

## INTERVIEW

### **PROFESSOR BHARAT H. DESAI: INDIA'S NATIONAL GREEN TRIBUNAL**

*Professor Bharat Desai currently serves as Chairman of the Centre for International Legal Studies (CILS) and holds the Jawaharlal Nehru Chair in International Environmental Law, School of International Studies (SIS), at Jawaharlal Nehru University, New Delhi, India. He received both his master's and Ph.D. in international environmental law from Jawaharlal Nehru University, and LL.M. and LL.B degrees in international law from Gujarat University, Ahmedabad. In addition to consulting work performed with the Indian Ministry of Environment & Forests and other government agencies, Dr. Desai has collaborated extensively with groups such as the United Nations Environment Programme, the Asian Development Bank, and the International Union for the Conservation of Nature, and has been appointed to numerous Indian delegations and National Consultative Groups. Dr. Desai has served as visiting professor and fellow at several international academic institutions, and has authored dozens of books, articles, and research papers on various issues of international environmental law, particularly relating to capacity building, multilateral environmental agreements, and the Indian environmental statutory infrastructure.*

*Interviewed by Sara Vinson\**

---

\*Sara Vinson is a third-year law student at Pace Law School. She was a 2010 Summer Research Scholar for the school's Center for Environmental Legal Studies.

---

**Professor Desai, you currently hold the very prestigious Jawaharlal Nehru Chair in International Environmental Law. Can you please briefly discuss your background in international environmental law, touching on some of the other positions you currently hold, or have held in the past?**

This chair has been named after India's first Prime Minister Jawaharlal Nehru. It is the only chair of its kind in this part of the world. I am also Chairman of the Center for International Legal Studies, which is part of the School of International Studies at Jawaharlal Nehru University in New Delhi.<sup>1</sup> The school is more than fifty years old.

**What areas of international environmental law does your current research focus on?**

During the past twelve years, I have been engaged in larger issues of lawmaking and institution-building processes. This includes issues like strengthening the interconnected web of multilateral environmental agreements (MEAs); treaty-making processes; and the way in which environmental lawmaking takes place in instruments that are characterized by "hard shells," but "soft bellies."<sup>2</sup> In addition, I have focused on the ways in which some of the treaty-based institutions – such as secretariats and funding mechanisms – come into being. In fact, Cambridge University Press (New York) has published my work in April 2010 on the subject entitled: *Multilateral Environmental Agreements: Legal Status of the Secretariats*.<sup>3</sup> It has sought to address cutting-edge issues concerning host institution arrangements and the legal capacity of the convention secretariats to operate both on the international plane as well as within the domestic sphere of the host country. Another facet of my work is on International Environmental Governance (IEG). It comprises the institutional dimension of centralized legalization in international

---

1. Centre for International Legal Studies, <http://www.jnu.ac.in/Academics/Schools/SchoolOfInternationalStudies/LegalStudiesCentre.htm> (last visited Nov. 15, 2010).

2. See BHARAT H. DESAI, MULTILATERAL ENVIRONMENTAL AGREEMENTS: LEGAL STATUS OF THE SECRETARIATS 70 (2010) (noting that some treaties and framework conventions have hard shells with soft bellies "because of the softness of the language (content) used in the instrument as well as the intention of the state parties that these frameworks do not create conventional hard obligations").

3. See generally *id.*

environmental law, as well as the future of MEAs. Since at least 1997, this subject has been the focus of attention of the U.N. General Assembly and its subsidiary organ, the U.N. Environment Programme (UNEP). It has been subjected to several intergovernmental processes; and yet there is still no definite outcome with respect to various proposals to “strengthen” it (including upgrading the existing United Nations Environment Program (UNEP)), as well as reluctance of the sovereign states to consider any *de novo* environmental organization. In this context, back on January 15, 1999, I made a proposal (in a lecture at the legal department of the World Bank, in Washington D.C.) for the “upgrade” of UNEP into a “specialized agency” that could become the U.N. Environment Protection Organization (UNEPO). It is an important proposal that could become acceptable to the states in the near future. In fact, a “strikingly similar” proposal was presented before the U.N. General Assembly by the European Union a full six years after my 1999 proposal.<sup>4</sup>

**Can you briefly describe your involvement in environmental law training and capacity building, specifically the capacity building projects undertaken with the Indian Ministry of Environment and Forests?**

