



# CAMPUS LAW CENTRE

## Report on the Talk by Ms. Marlene Oliver on 'The Role of Environmental Court in Protecting Environment in New Zealand'

The Campus Law Centre (CLC), University of Delhi, organized a talk on '**The Role of Environmental Court in Protecting Environment in New Zealand**' on March 27, 2017 in the Seminar Hall of CLC. The speaker for the session was Ms. Marlene Oliver, Member, Environment Court, New Zealand.



Professor (Dr.) Usha Tandon, Professor-In-Charge, Campus Law Centre was the moderator for the talk and felicitated Ms. Oliver.

The talk encapsulated the idea of environmental law. Ms. Oliver focused on the close relationship of environmental law with criminal law and emphasized that the environmental crimes can be equated with any other heinous crime such as murder and grievous hurt. The talk began with the discussion on environmental law by

introduction to certain basic concepts like ecological cycle, ecology and environment.

Apart from that, she discussed the close relationship between access to justice in environmental matters and issues of Human Rights. She pointed that environmental litigation are normally multi-party litigation as there are more than two stakeholders in environmental issues. She also highlighted the fact that the dispute resolution in environmental matters is not possible in the traditional way of finding guilt of the party and that here the approach of the decision makers

must be guided to find a via media rather than prohibiting the activities altogether and hence the procedure requires a lot of negotiation and mediation on the particular dispute.



She elaborated that the environmental court in New Zealand has this unique system incorporated in the statute which allows the parties to come together and negotiate. She also commented on the functioning of National Green Tribunal of India and made the observation that the National Green Tribunal has taken sufficient steps in maintaining and restoring the environmental quality in India, however, she expressed her doubts on the *suo moto* cognizance of the environmental issues by NGT.

The talk ended with concluding remarks of Professor (Dr.) Usha Tandon, PIC, CLC. In the concluding remarks she pointed out that in a small country like New Zealand Environmental Courts operate at District level and have both civil as well as criminal, jurisdiction, whereas in as large country as India, it has National Green Tribunal at the Central level, that is highly insufficient for rapidly developing over populated country.