

**GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA**

UNSTARRED QUESTION NO:5062
ANSWERED ON:05.09.2011
NATIONAL GREEN TRIBUNAL
Sharma Dr. Arvind Kumar

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

- (a) whether the Government has appointed Judicial and Expert Members for the National Green Tribunal (NGT);
- (b) if so, the details in this regard; and
- (c) the details of the criteria for selection along with the details of the selection committee constituted in this regard?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT AND FORESTS (SHRIMATI JAYANTHI NATARAJAN)

(a) &(b) Yes ,Sir. the Government has appointed four Expert Members and two Judicial Members in the National Green Tribunal (NGT).

(c) A Selection Committee as per the details given below has been constituted under Rule 3 of NGT (Manner of Appointment of Judicial and Expert Members, Salaries, Allowances and other Terms and Conditions of Service of Chairperson and other Members and procedure for Inquiry) Rules, 2010 dated 26.11.2010, framed under NGT Act, 2010:

(1) Sitting Judge of Supreme Court nominated by the Chief Justice of India in consultation with Ministry of Law and Justice Chairperson

(2) Chairperson of the NGT Member

(3) Secretary to Government of India, M/o Environment & Forests Member

(4) Director, Indian Institute of Technology, Kanpur Member

(5) Director, Indian Institute of Management, Ahmadabad Member

(6) President, Centre for Policy Research, New Delhi Member

During the first phase of selection process of Members in the Tribunal, the following criteria were applied on the applicants who initially fulfilled the eligibility under Section 5 of the NGT Act, 2010 for further screening of applications:

For Judicial Member

(a) No sitting/former Judge of the High Court will be considered for appointment to the post of 'Judicial Member' of the Tribunal if he has retired prior to one year or still has more than one year in service, both computed from the date of advertisement. It is in the interest of the Tribunal and administration of Justice as well that a person appointed should have reasonable tenure to be the Member of the Tribunal and discharge his functions effectively.

(b) The Judge concerned should have preferably performed judicial work relating to Environment Laws.

(c) The comments of the Chief Justice of the concerned High Court, may also be invited in relation to judges short-listed for appointments as 'Judicial Member' of the Tribunal.

(d) The applicants who are presently working as Member of any Tribunal or have got an assignment post-retiral will not be considered.

For Expert Member

(a) No serving/retired Government employee will be considered for appointment to the post of 'expert Member' of the Tribunal if he has retired prior to one year or still has more than one year in service, both computed from the date of advertisement. It is in the interest of the Tribunal and administration of justice as well that a person appointed should have reasonable tenure to be the Member of the Tribunal and discharge his functions effectively.

(b) The 'Expert Member' besides satisfying the qualifications prescribed under Section 5 read with Rule 5 should have requisite experience relatable to expertise in the environmental management.

(c) The Ministry to also examine whether there is any serious conflict of interest between the applicant and the Ministry/ Administrative interest of the Tribunal

(d) The applicants who have opted for deputation only and are below the rank of Additional Secretary to the Government of India would not be considered.