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# **SUO MOTO JURISDICTION OF NGT: CASE ANALYSIS OF THE MUNICIPAL CORPORATION OF GREATER NOIDA V ANKITA SINHA**

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## **ABSTRACT:**

On October 7, 2021, the Hon'ble Supreme Court of India stated that the National Green Tribunal has Suo Motu powers to take cognizance based on letters representations, and media reports that abandoned the Hon'ble justice. A.M. Khanwilkar, Rishikesh Roy, and C.T. Ravi Kumar issued the decision on a batch of petitions that posed the question of whether the NGT has Suo Motu jurisdiction. The court determined that the NGT must be viewed as a generous institution because the National Green Tribunal Act of 2010 grants the tribunal broad powers beyond those of a basic adjudicatory body.

The court also stated that the environmental impact of climate change is becoming more visible in recent years, and that the entity must be allowed the authority to use Suo Moto power in order to mitigate negative environmental implications for future generations.

Suo moto cognizance refers to the court's authority to hear cases on its own. Articles 32 and 226 of the Indian Constitution empower the Supreme Court and High Court to hear cases on their own. Suo moto is a Latin phrase that refers to actions conducted by government entities.

The National Green Tribunal was established on October 18, 2010 under the National Green Tribunal Act 2010 for the effective and expeditious resolution of cases relating to environmental protection and the conservation of forests and other natural resources, including the enforcement of any legal right relating to the environment and the provision of relief and compensation for damages to persons and property, as well as matters connected with or incidental thereto. It is a specialised body with the required expertise to address multi-disciplinary environmental disputes.

## INTRODUCTION TO THE CASE:

In Municipal Corporation of Greater Mumbai v Ankita Sinha & Others, a three-judge bench of the Supreme Court of India held that the National Green Tribunal (NGT) has the power to take suo motu cognizance of environmental issues, despite the fact that the National Green Tribunal Act, 2010 (NGT Act) does not expressly grant the NGT that power. The decision was made in a series of related cases involving the same issue: whether the NGT has the authority to exercise suo motu jurisdiction in carrying out its functions under the NGT Act.

But before we get into the case of Municipal Corporation of Greater Noida V Ankita Sinha, we need to understand what National Green Tribunal really is,

## NATIONAL GREEN TRIBUNAL OF INDIA:

The **National Green Tribunal** was established on **October 18, 2010**, in accordance with the National Green Tribunal Act 2010, to efficiently and effectively handle cases involving environmental protection, the conservation of forests, and other natural resources. This includes the enforcement of any environmental legal rights and the provision of relief and compensation for environmental damages to people and property, as well as matters that are related to or incidental to these cases. It is an expert body with the knowledge needed to handle environmental disputes involving many disciplinary issues. Even the gaming industry is doing its part to protect the environment by creating new online casino software and games that can be played without players having to travel to the closest physical casino. Find out what we're talking about right now by [clicking here](#).

The Tribunal's dedicated jurisdiction in environmental disputes will expedite environmental justice while reducing the burden of litigation in higher courts. The Tribunal is required to make and attempt to resolve applications or appeals within six months after their submission. To begin, the NGT is suggested to be put up at five locations for sittings and will use a circuit approach to make itself more accessible. The Tribunal's principal venue of sitting is New Delhi, and the other four places of sitting are Bhopal, Pune, Kolkata, and Chennai.

The NGT has been delegated a wide range of environmental jurisdictions, including:

- Civil Jurisdiction: The NGT has the authority to hear and decide civil cases involving environmental issues like as air and water pollution, solid waste management, forest

conservation, and biodiversity.

- **Criminal Jurisdiction:** The NGT has the authority to hear and decide any criminal case involving environmental violations such as illegal mining, tree felling, and hazardous waste dumping.
- **Appellate Jurisdiction:** The NGT has the ability to hear and decide any appeal against any order or decision made by any other environmental tribunal, authority, or court.
- **Review Jurisdiction:** The NGT has the authority to examine previous orders or decisions if there is a mistake or error that has to be addressed.
- **Execution Jurisdiction:** The NGT has the authority to ensure that its orders and decisions are effectively carried out, and it has the authority to take appropriate measures to guarantee compliance with its orders.
- **Expert Jurisdiction:** The NGT has the authority to form expert committees to help it deal with complicated environmental issues and conflicts.

