Book Reviews

Between Green Courts and Environmental Justice

Gitanjali Nain GILL


The fast global spread of environmental courts and tribunals (ECTs) is one of the most dramatic changes in environmental law and institutions in the 21st century. In 2009, when the first global study on ECTs—‘Greening Justice’—was published by the University of Denver Environmental Courts and Tribunals Study, there were only about 350 documented ECTs. By 2016, with over 1,200 ECTs located in 44 countries at national and state/province levels, including local/municipal ones that are part of a national or state/province ECT system. India, after repeated attempts, has become a significant player in the trend of judicial specialization in environmental law with the enactment of the National Green Tribunal Act in 2010 and the National Green Tribunal (NGT) established under the Act. Since then, the caseload of the NGT increased exponentially, from 15 per year in 2011 to 461 per year in 2015. By the end of September 2015, the NGT had issued judgments in at least 1,130 cases. As a recently founded environmental tribunal, the NGT provides a good opportunity for reviewing

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3 PRING & PRING, *supra note 1, at 1*.
5 GILL, *supra note 4 at 187–188*. 
the past and looking to the future after five years of development. Dr. Gitanjali Nain Gill’s monograph titled *Environmental Justice in India: The National Green Tribunal* is the first book to tell the full story of the development of this new tribunal and to provide an in-depth analysis on India’s journey to specialized environmental adjudication, from both theoretical and practical perspectives.

Dr. Gill is Reader in Law in the Faculty of Business and Law at Northumbria University in England. She began her research into the development of the NGT immediately after its establishment in 2011. Since then, she has been tracking cases and meeting judicial members and registrars of the NGT, as well as interviewing lawyers and other litigants appearing before the tribunals. She completed the writing of this book based on materials from 1,130 court decisions and 110 interviews.

The first part of this review is dedicated to an outline of the book. The second part includes a brief comparative study between India and China, based on inspirations drawn from the book, and some reflections on what might be learned from the Indian experience.

1 Outline of the Book

Chapter 1 of this book begins with a background discussion on environmental justice from a global perspective. The question of how judicial development can promote the realization of environmental justice leads to an analysis of the significance of ECTs. Chapter 2 describes the development of environmental justice in India and the emergence of the NGT. Dr. Gill discusses how the NGT was ultimately established in India, providing historical background on both constitutional legislation and public interest litigation dating back to the 1980s.

In Chapter 3, she provides a detailed analysis of the NGT Act of 2010, including the purposes of the Act, the composition of judicial and expert members of the NGT, the standing requirements, the jurisdiction, the prescription period, and the available remedies and penalties, orders for costs, and compensation for damage to the environment. Chapter 4 provides a review of the applicable international environmental treaties and principles and analyzes the challenge of integrating these principles into NGT’s decision-making process.

Chapter 5, titled ‘Science and Law,’ is a highlight of this book. Dr. Gill creatively uses the theory of ‘Epistemic Communities’ and of ‘knowledge utilization’ to explain the role of technical experts in ECTs’ decision-making process.

Chapter 6 contains an account of 1,130 of NGT’s decisions. These decisions, made over a five-year period, are analyzed in detail in light of spatial-temporal distribution; causes of action; spatial-temporal distribution of the plaintiffs