



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.B.

Semester: IV

SUBJECT: Environmental Laws

SUBJECT CODE: LLB404

NAME OF FACULTY: Mohammad Aqib

Lecture-23



THE NATIONAL ENVIRONMENT TRIBUNAL ACT, 1995

An Act to provide for 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, with a view to giving relief and compensation for damages to persons, property and the environment and for matters connected therewith or incidental thereto.

Procedure and powers of Tribunal:

- (1) On receipt of an application, the Tribunal may, after such inquiry as it may deem fit, reject the application summarily.
- (2) Where the Tribunal does not reject the application, the Tribunal may, after giving notice of the application to the owner and after giving the parties an opportunity of being heard, hold an inquiry into the claim or each of the claims and may make an award determining the amount of compensation which appears to be just and specifying the person or persons to whom such amount of compensation shall be paid.
- (3) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules, the Tribunal shall have power to regulate its own procedure including the fixing of places and times of its inquiry.
- (4) The Tribunal shall have, for the purpose of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:-
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on affidavits;
 - (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office;
 - (e) issuing commissions for the examination of witnesses or documents;
 - (f) reviewing its decisions;
 - (g) dismissing an application or default or deciding it *ex parte*;

- (h) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*; and
- (i) any other matter which is to be, or may be, prescribed.

Conditions as to making of interim orders:

Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, no interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceedings relating to, an application unless-

(a) copies of such application and of all documents in support of the plea for such interim order are furnished to the party against whom such application is made or proposed to be made; and

(b) opportunity is given to such party to be heard in the matter:

provided that the Tribunal may dispense with the requirements of clauses (a) and (b) and make an interim order as an exceptional measure if it is satisfied, for reasons to be recorded in writing, that it is necessary so to do for preventing any loss or damage being caused to the applicant which cannot be adequately compensated in Money but any such interim order shall, if it is not Sooner vacated, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirement have been complied with before the expiry of that period and the Tribunal has continued the operation of the interim order.