## WHAT IS SUO MOTO?

Suo moto cognizance refers to the court's authority to hear cases on its own. Articles 32 and 226 of the Indian Constitution empower the Supreme Court and High Court to hear cases on their own. *Suo moto* is a Latin phrase that refers to actions conducted by government entities.

Suo moto matters are heard by courts after receiving information from the media or a third party. This approach is often regarded as part of judicial activism and speeds up the administration of justice.

The public interest litigation has broadened the scope of the judiciary's power to intervene in urgent public interest concerns. "The rationale behind the High Court and Supreme Court's *suo moto* actions is the desire to deliver justice to everyone, even those who may not be able to afford it,"

**Article 131** of the Indian Constitution grants the Supreme Constitution *suo moto* power. It has insured that justice will be served in both civil and criminal cases. *Suo moto* jurisdiction can

be exercised by the Supreme Court or High Courts in the following cases:

- Contempt of court- In general, contempt is defined as disobedience to the court or ignorance of the norms and regulations. As a result, the courts have the authority to take suo moto cognizance of anyone who obstructs the delivery of justice.
- Reopening of closed cases- If new or substantial evidence is received in a closed case, the courts can reopen it by taking suo moto cognizance.
- To order a fresh case probe- If the court believes that an individual or a part of society has been treated unfairly, the court can ask any agency or authority responsible to investigate and take appropriate action upon obtaining information from the affected people or through the media.

## **WHY IS THE SUO MOTO JURISDICTION SO IMPORTANT FOR THE NATIONAL GREEN TRIBUNAL?**

Suo moto is an important feature because it allows the tribunal to take actions according to its own accords without waiting for a complaint or a petition to be filed by an affected party. In simple word, National Green Tribunal can initiate proceedings on its own if it becomes aware of the environmental damage or harm cause to the environment.

Reasons for giving the NGT Suo moto jurisdiction:

- **Quick Response:** The NGT's suo moto jurisdiction allows it to act quickly in cases where there is an urgent need to safeguard the environment. For example, if an oil spill or poisonous gas leak occurs unexpectedly, the NGT can take suo moto cognizance of the situation and take immediate action to avert additional injury.
- **Proactive Approach:** Because the NGT has suo moto jurisdiction, it can take a proactive approach to environmental preservation. The NGT can send a strong message to violators that environmental laws would be severely enforced by taking suo moto notice of environmental infractions.
- **Suo moto jurisdiction provides comprehensive coverage,** ensuring that no environmental infringement goes ignored. It enables the NGT to address a wide range

of concerns and take action against violators even when no complaint is made.

- **Suo moto jurisdiction allows the NGT to take preventive action** in circumstances where there is a possibility of environmental damage or harm. The NGT can avoid environmental disasters and protect the environment by acting before any harm is done.

The National Green Tribunal (NGT) of India is regarded as an essential tribunal in light of India's current environmental pollution situation since it plays a crucial role in protecting and preserving the environment. The NGT was founded to handle India's severe environmental pollution crisis by enforcing environmental laws and regulations and ensuring that violators are held accountable.

The NGT performs various vital responsibilities and has significant authority, making it an important tribunal in India. These are some examples:

- **Jurisdiction:** The NGT has the authority to hear and decide cases involving environmental preservation, conservation of forests and other natural resources, and pollution prevention and control. Because of its extensive authority, the NGT is able to address a wide range of environmental issues impacting India.
- **Fast Track Disposal:** The NGT is intended to expedite the disposition of environmental matters. This implies that the tribunal can hear and decide cases rapidly, which is vital in circumstances when environmental protection is critical.
- **Expertise:** The NGT is made up of environmental law and policy specialists, giving it the requisite knowledge to address complicated environmental concerns. The tribunal members' knowledge ensures that environmental cases are heard and judged on the basis of strong scientific and legal standards.
- **Enforcement Authority:** The NGT has the authority to levy penalties, order the closure of polluting industries, and award compensation to victims of environmental damage. This empowers the tribunal to enforce environmental rules and regulations, as well as hold violators accountable.

