

GSR 927 (E), DATED 26112010 - NATIONAL GREEN TRIBUNAL (MANNER OF APPOINTMENT OF JUDICIAL AND EXPERT MEMBERS SALARIES, AL

REGD.NO.D.L.330009 g«e-33004/99 Che Gazette of •tidia i. 6431 No. 6431 EXTRA(NDNARY PART n—Section PUBL.ÆHU) BV AUTHOR"Y 26, 2010/30truur 5, 1932 NEW DELHI, FRIDAY, NOWMBER 26, 201WAGRAHAYANA 5, 1932 26 2010 2010 (2010 19) 35 (2) fiq, 2010 I 2010 19) (2) 4568 GV2010 2 gR1trrfi : 2 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] 11 (w) (i) (ii) (Iii) (11) [•m 3(ii)] fiq•q, 1950 ('.1t«) fiqq, 1962 I 12. 13. 3 14. 1954 i, Agi •qftqgf) 1944 OIT I 15 *VT, åz*i 16. 1958 1954 fiqqi 17. 18. -g•q.a 4 10 (4) 3Q-QTQ (5) 19. 20. 1) 4 THE GAZETTE OF INDIA : EXTRAORDINARY [PART LI—SEC. 3(i)] (i) (ii) (iii) i, zro 21. (2) ertr, (ii) (iii) (10) ftqié, (4) (12) Wi -4 22 (1972 (qrfW 1972 (1912 18) 23. 1908 (1908 5) 24. 6 25. fiaf•g 26. -\$ 11-e•us *rqvrr MINISTRY OF ENVIRONMENT AND ruR.E.yrs NOTIFICATION New Delhi, 2010 G.S.R. exaciseofthe powas confa•red by clauses (e), (f) and (g) of (2) of Section 35 ofthe Nüiona] Green Tribunal Act, 2010 (19 of 2010), the Cenu•al Gova•nman haây makes the following rules, narnely CHAPTER 1. Short tide and commencement—(l) Theseemles may be called the National Greau Tribunal (Manna of Appointam of Judicial] and Expat Membas, Salaris, Allowances and other Tams and Conditions ofSavice Of Chairpason md oth« Manbas Pmced're for Inquiry) Rules, 2010. (2) 'Ihöe _rules shall come into mree on the date oftheirpublication in the Official Gazæ

2. Deanttiox HI) In these rula, tmless offerwise requires, (a) "Act" means the National Green Tribunal (b) "Section" mans a Section of the Act; (c) 'Tribunal" rnæ1S the National Tribunal established unda Section 3 of the Act.(2) The wolds "ed and not defined in these ndes, defined in the Act shall have the same meanings respectively assigned to them in the AM. CHAPTER n MANr,nOR APPOINTMENT OF JUDICIAL h,1EMBE.ß AND EXPERT MEMBERS 3. Committee.—The Julicial Members and Expat Manbers Dfthe Tribunal shall be moited by the Central Govanment on the recommetdation of a Committee coropismg ofthe following, namdy :— (a) (b) (e) (d) (e) (f) Sitting Judge ofthe Supreme Chairpa•son; Court to be nominated by the Chief Justice ofIndia in consul- tation with the Minist« of Law and Justice Chairperson of the Tribunal Secretary to the of India in the Minisry Df Environmen and Forests Director, indim Institute of Technology, Kanpur Director, Indian Institute of Managancnt, Pmida•ut, Cotre for Policy Research, New Delhi Membem, Membz; Membm 4. Method of recruitment.—The method of recruitmalt of the Expert Member shall be by direct on Contract basis : that any p«son in the service in the Govanmeat or Autonomous or Statutory bodies or Univa•sities may opt for appointmait either by direct recruitmnt or on dquation basis : Provided furth« that no p«son shall be appointed on deputation, unless he holds an analogous posts on regular basis or a post which is one level below that of analogous S. Procedure for invindg and processi.g of applications." t) The Caltral shall invite applicaüon for the appointment of Judicial Membas and Expat Manbas from the having qualifications specified under Section 5 through an advertisemalt published on all India basis : (2) Ch.ai.rpason or a of the Selection Committee uny nom.inate an eligue candidate of national or intanational reputa to the Caltra] Gova•nrnafl. (3) The Qlications or nominmions received unde• sub.nde (i) or sub-rule (2), as the case may be, shall be screa:ned and shortlisted, if necessary, by die Cmtra_l Govanrnält. (4) The Screening Committee while screaling the Qlications shall ensure that the pa•sons shortlisted for into-view possess qualifications and as specified unda Section 5 ofthe Act, (5) The shortlisted candidates shaL] be called to appear before the Sdsection Committee for intaview. 6 THE GAZETTE OF INDIA : EXTRAORDINARY [PART [I—SEC. 3(i)] 6. Declaraåon of ananda.l or other person, on his appointnmt as the Chairp«son or the Judicial Manba or the Expat Membe, as the case may be, shall give a declarat.ion in Form appayled tbserul<, the saüsfaction of the Central Gova•nmalt, that he does not have any such financial or intaest8 is likdy to affect prejudicially his functions as such Chairperson or the Judicial Manbet or the Expat Mernba, as the case may be. CHAVIn m SALARIES, ALLOWANCES AND CONDMONS OFSERUCE OFCHAIRPERSON, JUDICIAL AND EXPERT rv-fEb•1BERS 7. Salary and anowan«.H 1) (a) The Chairpa•son shall be altitled to a and to sudl allowanz— as are adrnissible to a sittingjudgeof theSupmne Court; (b) the Judicial Membas shall be altitled to a monthly salary and to such allowances as are admissible to a sitting judge of a High Coun; and (c) the Expert Manba shall be to a monthly salary to such allowances as are admissible to a Secretary to the Governmem that in case a pason Qpointed as the

