The National Green Tribunal (NGT) has refused to extend the deadline for setting up of sewage treatment plants (STP) beyond September 2020 for the protection of the Bellandur, Varthur and Agara lakes.

Remarks made by the tribunal

- A Bench headed by NGT chief Justice Adarsh Kumar Goel said, ``If the work remains incomplete even till September 30, a compensation at the rate of ? 10 lakh per sewage treatment plant per month will be liable to be paid... to be recovered from the erring officers, apart from adverse entries in their service records and other adverse action.``

- The green panel further observed that the fact that approximately 256 million litres of untreated sewage was entering Bellandur lake on a daily basis was a ‘criminal offence’, which needs to be tackled on a war footing.

- While observing that the lake, which is said to be 130 year old, is a habitat to several species of birds and aquatic life, the Bench said, ``This [pollution] has also affected groundwater recharge. Waste dumping has resulted in foul stench around the lake. Major cause for foam formation is considered to be the discharge of untreated sewage through open drains.

- Noting that authorities have failed to take appropriate action, the Bench said, ``Desilting of the lake has not been done from time to time nor have steps been taken to stop the flow of untreated sewage into the water bodies. There is also failure to prevent dumping of municipal solid waste.``

Directives given by the court

- The Tribunal further directed the Bangalore Water Supply and Sewage Board (BWSSB) to ensure that no effluent is discharged into the lakes till the STPs are installed and specified that a compensation of ? 5 lakh per month per inlet into the lakes will be levied in case of noncompliance.
Sources of discharge be controlled or regulated and electricity and water supplies to the defaulting establishments be stopped for enforcement of law till remedial steps are taken for compliance. Encroachment which are still continuing be removed by using force wherever necessary, the Bench said.

Additionally, the Karnataka State pollution control board was directed to develop a robust water quality monitoring programme to keep a check on the water quality of drains leading to the lakes.

What is National Green Tribunal (NGT)?

- It is a specialised body set up under the National Green Tribunal Act (2010) for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources.

- With the establishment of the NGT, India became the third country in the world to set up a specialised environmental tribunal, only after Australia and New Zealand, and the first developing country to do so.

- NGT is mandated to make disposal of applications or appeals finally within 6 months of filing of the same.

- The NGT has five places of sittings, New Delhi is the Principal place of sitting and Bhopal, Pune, Kolkata and Chennai are the other four.

Structure of NGT

- The Tribunal comprises of the Chairperson, the Judicial Members and Expert Members. They shall hold office for term of five years and are not eligible for reappointment.
The Chairperson is appointed by the Central Government in consultation with Chief Justice of India (CJI).

A Selection Committee shall be formed by central government to appoint the Judicial Members and Expert Members.

There are to be least 10 and maximum 20 full time Judicial members and Expert Members in the tribunal.

Powers & Jurisdiction

The Tribunal has jurisdiction over all civil cases involving substantial question relating to environment (including enforcement of any legal right relating to environment).

Being a statutory adjudicatory body like Courts, apart from original jurisdiction side on filing of an application, NGT also has appellate jurisdiction to hear appeal as a Court (Tribunal).

The Tribunal is not bound by the procedure laid down under the Code of Civil Procedure 1908, but shall be guided by principles of 'natural justice'.

While passing any order/decision/award, it shall apply the principles of sustainable development, the precautionary principle and the polluter pays principle.

NGT by an order, can provide

- relief and compensation to the victims of pollution and other environmental damage (including accident occurring while handling any hazardous substance),
- for restitution of property damaged, and
- for restitution of the environment for such area or areas, as the Tribunal may think fit.
An order/decision/award of Tribunal is executable as a decree of a civil court.

The NGT Act also provides a procedure for a penalty for non compliance:
- Imprisonment for a term which may extend to three years,
- Fine which may extend to ten crore rupees, and
- Both fine and imprisonment.

An appeal against order/decision/award of the NGT lies to the Supreme Court, generally within ninety days from the date of communication.

The NGT deals with civil cases under the seven laws related to the environment, these include:
- The Water (Prevention and Control of Pollution) Act, 1974,
- The Water (Prevention and Control of Pollution) Cess Act, 1977,
- The Forest (Conservation) Act, 1980,
- The Air (Prevention and Control of Pollution) Act, 1981,
- The Environment (Protection) Act, 1986,
- The Public Liability Insurance Act, 1991 and
- The Biological Diversity Act, 2002.

Any violation pertaining to these laws or any decision taken by the Government under these laws can be challenged before the NGT.