

Right to Clean Environment and Legal Responsibilities towards Environment Change

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Abstract

Environment is the universe of biotic and other physical elements as organized in to dynamic systems. Environment 'includes water, air, and land and the interrelationship which exists among and between water, air and land and human beings, other living creatures, plants, microorganism and property. Every human has a right to live in a clean and healthy environment. This is a general right which is inalienable. Clean and healthy environment is essential for the existence of human beings and other species. It is a must for conservation, access and sustainable use of environmental resources, services and goods. The fundamental right to live in a clean environment is also useful in securing a pollution-free environment for people in urban and suburban areas. It is required for preventing and controlling destruction of resources, such as trees, plants, wildlife, water and wetlands as well as keeping them healthy. Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Indian courts have recognized this right and Constitution also protects this right. India's apex court, the Supreme Court, has been playing an important role as a steward of environmental protection. In a recent order, it required the central government to set up a national environment regulator with offices in every state by March 31, 2014, entrusted with appraising and approving projects for environmental clearances. Nevertheless, the role of the judiciary is pivotal to environmental protection. The clean environment can be more effective by the means of environmental awareness programme, environmental education from primary level etc. The Supreme Court has also mandated that environmental education must be imparted at all levels, including higher education in the formal system, however there is need for further strengthening the existing programmes and making them more inclusive and participatory.

Introduction

The uncontrolled explosion of human population and industrial growth causes serious problem to the environmental concerned and pollution management. At the end of 2011, India's population reached 1.21 billion and its economy is growing at 8.5%, the fastest after China¹. In India, proper attention has not been paid in the field of environmental protection and improvement in present now days. Historically speaking various legislation has been enacted to conserved environment and its improvement but due to ineffective action mode of such laws and lack of awareness to the people is the main problem to environmental protection. To fulfill the basic need of the uncontrolled population, India has established huge industry national wide and produce enormous amounts of untreated toxic wastes without any civic conscious problems and only thinks about profit without the impact upon the environment and their future of life. In order to manage the problem of the environment it is important that we develop strong strategies or conduct of behavior for modifying human behavior towards environmental practices and control from environmentally damaging ones.

Generally speaking, Environment includes the external conditions, physical resources and sounding situation of a particular location. The Preamble of the United Nations Declaration on Human Environment,² states,

“Man is both creature and moulder of his environment, which gives him physical substance and affords him the opportunity for intellectual, moral, social and spiritual growth”.

The Indian Courts has laid down new principles to protect the environment and perform the role of interpretation and adjudication³ of environmental laws, by

¹ Govindasamy A., India's Pollution Nightmare: Can It Be Tackled?, *Environ. Sci. Technol.*, **46**, 1305–1306 (2012)

² Adopted in Stockholm in June 1972.

continues creating new institutions and legislation for the promotion of the environment. The Indian judiciary is set 'green tribunal' ('LCI') recommending in its 186th Report of Law Commission, to strengthen and revitalise the Environmental Courts.⁴ Since the 1980s, the Supreme Court of India has been actively engaged, has been engaged in interpreting and introducing new issues in the environmental jurisprudence and play an active role in the protection of environment in terms of 'right to healthy environment' as a fundamental human right under Article 21 of the Constitution for the progressive enrichment of the environmental jurisprudence with principles like sustainable development, polluter pays, public trust doctrine, precautionary principle and intergenerational equity. In the constitution of India it is stated that it is the duty of the state to 'protect and improve the environment and to safeguard the forests and wildlife of the country'⁵. This extension of constitutional umbrella over environmental issues through dynamic judicial activism has augured well for environmental governance in India. In this article emphasis upon the strong legislative enactment and action mode for the preventing the environment under the guidelines of Indian Constitution and as the Government of India has established an environmental legal and institutional system to meet these challenges within the overall framework of India's development agenda and international principles and norms. And highlights the role of new court system in adjudicating in an environment issues without dominating political interests and advocates for the establishment of specialist divisions within the existing Indian High Courts.

³ Speaking constitutionally, the role of the Supreme Court as proclaimed under Article 141 of the constitution of India is to 'declare' the law that shall be binding on all courts in India. As such, it does not envisage interaction, much less a direct dialogue, with the executive government of the day.

