

How the Finance Act, 2017 will cripple the National Green Tribunal

The meeting was organized in the context of the new uniform appointment rules for 19 tribunals were notified on June 1 as per the 'Tribunal, Appellate Tribunal and other Authorities (Qualification, Experience and Other Conditions of Members) Rules 2017'.

People raised their concern over the Union government's recent attempt to modify the process of appointments to the National Green Tribunal, bringing in clauses that will considerably weaken the country's environmental watchdog.

The new rules do away with a condition that the NGT can only be headed by a former Supreme Court judge or the chief justice of a high court, and takes away the judiciary's control on the process to appoint the tribunal's members. The Union government is using the section 184(1) which states that "The Central Government may, by notification, make rules to provide for qualification, appointment, ToR, salaries, and allowances etc.. of service of Chairperson, Vice-chairperson, chairman, vice-chairman, president, and member of the tribunal...." to dilute the earlier rules that were enacted in 2010

"The amendment is bound to render the National Green Tribunal ineffective for adjudicating on environmental disputes and protecting fundamental rights. The new rules will affect the independence, authority, and capacity of the NGT to adjudicate on environmental issues and lead to a complete executive takeover of a judicial function," said environment lawyer Ritwick Dutta.

Its chairperson will now be recommended by a five-member panel that will be led by the chief justice of India (CJI) or a nominee of the CJI, but a majority of the other members — four out of five — in the panel will be recommended by the environment ministry, which means more of government employees will be on the panel.

The BJP-led central government has since 2014 attempted to dilute the powers of the green tribunal, currently headed by retired Supreme Court judge Swatanter Kumar.

While passing the Finance Bill for the year, the government had in April merged eight autonomous tribunals with other tribunals, and also gave itself the power to appoint and remove the members in another 17 such bodies.

Actually, there are so many points to be raised and criticize the current attempt to amend the Act, 2017. However, it was decided to call for another meeting to strategies soon.