This goes back to 1998 and 1999, when I did some concrete work with the assistance of the Ford Foundation on *Regional Capacity Building in Environmental Law in South Asia*. I brought to New Delhi some young lawyers, law teachers and those working with environmental law civil society groups from different South Asian countries. They were exposed to about six months of full courses in environmental law. It was a very interesting experience. Subsequently, I have organized for several years specialized lecture workshops for the Union Ministry of Environment & Forests,<sup>5</sup> as well as the Indian Council for Forestry Research and Education for senior civil servants and forestry officials on select international law issues,

---

4. See EU Priorities for the 60th General Assembly, [http://www.eu-un.europa.eu/articles/en/article\\_4599\\_en.htm](http://www.eu-un.europa.eu/articles/en/article_4599_en.htm) (last visited Nov. 16, 2010) (“the EU supports the launching of a process to establish a UN agency for the environment, based on UNEP, with a revised and strengthened mandate, supported by stable, adequate and predictable financial contributions and operating on an equal footing with other UN specialised agencies.”).

5. Ministry of Environment and Forests, Government of India, <http://moef.nic.in/index.php> (last visited Nov. 16, 2010).

multilateral environmental agreements and negotiations.<sup>6</sup> Apart from these, I have conducted several special lecture series at various universities, judicial academies, foreign service institutes, and others to promote environmental law literacy among the judicial officers, foreign service officers, law teachers, students, and others.

**The Supreme Court of India has interpreted the fundamental right to life to include the “right to a wholesome environment.”<sup>7</sup> Can you elaborate on what, specifically, this right includes?**

This is a marketable judicial feat of innovation by the Supreme Court of India in the wake of its quest to institutionalize human rights jurisprudence in India. It was triggered as an offshoot of the apex court’s landmark directions in asserting basic rights of prisoners and those subjected to preventive detention. In this process, the court laid down the basic contours of human rights within the framework of the fundamental right to life and liberty guaranteed under the Constitution of India.<sup>8</sup> It has been a fine example of procedural *due process*. The court has numerous times examined this crucial right and has construed “life” to necessarily include the “finer graces of civilization,”<sup>9</sup> as well as the “right to a clean and healthy environment.”<sup>10</sup> The broadening of the ambit of the right to life came about through many twists and turns in several landmark cases, starting with the *Doon Valley* case.<sup>11</sup> The court has expounded upon this right in various pollution cases and has continued to broaden its scope.<sup>12</sup> This innovative judicial interpretation virtually amounted to a

6. Indian Council of Forestry Research and Education, <http://www.icfre.org/> (last visited Nov. 16, 2010) (these lecture workshops were especially targeted at those who often form part of the official Indian negotiation teams).

7. *See, e.g.*, Indian Council for Enviro-Legal Action v. Union of India, A.I.R. 1996 S.C. 1446; Law Soc’y of India v. Fertilizers & Chemicals Travancore, A.I.R. 1994 Ker. 308.

8. INDIA CONST. art. 21 (“No person shall be deprived of his life or personal liberty except according to procedure established by law”).

9. P. Nalla Thampi v. Union of India, A.I.R. 1985 S.C. 1133.

10. *See, e.g.*, Virender Gaur v. State of Haryana, 1995 (2) S.C.C. 577. *See also* T. Ramakrishna Rao v. Hyderabad Urban Development, Writ Petitions No. 36929 of 1998 (July 20, 2001), *available at* <http://www.elaw.org/node/1843> (decision by the High Court of Andhra Pradesh).

11. Rural Litig. & Entitlement Kendra v. State of Uttar Pradesh, A.I.R. 1985 sc 652, 656.

12. *See, e.g.*, M.C. Mehta v. Union of India, A.I.R. 1987 S.C. 965 (dealing with the *Delhi Oleum Gas Leakage* case); M.C. Mehta v. Union of India, A.I.R. 1988 S.C. 1115 (targeting pollution in the River Ganges); M.C. Mehta v. Union of India, (1988) 4 S.C.C. 463 (Kanpur Tanneries’ Litigation); M.C. Mehta v. Union of India,

Constitutional amendment through the back door. Subsequently, the court has reiterated the right in almost every environment related *public interest* case. The underpinning of this judicial innovation has been facilitated by the court's innovation as regards liberalization of the rule of *locus standi* for any disadvantaged group, as well as for protection of pristine environment or cultural or natural heritage sites and monuments.

