate corrective legislative action on one hand, and serious reflection and introspection on part of the Tribunal on the other hand. The Tribunal is duty-bound to accept that both development and environment must go hand in hand, as has been held by the Hon'ble Supreme Court, *inter alia*, in *Essar Oil Ltd.*[17]

IV. BY-PASSING THE LAW OF LIMITATION

The Legislature, in recognition of the possibility that statutory provisions may be misused, provided for a special period of limitation under Section 14, Section 15, and Section 16 of the Act. The Legislature further permitted, on sufficient cause being shown, an extension of the said period of limitation.However, any application beyond the period prescribed under either Section 14(3), or under Section 15(3), or under Section 16, is barred, and such application cannot be filed or adjudicated upon. The Tribunal has no jurisdiction to entertain any such barred applications. It is a settled position of law that limitation is a matter of jurisdiction.[18] The Tribunal is under an obligation (like any judicial or

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[16] United Nations Conference on Environment and Development (1992), *Agenda 21, Rio Declaration,* reads, "20. Tribunal to apply certain principles — The Tribunal shall, while passing any order or decision or award, apply the principles of Sustainable Development, the precautionary principle and the polluter pays principle."

[17] (2004) 2 SCC 392.

[18] Pandurang Dhondi Chougule v. Maruti Hari Jadhav, AIR 1966 SC 153, ¶10; Foreshore Coop. Housing Society Ltd. v. Praveen D. Desai, (2015) 6 SCC 412.

quasi-judicial authority) to consider the question of limitation, irrespective of whether it is raised as a defense or not.

However, in its apparent zealousness to protect the environment, the Tribunal set up under the said Act has, on various occasions, proceeded to pass orders on applications and appeals which were *ex facie* filed beyond the period of limitation prescribed by the Act. Such orders, as per the law laid down in a series of judgments of the Supreme Court, are in fact *non-est*, and substantial time of the parties as well as the Tribunal was spent in execution applications based on such void/illegal orders. The language of the legislation is unambiguous and clear. Section 14 of the Act provides that "No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose". The expression "cause of action first arose" is also used in Article 58 of the Limitation Act, 1963, which has been the subject matter of interpretation by the Hon'ble Supreme Court.[19] Despite the clear and unambiguous language used in the statute as to when the limitation begins, and when the cause of action arises, the Tribunal has been entertaining applications and appeals on the specious plea of continuous causes of action and/or recurring causes of action.This isinconsistent with the provisions of the Act. In fact, Zonal Bench of the Tribunal at Bhopal, in the case of *Aradhana Bhargav* v. *Ministry of Environment and Forests*,[20] has held that in view of the use of the words "first arose" in Section 14(3) and Section 15(3) of the Act, the concept of 'continuing cause of action' has no application under the Act. However, other Zonal Benches of the Tribunal have taken conflicting views on the issue, contrary to the express provisions of the statute.

In *Windsor Realty (P) Ltd.* v. *Ministry of Environment and Forest*, the Hon'ble Bombay High Court rejected the argument that Section 14 envisioned a continuous cause of action. It held that the cause of action cannot be deemed to have arisen as late as when a certain individual becomes aware of the environmental violation in question.[21] This is in view of the use of the expression "first arose", and therefore, once the cause of action arises, it continues to run. A non-vigilant litigant will therefore be deprived of the right to approach the Tribunal. However, this does not prevent other remedies (if available) from applying under general law.

V. RELIEF, RESTITUTION, AND COMPENSATION

Section 15, by itself, does not provide the procedure for the determination of whether there is any substantial question relating to the environment

[19] Khatri Hotels (P) Ltd. v. Union of India, (2011) 9 SCC 126, ¶24-30; Port of Kandla v. Hargovind Jasraj, (2013) 3 SCC 182, ¶21-24.

[20] Application No. 11/2013 (P.B. 46/2013 THC).

[21] 2016 SCC OnLine Bom 5613, ¶33-36.

as prescribed in Section 2(m). Before compensation/relief/restitution can be awarded under Section 15, it is imperative that there must be an adjudication as to whether there is any environmental degradation. Such adjudication must be done by competent authority *viz.*, either a Tribunal, or a Court, or any such duly empowered body. However, in several cases, the Tribunal, without any adjudication, has entertained applications under Section 15 and awarded compensation. This has resulted in serious miscarriages of justice. Schedule II of the Act provides the heads under which compensation or relief for damage may be claimed for the purposes of Sections 15(4) and Section 17(1) of the Act. However, time and again, orders have been passed for awarding compensation without, in any manner, taking into account the provisions of Schedule II of the Act and without any application being made for compensation. Further, orders have been passed awarding compensation in matters where there has been no prior adjudication of environmental damage/degradation under Section 14 or Section 16, thereby taking it beyond the scope of the jurisdiction of the Tribunal.

