

Why the Centre must stop targeting the NGT

The National Green Tribunal (NGT)'s journey since its inception in 2010-11 has been far from easy: Despite being a body constituted by an Act of Parliament, the Supreme Court in the initial years had to intervene to ensure necessary administrative arrangements were made by the government for the tribunal to become fully functional. The NGT, however, has emerged as a critical player in environmental regulation, passing strict orders on issues ranging from pollution to deforestation to waste management. These issues more often than not come in conflict with what is known as the development agenda of successive governments, which tend to be extremely short-sighted. Unsurprisingly, they are not really supportive of the tribunal and always look for opportunities to clip its wings.

That the NGT's problems are for real became evident when the Delhi High Court aimed a barb at the Centre last week. "Would you like to wind up the National Green Tribunal?" the Delhi High Court asked the Centre, while hearing a plea seeking directions to authorities to fill the vacant posts of judicial and expert members in the tribunal. "It is perhaps because of red-tapism in the bureaucracy that the NGT is headed towards a premature death," said the plea, adding the court could issue directions to fill vacant posts. The matter has now been listed for September 14.

That the government has been targeting the NGT was clear in July when the Centre modified the process of appointments to the Tribunal, bringing in clauses that experts said 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. Opposition parties and constitutional experts said such a move chips away at the independence of these institutions.

This desire to control autonomous bodies such as the NGT will be a great disservice to the nation; we need an independent body that can control the executive, which does not seem to think that long-term sustainability of a country is as important as short term economic gains.

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