**Several countries around the world have responded to an increase in environmental litigation by setting up their own environmental courts and tribunals. One of the most recent developments has been in India, with the passage of the National Green Tribunal (NGT) Act. Can you briefly explain what prompted India, in addition to increased litigation, to create this tribunal?**

There is a history of quest for environmental courts in India. The Supreme Court first touched upon this question in the *Delhi Oleum Gas Leakage* case (1986).<sup>13</sup> It was propelled by the difficulty faced by the court to deal with the technical nature of the case, since it entailed examining the harmful effects of oleum gas, the toxicity of a caustic chlorine plant and other matters concerning the industry. In this case, the court had to appoint several expert panels as advisors, so that the court could take a judicial view of the matter to make an appropriate pronouncement and take remedial action. But the court found the *ad hoc* mechanism of convening technical experts and commissioners as well as expert institutions (such as Central Pollution Control Board or National Environmental Engineering Research Institute) for each case inconvenient. In fact, the court mooted the idea of a standing "ecological sciences research group" to advise and assist the court as and when required. As such, the court in its concerted view, also called for the establishment of specialized environment courts. In its celebrated 1986 judgment, the court went to great length to make out a case for setting up such specialized environment courts in India. However, the government did not take it quite seriously, and its resistance to such specialized courts could be attributable to various factors. Therefore, the Supreme Court (as well as several High Courts) resorted to designating a special "green bench" — one that could hear

---

A.I.R. 1997 S.C. 734, and M.C. Mehta v. Union of India, A.I.R. 2001 S.C. 1948) (air pollution harming the Taj Mahal).

13. M.C. Mehta v. Union of India, A.I.R. 1987 S.C. 965.

environmental cases on a fixed day — or to assigning all environmental cases to a special judge or judges. For instance, the apex court heard on every Friday all pending environmental matters (some of the matters included cases like the *Ganges River*, the *Taj Mahal*, and the *Shifting of Hazardous Industries from Residential Areas in Delhi* that had several hundred municipalities and industries as respondents, pitted against the sole petitioner-in-person). In fact, some of these marathon litigations have gone on for many years. Subsequently, there were some half-hearted efforts in this direction such as the 1995 National Environment Tribunal Act (“NET”) and the 1997 National Environment Appellate Tribunal.<sup>14</sup> Thus, twenty-four years after the original Supreme Court suggestion, the 2010 National Green Tribunal (NGT) Act has been enacted by the Parliament.<sup>15</sup> It received the Presidential assent on June 2, 2010, and was duly notified on October 18, 2010.

### **What is the overall purpose of the National Green Tribunal (NGT)?**

The overall purpose of the NGT is to provide for the “effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources, including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property.”<sup>16</sup> The coverage of NGT is quite broad and covers almost the entire range of issues concerning environment protection and conservation of natural resources in India (as regulated by the seven enactments mentioned in Schedule I to the NGT Act).

### **What is the basic structure of the National Green Tribunal?**

The NGT provides for a chairperson as well as a large composition of members comprising judicial and expert members. In both cases they will be expected to be *not less than ten but subject to a maximum of twenty full-time members*. Thus, if the NGT is given its full

---

14. The National Environment Tribunal Act, No. 27 of 1995; INDIA CODE, available at <http://envfor.nic.in/legis/others/tribunal.html> (last visited Nov. 17, 2010); The National Environment Appellate Authority Act, No. 22 of 1997; INDIA CODE, available at <http://envfor.nic.in/legis/others/envapp97.html>.

15. The National Green Tribunal Act, No. 19 of 2010; INDIA CODE, available at <http://www.elaw.org/system/files/National+Green+Tribunal+Act+2010.pdf> (last visited Nov. 17, 2010).

16. *See id.*

permissible strength, it will comprise forty members and one chairperson, which could be a huge composition.

**Can you briefly explain the difference between a tribunal and a court, and why India has decided to create a green tribunal as opposed to a court?**

The difference goes far beyond composition of the particular court or tribunal. The composition of a court is usually very small (one to three judges). In contrast, the NGT has the potential for a much larger composition (maximum forty plus a chairperson) as provided for in the statute. Still, while the tribunal does have all the powers of a regular civil court, the NGT is not bogged down by the rules of procedures the way a civil court is. A tribunal can follow summary procedure, if required and is, generally, not bound by normal rules of evidence. It will be guided by the *principles of natural justice*. Essentially, a tribunal may do what a court could do, but without such strict fetters that constrain normal courts. Thus it seems to have a hybrid structure.