It is further absolutely essential that while awarding compensation, the Hon'ble Tribunal must also record the degradation of or damage, if any, caused to the environment, for which the onus is on the Applicant to provide the Tribunal with sufficient and appropriate data. However, in case after case, one finds that the Tribunal embarks on an enquiry not envisaged within the provisions of Section 15, and which enquiry is, *ex-facie*, beyond the scope of an application under the Section 15. Further, the Tribunal seeks to collect data, which again is not normally the function of a judicial or quasi-judicial authority.

Despite the fact that plural remedies are barred under Rule 14 of the National Green Tribunal (Practices and Procedure) Rules, 2011, applications seeking plural remedies have been entertained. Matters have also been admitted without notice to the Respondents, contrary to the Rules framed under the Act.

VI. VIOLATION OF THE PRINCIPLES OF NATURAL JUSTICE

In respect of the Act, the procedure and powers under Section 19 clearly postulate that the principles of natural justice will be the guiding spirit for the Tribunal. However, one repeatedly notices that despite this provision in the statute, adverse orders have been passed (one too many), *inter alia*, directing entities who are not parties before the Tribunal to pay compensation. Such orders are direct violations of the fundamental principles of natural justice. It may be noted that, even in respect of interim applications before the Tribunal, Section 19 of the Act expressly provides that interim orders can be passed only after providing the concerned parties an opportunity to be heard. Thus, if that be the requirement of law, even for an interim application, it must apply with greater force at the stage of final disposal of an application or an appeal.

VII. LOCUS STANDI

Further, in entertaining applications, and by giving a broad interpretation to the expression "person aggrieved", the Tribunal has, in fact, encouraged various persons, who are either busybodies or persons with vested/collateral interests, to approach the Tribunal. Such abuse of the process of law ought to be contained by the Tribunal.

The expression "person aggrieved" needs to be clearly defined by the legislature in the same terms as that used in public interest litigation to prevent *malafide* and blackmail actions. A perusal of some of the applications before the Tribunal clearly reveals that the language and format of the applications is the same and that they all come from the same stable. Further, it is also apparent that applicants who do not understand English, masquerading as environmentalists, affirm applications in English without any understanding of its contents. The Tribunal entertains such applications, and thereby encourages *malafide* and dishonest litigants who are supported by hidden hands having an ulterior motive, to approach the Tribunal. This is not the object and the purpose for which the Act has been enacted. The dockets of the Tribunal are replete with examples of applicants who stay miles away from a particular project, but challenge environmental clearances issued to projects several years after the construction has begun. This is after several buildings (including hospitals and courts) have already been constructed, and numerous persons have taken possession of their respective premises. There are applicants who file applications against one company or entity, and challenge every project, wherever it may be situated. This clearly belies any intention to protect or be concerned with the environment, and amounts to gross abuse of the process of law. Mature thinking with the objective of taking the purpose of the Act forward needs to be combined with self-imposed restraint by the Tribunal so as to ensure compliance with the provisions of the Act. This will facilitate the implementation of the Act in its true spirit, and achieve the objective of protecting the environment.

One of the methods used to achieve the objective of curtailing *malafide* or motivated litigation is to emulate the Bombay High Court. The High Court, on realizing that the public interest litigations ('PILs') were being misused for blackmail, provided for detailed rules to be followed while entertaining PILs.[22] The said rules provide for disclosures/undertakings to ensure that there is no misuse of the instrument of public interest litigation. In the same manner, the Legislature or the Tribunal, with the object of preventing such *malafide* and motivated action, may frame appropriate rules/norms on the lines of those prescribed for a PIL, in respect of applications/appeals to the Tribunal. This would make the forum more effective, and achieve the underlying object of protection of the environment. It is

[22] The Bombay High Court Public Interest Litigation Rules, 2010, http://bombayhighcourt.nic.in/libweb/rules/R2010.01.html.

the foremost obligation of the Tribunal to ensure that the stream of justice is not polluted at the hands of those who approach Courts/Tribunals in a *malafide* manner and with unclean hands or ulterior motives.