⁴ Law Commission of India, '186th Report on Proposal to Constitute Environment Courts', September 2003, available at <http://lawcommissionofindia.nic.in/reports/186th%20report.pdf> and Dewan Vohra, 'Special 'Green' Courts Set up to Rule over Environmental Disputes', *Financial Express*, 2 June 2007.

⁵ Milind K. and Gurusurthy R., The Causes and Consequences of Particulate Air Pollution in Urban India: A Synthesis of the Science, *Annual Review of Energy and the Environment*, **25**, 629–684 (2000)

Environment Issues and Indian Constitution:

The State's responsibility for environmental protection has been laid down under Article 48-A of Indian Constitution, as follows: "The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country". And environmental protection is a fundamental duty of every citizen of this country under Article 51-A (g) of Indian Constitution as follows: "It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures."

Global concern for the environment problems can be traced in conference on Development and Environment i.e. Stockholm declaration in June 1972 by UNO and in Rio in 1992, Indian Government has introduced 42nd Constitutional Amendment Act, 1976 and changed Article 48-A⁶ and Article 51 A (g)⁷. Simultaneously, the Supreme Court of India introduced 'creative interpretation' of the Indian Constitution after historical judgment in *A.D.M. Jabalpur v Shivakant Shukla*⁸ where defending the basic civil liberties of the citizens against executive excesses.⁹ Starting from early 1980s, the Court has developed a body of 'green constitutional law' to safeguard the citizens' health from the deleterious effects of environmental degradation.¹⁰ In *M.C. Mehta v Union of India*¹¹ (Oleum Gas Leakage case), the Supreme Court propounded the standard of 'absolute liability' for payment of compensation to those affected by the accident in case of industries engaged in hazardous or inherently dangerous activities as opposed to the prevalent

⁶ Article 48-A: Protection and improvement of environment and safeguarding of forests and wild life- The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

⁷ Article 51A(g): Fundamental Duties- It shall be the duty of every citizen of India- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.

⁸ Supreme Court of India, Judgement of 28 April 1976, (1976) 2 SCC 521.

⁹ S.P. Sathe, 'Judicial Activism: The Indian Experience', 6 *Wash. U. J.L. & Pol'y* 29, 40 (2001).

¹⁰ Raghav Sharma: "GREEN COURTS IN INDIA: STRENGTHENING ENVIRONMENTAL GOVERNANCE?"

¹¹ Supreme Court of India, Judgement of 20 December 1986, (1987) 1 SCC 395.

notion of ‘strict liability’ under the *Rylands v. Fletcher*¹² standard. The Court has adopted an expanded view of ‘life’ under Article 21 and enriched it to include environmental rights by reading it along with Articles 47¹³, 48-A and 51A(g) and declaring:

*Article 21 protects right to life as a fundamental right. Enjoyment of life and its attainment including their right to life with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from pollution of air and water, sanitation without which life cannot be enjoyed. Any contra acts or actions would cause environmental, ecological, air, water, pollution, etc. should be regarded as amounting to violation of Article 21.*¹⁴

After 1990s the Indian Supreme court attention upon the issues of environment must and shall receive the highest attention from this court’.¹⁵ Under article 21 of constitution, guarantees a right to healthy environment,¹⁶ right to clean air,¹⁷ right

¹² Court of Exchequer Chamber, Judgement of 14 May 1866, (1865-66) L.R. 1 Ex. 26.

¹³ Article 47 reads as: Duty of the State to raise the level of nutrition and the standard of living and to improve public health- The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

¹⁴ *Virender Gaur & Ors. v State of Haryana & Ors.*, Supreme Court of India, Judgement of 24 November 1994, (1995) 2 SCC 577 [hereafter *Virender Gaur’s* case].

¹⁵ *Tarun Bharat Sangh, Alwar v Union of India*, Supreme Court of India, Judgement of 11 October 1991, 1992 Supp (2) SCC 448.

¹⁶ *Subhash Kumar v State of Bihar*, Supreme Court of India, Judgement of 9 January 1991, (1991) 1 SCC 598, 604 [hereafter *Subhash Kumar’s* case]; *M.C. Mehta v Union of India*, Supreme Court of India, Judgement of 15 May 1992, (1992) 3 SCC 256, 257 and *Virender Gaur’s* case, note 12 above.