**What is the “green bench” of the Supreme Court of India? Will this continue with the passage of the NGT Bill?**

For many years, the Supreme Court of India, in the absence of a special environment court, managed large numbers of environmental litigations through a special “green bench.” When the court saw that the executive did not take its suggestion for setting up an environment court, it created an *ad hoc* panel within its existing structure, where a designated bench of two or three judges heard environmental cases on a fixed day of the week (often every Friday). Such a bench was advantageously comprised of judges who were well-versed in the many technical aspects of environmental matters, and was relatively unaffected by the normal “roster” for the allocation of pending matters. As a result, the same judges could deal with some marathon cases for months and years that brought about expeditious treatment and result-oriented approaches. The green bench became quite well known. In fact, to some extent its existence alone acted as a deterrent, since the court, in most situations, took cases to their logical and just conclusions. This was especially profound in the court’s frequent dealings with the right to a clean and healthy environment as a fundamental right under Article 21 of the constitution. The green

bench was facilitated by its original jurisdiction, inherent powers and authority, and the finality attached to any order or judgment handed down from the apex court. The court could exercise not only preventive jurisdiction, but could also provide remedial justice where environmental harms had already taken place – like invoking the *public trust doctrine* for restoration of *status quo ante* in a case concerning the diversion of the course of the Beas River to protect the private property of M/s Span Motels Pvt. Ltd., owned by the then Union Environment Minister Kamal Nath.<sup>17</sup> It led to the famous reprimand from the apex court that: why has the protector become a predator, causing such harm to the natural resources of India?

**What, if any, other environmental adjudicatory mechanisms were in place prior to the enactment of the NGT Act? Were these mechanisms ever successful?**

The previous mechanisms in place – The National Environment Appellate Authority and the National Environment Tribunal – were half-hearted mechanisms, since the executive was not serious about the whole issue. It seems the executive took the suggestion of the Supreme Court – for setting up special environmental courts, proposed in the *Delhi Oleum Gas Leakage* case<sup>18</sup> – as mere *obiter dictum* and did not duly follow up. But it somehow grudgingly enacted the 1995 National Environment Tribunal Act, as well as the 1997 National Environment Appellate Authority. The first was never notified and brought into being. The latter came into being but had hardly any work in hand. Both of these had highly-limited jurisdiction.<sup>19</sup> As such, these earlier efforts did not come anywhere near the original suggestion of the Supreme Court for establishment of a specialized set of environmental courts.

It is against this backdrop that we could view the creation of the NGT as a significant, positive development, in spite of its drawbacks.

**Do you think that the need for the NGT Act would have arisen if efforts had been made to ensure the functionality of the existing**

---

17. M.C. Mehta v. Kamal Nath and Ors., A.I.R. 2002 S.C. 1515.

18. See M.C. Mehta v. Union of India, A.I.R. 1987 S.C. 965.

19. In many cases, these authorities had the ability to hear only cases involving accidents arising from the handling of any hazardous substance, or an appeal against decisions concerning environmental clearance.

**authority (the National Environment Appellate Authority and the National Environment Tribunal)?**

As mentioned earlier, both the earlier efforts were half-hearted. Even if the 1995 Environment Tribunal had been established, it was a very limited and casual response to the pressing need for special environment courts as repeatedly called for by the Supreme Court in several of its judgments. Similarly, the NEAA lacked credibility, did not evoke adequate responses, and thus failed. Since they did not cover the broader range of environmental issues, the need for a National Green Tribunal would still have been felt. The need was for a comprehensive environment court or tribunal to deal with all of the many environmental issues. So again, in spite of its existing deficiencies, the NGT is a welcome initiative.

**What are the main differences between the National Environment Tribunal (established by the National Environment Tribunal Act) and the new National Green Tribunal?**

The mandate was highly limited for the NET. The tribunal could only hear questions of relief and compensation for damages arising from any accident occurring while handling any hazardous substances.<sup>20</sup> The NGT is much broader and ambitious in scope, powers, and procedure. In terms of composition, there are some similarities between the NET and NGT. Unlike the NET that sought to provide for relief and compensation for damages relating to the handling of hazardous substances, the NGT seeks to provide for much broader “relief and compensation for damages to persons and property.”<sup>21</sup> Moreover, unlike the NET, the NGT has sought to derive its mandate from, and takes due cognizance of, the “judicial pronouncement in India” with regard to the fundamental “right to healthy environment” as construed “as a part of the right to life under article 21 of the Constitution.”<sup>22</sup> The NET did not prescribe any set number of vice-chairpersons or members. It was left to the discretion of the Central Government (i.e. the Union of India). The NGT, however, shall consist of not less than ten and maximum of twenty judicial as well as expert members. The NGT Act provides for making