Chairperson or a Member, the case may be, is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension (Yawn by him : Provided further that the Chairperson or a Member, the case may be, shall be entitled to draw allowances on the original basic pay before such fixation of pay. (2) Deputation from parent service on appointment— An Expat Member who on the date of his to the Tribunal, was in service under the Central or a State Government, OPL for appointment either by direct recruitment or on deputation basis and in the case of a sitting Judge of the Supreme Court or a High Court who is appointed as the Chairperson or the Judicial Member, as the case may be, his service in the Tribunal shall be treated as service within the meaning of sub-clause (i) of clause (a) of paragraph 11 of Part D of the Second Schedule to the Constitution

8. Leave.— (1) A person, on appointment in the Tribunal as a Judicial Member and an Expat Member shall be entitled to leave as follows : (i) leave at the rate of fifteen days for every completed calendar year of service; (ii) half pay leave on medical certificate or on private affairs at the rate of twenty days in respect of each complete year of service and the leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave; (iii) leave OD half pay can be commuted to full pay leave at the discretion of the Chairperson or Judicial Member or Expat Member, as the case may be, provided it is taken on medical grounds and is supported by a medical certificate from the competent medical authority; (iv) extraordinary leave without pay and allowances upto a maximum period of one hundred eighty days in one term of office. (2) If the Chairperson or a Judicial Member or an Expat Member, as the case may be, is unable to enjoy full vacation on account of his occupation with the Tribunal, he be entitled to add the period of vacation to the leave account. the purpose of this sub-rule means vacation of thirty days in each calendar year observed by the Tribunal (3) On the expiry of the term of his office in the Tribunal, or a Judicial Member or an Expat Member, as the case may be, shall be entitled to cash equivalent of leave salary in respect of the earned leave standing to his credit, -subject to the condition that the maximum of leave under this sub-rule shall not in any case exceed three hundred days. (4) The Chairperson or a Judicial Member or an Expat Member, as the case may be, shall be entitled to receive the leave allowance as admissible on the leave salary under sub-rule (2) at the rates in force on the date of the relinquishment of the office in the Tribunal. (5) Leave authority.—The Chairperson shall be the authority competent to sanctioning leave to a Judicial Member or an Expat Member and the President shall be the authority competent to sanction leave to the Chairperson