¹⁷ *M.C. Mehta v Union of India*, Supreme Court of India, Judgement of 12 May 1998, (1998) 6 SCC 60 & judgement of 18 November 1998, (1998) 9 SCC 589, *M.C.Mehta v Union of India*, Supreme Court of India, Judgement of 16 April 1999, (1999) 6 SCC 9 [matter regarding diesel emissions] and *Murli S. Deora v Union of India*, Supreme Court of India, Judgement of 2 November 2001, (2001) 8 SCC 765.

to clean water,¹⁸ enjoins the State and its agencies to strictly enforce environmental laws¹⁹ while disclosing information in respect of decisions which affect health, life and livelihood²⁰ and disallows inadequacy of funds and resources as a pretext for the evasion of obligations by the State²¹ under the concept of Green Constitution and environmental principles like polluter pays,²² precautionary principle,²³ sustainable development,²⁴ public trust doctrine²⁵ and intergenerational equity²⁶ have become trade mark in Indian law. In *Vellore Citizens' Welfare Forum v Union of India & Ors.*,²⁷ the Court applied the 'precautionary principle' on the principle of burden of proof in environmental cases against those who want to change the status quo' viz. polluter or the industrialist. In the process, the apex Court has gone beyond the statutory texts to refer extensively to international conventions and obligations of India²⁸ and even to the historical environmental values reflected in the edicts of Emperor Ashoka²⁹ and verses of *Atharva Veda*.^{30,31}

¹⁸ *A.P. Pollution Control Board II* case, note 2 above, at 82, *Mrs. Susetha v State of T.N. & Ors.*, Supreme Court of India, Judgement of 8 August 2006, (2006) 6 SCC 543, *Narmada Bachao Andolan v Union of India*, Supreme Court of India, Judgement of 18 October 2000, (2000) 10 SCC 664 [hereafter *Narmada Bachao Andolan* case] .

¹⁹ *Indian Council for Enviro Legal Action v Union of India*, Supreme Court of India, Judgement of 18 April 1996, (1996) 5 SCC 281 [The Court took upon itself the duty to intervene in all such cases] and *N. D. Jayal v Union of India*, Supreme Court of India, Judgement of 1 September 2003, (2004) 9 SCC 362 [hereafter *N. D. Jayal's* case].

²⁰ *Essar Oil Ltd. v Halar Utkarsh Samiti & Ors.*, Supreme Court of India, Judgement of 19 January 2004, (2004) 2 SCC 392.

²¹ *Almitre H. Patel v Union of India*, Supreme Court of India, Judgement of 16 January 1998, (1998) 2 SCC 416 and *B.L. Wadhwa v Union of India*, Supreme Court of India, Judgement of 1 March 1996, (1996) 2 SCC 594.

²² *M.C. Mehta v Kamal Nath*, Supreme Court of India, Judgement of 12 May 2000, (2000) 6 SCC 213.

²³ *Vellore Citizens' Welfare Forum v Union of India*, Supreme Court of India, Judgement of 28 August 1996, (1996) 5 SCC 647.

²⁴ *Narmada Bachao Andolan* case, note 16 above, *Goa Foundation v Diksha Holdings Pvt. Ltd.*, Supreme Court of India, Judgement of 10 November 2000, (2001) 2 SCC 97 and *N. D. Jayal's* case, note 17 above.

²⁵ *K.M. Chinnappa & T.N. Godavarman Thirumulpad v Union of India*, Supreme Court of India, Judgement of 30 October 2002, AIR 2003 SC 724 and *Intellectuals Forum, Tirupathi State of A.P. and Ors.*, Supreme Court of India, Judgement of 23 February 2006, (2006) 3 SCC 549.

²⁶ *State of Himachal Pradesh v Ganesh Wood Products*, Supreme Court of India, Judgement of 11 September 1995, (1995) 6 SCC 363.

²⁷ Supreme Court of India, Judgement of 28 August 1996, (1996) 5 SCC 647 and *A.P. Pollution Control Board II* case,

²⁸ *K.M. Chinnappa & T.N. Godavarman Thirumulpad v Union of India*, Supreme Court of India, Judgement of 30 October 2002, AIR 2003 SC 724.