---

20. The National Environment Tribunal Act, *supra* note 14.

21. The National Green Tribunal Act, *supra* note 15.

22. *Id.*

rules generally regulating the practices and procedure of the Tribunal.<sup>23</sup>

**One of the criticisms of the NGT has been its inclusion of a five-year complaint period. Many argue that due to the fact that many environmental impacts take years to manifest, the short complaint period defeats the purpose of the NGT. Do you agree? If so, what should the time frame be?**

There is a genuine concern about this period of limitation, as there are several types of environmental harms that take many years to manifest their adverse health and environmental effects. For instance, any exposure to radiation or chemical leakage (such as that seen in the Bhopal case) could only be seen after many years (not necessarily just within five years as prescribed).<sup>24</sup> Even after twenty-five years, the victims of the Bhopal disaster still suffer from a variety of ailments.<sup>25</sup> Thus, the period of limitation laid down in the NGT Act must be raised to accommodate any environmental harm that could manifest in the future.

**There has even been criticism over calling the judicial body the “National Green Tribunal,” as opposed to the “National Environment Tribunal.” What do you think the correct choice would be and why? Do you think using the term “green” instead of “environment” will have an impact on the effectiveness of the system?**

This is just a style preference. Perhaps they just did not want to repeat the same word that was used in the 1995 NET that never saw the light of the day. Possibly, they wanted to try something new and wanted to make it more in tune with the times, in terms of the ‘green justice’ that has become the buzz word around the world.

**What do you think of the NGT Act’s wording with respect to the Tribunal having jurisdiction over “substantial questions relating to the environment” (e.g. damage to public health is “broadly**

23. *Id.*

24. *See* Union Carbide Corp. v. Union of India, A.I.R. 1992 S.C. 248.

25. *See* Suketu Mehta, *A Cloud Still Hangs Over Bhopal*, N.Y. TIMES, Dec. 2, 2009, at A43.

**measurable” or “gravity of damage” to the environment is “substantial”)? Do you think it is proper to ask a judge to make this subjective assessment?**

It seems the Green Tribunal’s jurisdiction will extend to any “substantial questions relating to the environment (including enforcement of any legal right relating to environment).”<sup>26</sup> However, any such judicial determination could only be with respect to a question that “arises out of the implementation of the [seven] enactments specified in the Schedule I” of the NGT Act.<sup>27</sup> Thus, such “substantial questions” will only need to be seen in the context of those seven specified legislations. The court will not be able to go beyond these.

**As of June 2010, it has been stated that the tribunal will be established by year’s end; however, the act itself does not set forth a specified date for the law to come into effect. Do you think, without a fixed time frame, that it is possible that this act will be like the National Environment Tribunal Act, which was passed by Parliament in 1995, but never officially established?**

The NGT Act came to receive the assent of the President of India on June 2, 2010, and has been duly notified on October 18, 2010, with the appointment of Justice Lokeshwar Singh Panta, a former Supreme Court judge, as the chairperson.

**Why is Bhopal set to be the location of the first new court? Do you agree with this decision?**

As per the notification issued by the government of India dated October 18, 2010, the NGT will be located in New Delhi, not in Bhopal, but it shall have ‘circuit benches’ across India.

**Do you think it is best to set up the new courts in a staggered manner as suggested by the act, or all at once? Why?**

As mentioned earlier, it seems the NGT will function as a composite court. It shall have “circuit benches” in different parts of India. Since the chairperson has just been appointed, its actual working will become clear in the coming months once the full

---

26. The National Green Tribunal Act, *supra* note 15, ch. III.

27. *Id.*

composition is also determined and duly notified. It will be a matter of practice and procedure to be spelled out in the rules of the Tribunal, to see what final shape the NGT takes.

**Some have argued that the NGT Act was created in a non-transparent, hurried manner, with inadequate public consultation. Do you agree, and if so, do you think the NGT Act is substantially flawed as a result?**

There were indeed concerns in terms of the way in which the Act was drafted, without much wider public debate or consultations with relevant stakeholders including the academia. The executive may not have followed the non-transparent path for obvious reasons. Such drafting processes and legislative consultations are not generally institutionalized. As such, it is the exclusive preserve of the nodal ministry (Environment & Forests), along with the legal draft that is prepared by the law ministry. In the absence of such transparent and participative processes, the concerned legislation may not reflect the long term interest of the public at large. It could become a victim of institutional inertia, and may safeguard the interests only of the industry and not the citizens. Except in cases where there are widespread public outrage or health and safety considerations (for instance, Bt. Brinjal matter),<sup>28</sup> such public consultations are very rare.