With the inclusion of the *Suo Moto* jurisdiction, the NGT can take action on its own accord without waiting for the complaint or petition to be filed by an affected party. The NGT can file

a case on its own and so there is immediate initiation of proceeding to deal with environmental issues which are causing some kind of hindrance in the maintenance of the environment that we live in. One of the fundamental rights which are recognized by the Government of India is the Right to Life which is given under article 21 of the Indian constitution. It states that "No person shall be deprived of his life or personal liberty except according to a procedure established by law." Empowering the national green tribunal with jurisdictions like *Suo Moto* can also be considered as a step towards adopting the fundamental right of the Right to Life.

The right to a clean environment is fundamental for enjoying life and exercising personal freedoms. According to the Supreme Court, the right to life under Article 21 includes the right to live in a pollution-free environment. This means that the government is responsible for ensuring that citizens have access to a clean and healthy environment. The right to a clean environment is closely linked to other fundamental constitutional rights, such as the right to health and the right to a livelihood. Environmental deterioration and pollution can have serious consequences for public health and the livelihoods of people who rely on natural resources for a living.

The Supreme Court has ruled that the right to a clean environment is not absolute and must be balanced against other competing interests such as economic development. However, the state has a responsibility to guarantee that environmental protection is taken into account when making decisions that may have an influence on the environment.

In conclusion, Article 21 of the Indian Constitution provides the right to life and personal liberty, which the Supreme Court has construed to include the right to a clean and healthy environment. This means that the government is responsible for ensuring that citizens have access to a pollution-free environment and that environmental protection is taken into account when making choices that may have an impact on the environment.

## **FACTS OF THE CASE:**

Municipal Corporation of Greater Noida versus Ankita Sinha was an important case that raised concerns about the environmental impact of development projects and the necessity for proper environmental clearance procedures.

The Municipal Corporation of Greater Noida awarded environmental approval to a real estate

developer in Greater Noida, Uttar Pradesh, in 2013. The permit was issued on the basis of an environmental impact assessment (EIA) report conducted by a private consultant hired by the developer.

However, Ankita Sinha, a law student, filed a public interest litigation (PIL) challenging the developer's environmental clearance. Sinha contended that the EIA report was defective and that the State Environmental Impact Assessment Authority (SEIAA) did not follow proper procedures in approving the project.

The National Green Tribunal (NGT) heard the matter and determined that the SEIAA had approved the project without properly analysing its environmental impact. The NGT ruled that the SEIAA had not followed required procedures in providing environmental clearance and ordered the developer to suspend all project building activity.

The NGT also requested the SEIAA to evaluate the project's environmental clearance and the Central Pollution Control Board (CPCB) to perform a complete investigation of the project's environmental impact.

The developer appealed the NGT's judgment to the Supreme Court, claiming that the NGT overstepped its authority by halting building on the project. The Supreme Court upheld the NGT's verdict and ordered the developer to follow the NGT's instructions.

The case raised a number of critical questions concerning environmental preservation and growth in India. The significance of effective environmental impact assessment techniques for development projects was one of the primary challenges. The NGT determined that the EIA report submitted by the developer's consultant was flawed and that the SEIAA had failed to adequately examine the project's environmental impact. This emphasizes the importance of conducting an objective and complete environmental impact assessment process that considers the potential influence of development initiatives on the environment and local residents.

Another significant issue presented by the case was the citizens' role in keeping authorities accountable for their conduct. Ankita Sinha, a law student, was instrumental in bringing the matter to the NGT's attention and disputing the developer's environmental clearance. This emphasizes the significance of citizen participation in environmental and development decision-making processes.

The case also emphasized the importance of striking a balance between economic development and environmental protection. While development projects are necessary for economic growth, they can have a substantial environmental impact if not properly planned and implemented. The NGT's decision to halt building on the project and order a reassessment of the environmental clearance granted to the developer highlights the necessity of ensuring that environmental protection is taken into account when making development-related decisions.