²⁹ *State of Bihar v Murad Ali Khan*, Supreme Court of India, Judgement of 10 October 1998, (1988) 4 SCC 655.

³⁰ *Rural Litigation & Entitlement Kendra v State of UP*, Supreme Court of India, Judgement of 30 August 1988, 1989 Supp (1) SCC 504.

Virender Gaur's case, the Supreme Court create responsibility on state to frame out the policy to maintain ecological balance and hygienic environment³² and as a activist attitude supervise environmental issues viz. banning aquaculture industries in coastal areas to prevent drinking water from becoming saline,³³ issuing directions for improving quality of air in the National Capital Territory of Delhi³⁴ and protecting Taj Mahal,³⁵ prohibiting cigarette smoking in public places,³⁶ addressing issues of solid waste management³⁷, proscribing construction activities in the vicinity of lakes³⁸ and directing the lower courts to deal strictly with environmental offences.³⁹

Under the provision of sustainable development 'right to development' and the 'right to environment'⁴⁰ has been considered and create a balance between them. In this regard the SC resolve the controversy and adopt a balanced approach is apparent in *N.D. Jayal v Union of India*,⁴¹ a case involving construction of a large dam at Tehri in Himalayan foothills, and refused to interfere symbiotic relation between both these rights in the following words:

Right to environment is a fundamental right. On the other hand, right to development is also one. Here the right to

³¹ Raghav Sharma: "GREEN COURTS IN INDIA: STRENGTHENING ENVIRONMENTAL GOVERNANCE?"

³² *Virender Gaur's* case, note 12 above.

³³ *S. Jagannath v Union of India*, Supreme Court of India, Judgement of 11 December 1996, (1997) 2 SCC 87.

³⁴ *M.C. Mehta v Union of India*, Supreme Court of India, Judgement of 14 February 1996, (1998) 8 SCC 648 [Introduction of lead free petrol] and *M.C. Mehta v Union of India*, Supreme Court of India, Judgement of 12 September 1998, (1998) 8 SCC 206 [Phasing out commercial vehicles older than 15 years].

³⁵ *M.C. Mehta v Union of India*, Supreme Court of India, Judgement of 10 May 1996, (1996) 8 SCC 462 [Taj Trapezium Case].

³⁶ *Murli S. Deora v Union of India*, Supreme Court of India, Judgement of 2 November 2001, (2001) 8 SCC 765.

³⁷ *Almitre H. Patel v Union of India* and *B.L. Wadhwa v Union of India*

³⁸ *M.C. Mehta v Union of India*, Supreme Court of India, Judgement of 11 October 1998, (1997) 3 SCC 715 [matter relating to Badkal and Surajkund Lakes].

³⁹ *U.P. Pollution Board v Mohan Meakins Ltd.*, Supreme Court of India, Judgement of 27 March 2000, (2000) 3 SCC 745.

⁴⁰ *Narmada Bachao Andolan* case, note 16 above, *Goa Foundation v Diksha Holdings Pvt. Ltd.*, Supreme Court of India, Judgement of 10 November 2000, (2001) 2 SCC 97 [The case dealt with construction of a hotel in Goa for a sea-beach resort] and *M.C. Mehta v Union of India*, Supreme Court of India, Judgement of 5 April 2002, (2002) 4 SCC 356.

⁴¹ Supreme Court of India, Judgement of 1 September 2003, (2004) 9 SCC 362.

'sustainable development' cannot be singled out. Therefore, the concept of 'sustainable development' is to be treated as an integral part of 'life' under Article 21. Weighty concepts like intergenerational equity, public trust doctrine and precautionary principle, which we declared as inseparable ingredients of our environmental jurisprudence, could only be nurtured by ensuring sustainable development.