The larger concern, which is often attached to these special tribunals, relates to the age at which the chairperson and most members are generally appointed – that is, often post-retirement from normal service. Thus, in most cases, the retirement age at which a chairperson or a member joins a Tribunal could be sixty-five or sixty-two (judicial members) or sixty (civil servants). There are genuine concerns that at that age and with such a service background, it may be difficult to expect much in the way of innovation or the active interest necessary to translate the spirit of the Green Tribunal into action. So the question that arises is: Does it serve any public interest to induct such persons who lack enthusiasm or the spirit to give it a push? In this light, the argument of ‘experience’ may not hold much water if the Tribunal simply becomes a dumping ground for retired bureaucrats and judges (in most cases without distinct background or

---

28. See, e.g., *Bt brinjal controversy unravelled*, PIONEER, Nov. 18, 2010, available at <http://www.dailypioneer.com/231271/Bt-brinjal-controversy-unravelled.html>.

record). As regards the expert members, prospects for appointment of an expert with a legal background (law professor) or socio-economic expertise still remain remote. There appears to be institutionalized discrimination concerning the maximum age up to which a judicial member could work (up to sixty-seven years), as compared to the expert members (who could work up to sixty-five years). In fact, the NGT Act could have provided for a uniform criterion of a maximum term of five years, or an age of seventy years – whichever is earlier. Moreover, instead of a mandatory requirement of a serving or retired judge to be the chairperson, the act could also have provided for the appointment of any eminent social activist, lawyer, or legal professor as chairperson of the tribunal. Since the act has been notified, it seems these flaws could now be addressed by the Parliament once the tribunal sets its work in motion and gradually after the “status quo” mindset gives way to a more progressive approach.

**Overall, do you think that the new National Green Tribunal will be effective in addressing the increase in environmental litigation? What, if any, changes do you think must be made prior to the establishment of the new tribunal in order to increase its effectiveness?**

The mere fact that a new dispute settlement forum is brought into being, by itself, is not going to take care of the increase in environmental litigation. Several things will need to go into the working of the NGT to address the effectiveness and efficacy of the NGT. The existing composition of the tribunal and the manner in which judges and expert members are selected does not inspire much confidence for imparting “green justice.” As indicated earlier, if the NGT comprises those people whose age, expertise and background does not augur well, the tribunal may not be able to measure up to the expectations of the public. For this, a transparent and institutionalized process needs to be put into place. Moreover, the rules for the practice and procedure of the NGT will need to be forward-looking to ensure it could stand up to huge developmental pressures, bureaucratic inertia, and corporate clout. For this, the NGT will need to hold on to some of the most sacrosanct environmental law principles, such as polluter pays, natural justice, equity, precaution, strict and absolute liability, and public trust doctrine, as well as “entities of incomparable

value.”<sup>29</sup> NGT’s success could depend upon its judicious composition and the fair and transparent process for the purpose. Overall, the success of the tribunal will depend on whether and to what extent the executive takes the NGT seriously.

**India has a Judicial Institute. Can you tell us about its responsibilities and something about its programs? Will it be involved in the establishment, or in providing services to the new Environmental Tribunal?**

There is a National Judicial Academy (NJA) in Bhopal.<sup>30</sup> It serves under the direct supervision of the chief justice of India. It is engaged in training and capacity building programs for the judicial officers. It conducts thematic programs throughout the year for different batches of judicial officers who are sent by their respective State Judicial Academies and, in some cases, even the High Courts. It is possible that for the selection of “right” judicial members, the NJA could provide some help. It will depend upon the process and working of the NGT as to how much interface it is allowed to have with the NJA. If so, it will set a very healthy precedent.

---

29. MINISTRY OF ENV'T & FORESTS, GOV'T OF INDIA, NATIONAL ENVIRONMENTAL POLICY 12 (2006), available at <http://moef.nic.in/downloads/about-the-ministry/introduction-nep2006e.pdf>.

30. National Judicial Academy, India, <http://www.nja.nic.in/> (last visited Nov. 17, 2010).