### **ISSUES RAISED IN THE CASE:**

- **Whether the National Green Tribunal has the power to exercise *Suo Motu Jurisdiction* in the discharge of its functions under the National Green Tribunal Act 2010.**
- **Whether NGT can take issues directly on the basis of a news report or letter?**
- **Is there any provision in NGT that allow it to take cases on its own?**

### **JUDGEMENT OF THE CASE:**

**The judgement was given by the Large Bench of Justice A.M.Khanwilkar, Justice Hrishikesh Roy and Justice C.T. Ravi Kumar, JJ on October 7,2021.**

The National Green Tribunal (NGT) heard a public interest litigation (PIL) challenging the environmental clearance granted to a residential project in Greater Noida, Uttar Pradesh. The project was granted environmental clearance in 2013 based on an environmental impact assessment (EIA) report prepared by a private consultant hired by the developer.

After hearing the matter, the NGT determined that the SEIAA had approved the project without properly analysing its environmental impact. The NGT ruled that the SEIAA had not followed the required procedures in providing environmental clearance and ordered the developer to suspend all project building activity. The NGT also requested the SEIAA to evaluate the project's environmental clearance and the Central Pollution Control Board (CPCB) to perform a complete investigation of the project's environmental impact.

The developer appealed the NGT's judgment to the Supreme Court, claiming that the NGT overstepped its authority by halting building on the project. The Supreme Court, on the other

hand, confirmed the NGT's finding and ordered the developer to comply with the orders of the NGT.

The ruling of the National Green Tribunal in *Municipal Corporation of Greater Noida v Ankita Sinha* was noteworthy for various reasons. To begin with, the decision emphasised the significance of effective environmental impact assessment methods for development projects. The NGT determined that the EIA report submitted by the developer's consultant was flawed, and that the SEIAA had failed to adequately examine the project's environmental impact. This highlights the importance of conducting an objective and complete environmental impact assessment process that considers the potential impact of development initiatives on the environment and local residents.

Second, the case emphasised the necessity of citizen participation in environmental protection and development decision-making. Ankita Sinha, a law student, was instrumental in bringing the matter to the NGT's attention and disputing the developer's environmental clearance. This proved the significance of citizen participation in environmental preservation and development decision-making.

Third, the case emphasised the importance of striking a balance between economic expansion and environmental protection. While development projects are necessary for economic growth, they can have a substantial environmental impact if not properly planned and implemented. The NGT's decision to halt building on the project and order a reassessment of the environmental clearance granted to the developer highlights the necessity of ensuring that environmental protection is taken into account when making development-related decisions.

Finally, the case of *Municipal Corporation of Greater Noida v Ankita Sinha* was a watershed moment that addressed various critical questions concerning environmental protection and growth in India. The NGT's decision to halt construction on the project and order a review of the developer's environmental clearance highlights the importance of proper environmental impact assessment procedures, citizen participation in decision-making processes, and a balance between economic development and environmental protection.

## **CONCLUSION:**

One of the main reasons why India's NGT is considered to be among the best in the world is

its wide jurisdiction and powers. The NGT has jurisdiction over all environmental disputes that involve a substantial question relating to the environment. This includes disputes related to air and water pollution, hazardous waste management, biodiversity conservation, forest conservation, and climate change. The NGT also has the power to award compensation and order remedial measures for environmental damage caused by human activities. The NGT's proactive approach to environmental protection is another reason why it is considered to be among the best in the world and with the power of NGT to take *Suo Moto* action on the cases of environmental violations its most definitely one of the most efficient systems of dealing with high profile cases of environmental cases like illegal mining, construction in the protected areas and industrial pollution.

In my opinion, the judgment of the supreme court is a valid judgment. With the increase in the pollution levels of the country and environmental pollution being a global concern, it is necessary for us, the people of the country and the government, to empower such institutions and set an example forth the other countries. NGT will no longer be a passive observer; it can now begin environmental cases on its own. NGT has done incredible work to protect the environment.