To promote the sustainable development, October 19, 2010, India has launched a green court to fix the damages on behalf the polluters. This the first body of its kind in india to apply principle of sustainable development. Anybody can approach the tribunal to claim civil damages arising out of inadequate implementation of environmental laws. Instead of an adversarial setting, the PIL cases are characterised by a collaborative problem-solving approach. Acting either at the instance of petitioners or on their own, the Supreme Court has invoked Article 32 of the Constitution to grant interim remedies such as stay orders and injunctions to restrain harmful activities in many cases. Reliance has also been placed on the power to do complete justice under Article 142 to issue detailed guidelines to executive agencies and private parties for ensuring the implementation of the various environmental statutes⁴ and judicial directions. Beginning with the *Ratlam Municipality case (1980)*⁴² where the Supreme Court directed a local body to make proper drainage provisions there have been numerous cases where such positive directions have been given.⁴³⁴⁴

⁴² *Municipal Council Ratlam v. Vardichan*, (1980) 4 SCC 162.

⁴³ Harish Salve, 'Justice between generations: Environment and Social Justice', Chapter 18 in B.N. Kirpal et. al.(eds.), *Supreme but not infallible- Essays in Honour of the Supreme Court of India* (New Delhi: Oxford University Press, 2002) at pp. 360-380

⁴⁴ Hon'ble Mr. K.G. Balakrishnan, Chief Justice of India: D.P. Shrivastava Memorial Lecture - 'The role of the judiciary in environmental protection', High Court of Chattisgarh, Bilaspur – March 20, 2010.

Indian Legal Framework:

India has an elaborate legal framework with over two hundred laws relating to environmental protection. The national laws for the prevention and control of environment and pollution issues are as following:

Water (Prevention and Control of Pollution) Act, 1974: Act control and provide guidelines of the discharge of pollutants into water bodies at a given standard, and lays down penalties for non-compliance. The act was amended in 1988 to conform closely to the provisions of the EPA, 1986. It set up the CPCB (Central Pollution Control Board) which lays down standards for the prevention and control of water pollution and function under the direction of the CPCB and the state government.

Water (Prevention and Control of Pollution) Cess Act, 1977: It provides for a levy and collection of a cses on water consumed by industries and local authorities. It aims at augmenting the resources of the central and state boards for prevention and control of water pollution.

Air (Prevention and Control of Pollution) Act, 1981: to maintain air quality standards, abatement of air pollution and prohibits the use of polluting fuels and substances damage to the air pollution. The central and state governments empower to constitute air pollution boards to meet grave emergencies. The boards were authorized to take immediate measures to tackle such emergencies and recover the expenses incurred from the offenders.

The Air (Prevention and Control of Pollution) Rules, 1982: Defines the procedures for conducting meetings of the boards, the powers of the presiding officers, decision-making, the quorum; manner in which the records of the meeting were to be set etc.

The Wildlife (Protection) Act, 1972: The Act provides for protection of listed species of flora and fauna and establishes a network of ecologically important protected

areas. The WPA empowers the central and state governments to declare any area a wildlife sanctuary, national park or closed area.

The Forest (Conservation) Act, 1980: it restricts the powers of the state in respect of de-reservation of forests and use of forestland for non-forest purposes.

Environment (Protection) Act, 1986: the Act is providing for the protection and improvement of environment and for matters connected therewith. It provide a framework for the co-ordination of central and state authorities established under the water (prevention and control) act, 1974 and air (prevention and control) act, 1981 and the central government is empowered to take measures necessary to protect and improve the quality of the environment by setting standards for emissions and discharges; regulating the location of industries; management of hazardous wastes, and protection of public health and welfare.

The National Environment Appellate Authority Act, 1997: it established a national environment appellate authority to hear appeals with respect to restriction of areas in which any industry operation or process or class of industries, operations or processes could not carry out or would be allowed to carry out subject to certain safeguards under the environment (Protection) Act, 1986.

Factories Act, 1948 and Amendment in 1987: The Act contains a comprehensive list of 29 categories of industries involving hazardous processes, which are defined as a process or activity where unless special care is taken, raw materials used therein or the intermediate or the finished products, by-products, wastes or effluents would:

- i. Cause material impairment to health of the persons engaged.
- ii. Result in the pollution of the general environment.

Public Liability Insurance Act (PLIA), 1991⁴⁵: the central government was authorized to establish the environmental relief fund, for making relief payments.

⁴⁵ Amended in 1992.