The Act is a statute which has been enacted for the noble purpose of protecting the environment. However, the Tribunal, in view of its over-enthusiasm and/or exuberance to protect the environment, has caused harm to the environment in many matters. For example, take the case of alleged pollution caused by an industry in a river, which was brought before the Tribunal. The governmental authorities brought to the Tribunal's attention that there were several entities (including the association of industries) which were necessary parties, and thus, notice ought to be issued to them. However, the Tribunal arrived at a *prima facie* conclusion that there were no allegations against such entities, and therefore, there was no requirement to implead those entities. However, at the stage of passing final orders, the Tribunal passed a huge amount of compensation against such non-parties, in complete violation of the statutory provisions of the Act and the fundamental principles of natural justice. As a consequence, in the event of the order being set aside either in review or in appeal, and the applicants having been made aware of such entities being necessary parties, a fresh application would be barred by law. This is because the cause of action has already arisen, thus causing continuing harm to the environment. Thus, such an approach is in derogation of the objects of the Act.

VIII. JUDICIAL REVIEW

An important issue that requires analysis is in relation to whether the jurisdiction of the High Courts under Article 226 of the Constitution against orders of the Tribunal would be barred in view of an appeal being provided to the Supreme Court under Section 22 of the Act. In *L. Chandra Kumar* v. *Union of India.*,[23] ('*L. Chandra Kumar*') the Supreme Court held that the power of the High Courts to exercise judicial superintendence over the decisions of all Courts and Tribunals within their respective jurisdictions is part of the basic structure of the Constitution of India and that such power of superintendence cannot be taken away by any legislation. The said judgment was rendered in the case of Administrative Tribunals constituted under Articles 323A of the Constitution of India, unlike in the present case, where the Tribunal is a statutory Tribunal. Thus, the High Courts under Articles 226 and 227 of the Constitution of India have jurisdiction to entertain petitions against orders of the Tribunal. This is especially when such orders have been passed in violation of principles natural justice, are without jurisdiction, or if the order suffers from perversity. The position of law in *L. Chandra Kumar* has neither been overruled, nor whittled down so far, as by any larger Bench of the Hon'ble Supreme Court, but in fact has been

[23] (1997) 3 SCC 261.

reiterated time and again, including in a recent judgment of the Bombay High Court.[24]

IX. APPEAL

Section 22 of the Act provides for an appeal to the Supreme Court from orders passed by the Tribunal. Thus, the Supreme Court is the first appellate and the final authority to adjudicate the issues before the Tribunal. Many bodies and litigants may not have the reach and capability, financially, and even otherwise, to approach the Supreme Court in an appeal under Section 22. This makes the provision of appeal, in fact, virtually redundant in many cases. Thus, a provision of appeal directly to the Supreme Court renders the said provision ineffective, thereby depriving litigants of their fundamental right to access justice, in violation of Article 21 of the Constitution of India. However, as elucidated by the Supreme Court in *R.K. Jain* v. *Union of India*,[25] appeals from orders of all Tribunals ought to go to the High Court so that all facts and law can be considered appropriately in the statutory appeal. Pursuant to the same, a provision for an appeal to the Supreme Court (only in respect of questions of law) ought to be provided for. This is ideally the purpose for which the Supreme Court has been established under our Constitution. It would thus be apposite to provide for an appeal from orders of the Tribunal before the respective High Courts and also provide for circumstances in which an appeal can be filed before the High Court. This will afford an effective forum for appeal to those parties/entities which may be aggrieved by any order passed by the Tribunal. The legislature ought to consider this and amend the statute to ensure that every litigant has an opportunity, at least once, to have his grievances redressed in a forum which is approachable for him, both in terms of finance, as well as in terms of geography.

X. CONCLUSION

These are just some of the issues that require revisiting by the Legislature in relation to the provisions of the said Act.These issues also merit a rethinking and reflection by the Tribunal itself, on the exercise of its powers in consonance with the provisions of the said Act, in order to achieve the laudable objectives of the Act.

Environmental degradation poses an existential threat to mankind. There is no dispute that the Act and the Tribunal are the need of the hour for effective adjudication of environmental issues. However, an analysis of the working of the Tribunal reveals that much time is spent on issues relating to construction activities, which cause little harm, if any, to the environment, when compared to polluting industries and other activities. A relook at the provisions of

[24] Windsor Realty (P) Ltd. v. Ministry of Environment and Forest, 2016 SCC OnLine Bom 5613.
[25] (1993) 4 SCC 119, ¶76.

the Act and its implementation may be necessary to ensure that genuine, and not peripheral, environmental issues are addressed. The Tribunal, while adjudicating the cases before it, must ensure that the principle of Sustainable Development is duly implemented in letter and spirit. The Act vests in the Tribunal a great responsibility to ensure that we leave behind a safe and healthy environment for our future generations. To fulfill this responsibility, the Tribunal must — i) harmonize environment and development through the principle of Sustainable Development; ii) prevent abuse of the process of law; and iii) interpret and apply the provisions of the Act to ensure that justice is done to the environment, without any injustice being done to others.

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