National Environment Tribunal Act, 1995: The act provides strict liability for damages arising out of any accident occurring while handling any hazardous substance and for the establishment of a national environment tribunal for effective and expeditious disposal of cases arising from such accident and provides relief and compensation for damages to persons, property and the environment and for the matters connected therewith or incidental thereto.

The Hazardous Waste (Management and Handling) Rules, 1989: Act look after the storage, treatment and disposal of hazardous waste in order to control the indiscriminating dumping of such waste.

The Environment Clearance of Project Notification, 1994: it imposes restriction on expansion and modernization of new activity or new project which may causes danger to the environment.

The Manufacturing, Storage and Import of Hazardous Chemical, Rules, 1989: to control the import hazardous chemicals, which are not permitted to import under the rule.

The Chemical Accidents (Emerging Planning, Preparedness and Response) Rules, 1996: to set the rules of accident prevention and preparedness notified under the EPA.

Disaster Management Act, 2005: it provide the mechanism at national, state and district level to plan, prepare and ensure a response to both natural and non natural calamities or disaster.

Indian Easement Act, 1882: it recognizes the right of a riparian owner to unpolluted waters.

Conclusion and Recommendations:

In the quest for rapid industrial development over the years, the environmental quality has become to be subordinate to development goods. We are now leading towards irreversible environmental damages, due to the widespread land degradation, water pollution, air pollution, mushrooming growth of slums and

population explosion.⁴⁶ The continued degradation of environment is the result of the modern living technological advancement, industrialization and urbanization. Contemporary scientific and technological revolution has significantly transformed the relationship between the man and nature. It has been rightly said that man is nature`s best promise and worst enemy.⁴⁷ Legal activism has worked towards addressing environmental problems. But apart from a few important exceptions, the Indian legal system has largely acted more effectively on mitigation of pollution damage rather than towards preventing future damage.

To prevent the environment it is mandatory to overcome legal limitations by the way of self-monitoring information as evidence in court or other proceedings, establishing comprehensive standard compliance monitoring and enforcement policies and procedures, and develop and deliver related training programs, increase the emphasis on compliance monitoring and enforcement and prioritize inspection efforts based on environmental risk, and establishing a public information disclosure program and creating performance management systems and nationwide performance to overcome environmental issues and regulations. This can be achieve by the ‘Environment Courts’ should be established and constituted by the Union Government in each State with quick and speedy justice objects. Some recommendations are as follows:

1. There is a need to have a comprehensive and an integrated law for environmental protection.
2. It is duty of the state to create positive attitude in society is essential for effective and efficient enforcement of these legislations.
3. Adequate implement of eco-programme and ensure the liability of NGO`s and other institutional organizations.

⁴⁶ Dr. Khan, I.A. : Environmental Law, Central Law Agency, Allahabad, 2002.

⁴⁷ Krishna Iyer V.R.: “Environmental Pollution and the Law ”1994, p. 93.

4. In order to enforce the environmental laws a positive role of judiciary has been significant and laudable. The jurisdiction of the Courts has been expanded by way of Public Interest Litigation.
5. The Public Liability Insurance Act, 1991 is a welcome step in the right direction for the compensation. At time of fixation of insurance, it also covers and enables the enterprise to meet its liability.
6. The powers vested to the Pollution Control Boards are not enough to prevent pollution. It is imperatively necessary to give more powers to the Boards.
7. For the protection of environment there should be a uniformity of standards throughout the country.
8. There is need of social awareness, interaction in order to educate people about the environmental issues, in the regional languages at cinema houses and television free of cost. Further, as directed by the Supreme Court of India⁴⁸, Environment studies shall be made a compulsory subject at school and college levels so that there should be general awareness should be increased.
9. The presence of a specialist court will also increase awareness of environmental issues, and establish a two-tier structure, a National Environment Tribunal (NET) at the Centre and Regional Environment Tribunals (RET) for groups of states. The NET will have a chairperson and nine members. Besides the chairperson and one member, who are judicial members, eight experts from the fields of physics, chemistry, botany, zoology, engineering, environmental economics and social sciences (either sociology or cultural anthropology) and forestry would form the NET.⁴⁹

⁴⁸ M.C. Mehta v. Union of India, AIR 1992 SC 382.

⁴⁹ Raghav Sharma: "Green Courts in India: Strengthening Environmental Governance?".

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