9. Pension, Gratuity or Provident In case a serving judge of the Supreme Court or a High Court or a person in the service of the Government is appointed to the post of the Chairperson or Judicial Member or an Expat Member the case may be, the service rendered in the Tribunal shall count for pension, to be drawn in accordance with the rules of the service to which he belongs, and he shall also be governed by the provisions of the General Provident Fund (Central Rules, 1962). (2) In all other cases, he shall be governed by the provision of the Contributory Provident Fund (India) Rules, 1962. (3) Additional pension and gratuity shall not be admissible for service rendered in the Tribunal. 10. Travelling The Chairperson, while on tour as on transfer (including the journey to join the Tribunal or on the expiry of his term with the Tribunal to proceed to his home town) shall be entitled to the travelling allowances, daily allowance, transportation of personal effects and other similar matters at the same scale and the same rates admissible to a Judge of the Supreme Court under the relevant rules governing travelling allowances. (2) The Judicial Member while on tour on transfer (including the journey to join the Tribunal or on the expiry of his term with the Tribunal to proceed to his home town) shall be entitled to the travelling allowances, daily allowance, transportation of personal effects and similar matters at the same scale and the same rates as admissible to a Judge of the High Court under the relevant rules governing travelling allowances. (3) The Expat Member while on tour as on (including the journey to join the Tribunal or on the expiry of his term with the Tribunal to proceed to his home town) shall be entitled to the travelling daily allowance, transportation of personal effects and similar matters at the same scale and the same as admissible for an officer of Group 'A' service of the Central Government under the relevant rules governing travelling allowances

11. Travel Concession.—The Chairperson, a Judicial Member and an Expat Member shall be entitled to leave travel concession at the same rate, and at the same scale and on the same conditions as are admissible to a Group 'A' officer of the Central Government drawing an equivalent pay

12. Accommodation.—The Chairperson, a Judicial Member and an Expat Member shall have the option of claiming house rent allowance at the rate of fifty per cent of the basic pay drawn : Provided that he shall

not be eligible for house rent allowance in case he is declared eligible for Government accommodation in Delhi and occupy such a Government accommodation allotted to him

13. Facility of conveyance.—The Chairperson, a Judicial Member and an Expert Member shall be added to the facility of staff car for journeys for official and private purposes in accordance with the Staff Car Rules of the Government of India

14. Facilities for medical treatment.—The Chairperson, a Judicial Member and an Expert Member shall be entitled to medical treatment and hospital as provided in the Contributory Health Service Scheme Rules, 1954 and in places where the Central Health Services Scheme is not in operation, the Chairperson, a Judicial Member and an Expert Member shall be entitled to the facilities as provided in the Central Services (Medical Attendance) Rules, 1944

15. Telephone facility, official meetings and entertainment expenses.—The Chairperson and a Judicial Member and an Expert Member shall be eligible for telephone facilities, official meetings and entertainment expenses as admissible to a Group 'A' officer of the Central Government

16. Conditions of service of sitting Judge of Supreme Court or a Judge of a High Court appointed as Chairperson or Judicial Member.—Notwithstanding anything in these rules, where a sitting judge of the Supreme Court or a Chief Justice of a High Court is appointed as the Chairperson or a Judicial Member of the Tribunal, as the case may be, the service conditions as contained in the Supreme Court Judges (Conditions of Service) Act, 1958 or the High Court Judges (Conditions of Service) Act, 1954, as the case may be and the rules made shall apply to him

17. Powers to relax rules.—The Central Government shall have power to relax the provisions of this in respect of any class or categories of persons

18. Residuary provisions.—Matters relating to the terms and conditions of service of the Chairperson or a Member, the case may be, with respect to which no express provision has been made under these rules, shall be referred by the Tribunal to the Government for decision.

CHAYITHIR W PROCEDURE FOR INQUIRY OF CHARGES AGAINST A CHAIRPERSON OR A JUDICIAL MEMBER OF TRIBUNAL UNDER SUB-SECTIONS (4) AND (5) OF SECTION 10

19. Institution of Complaint shall institute an inquiry of the charges against the Chairperson or a Judicial Member or an Expert Member of the Tribunal under Sub-section (4) or Sub-section (5) of Section 10 of the ACR on receipt of written complaint, 20. Committee for investigation of complaint

(1) If a written complaint alleging any definite charge of misconduct or incapacity to perform the functions of the office in respect of the chairperson or a Judicial Member or an Expert Member is received by the Central Government, it shall make a preliminary scrutiny of such complaint. (2) If, on preliminary scrutiny, the Central Government considers it to investigate into the allegation, it shall place the complaint together with supporting material as may be available, before a Committee consisting of the following officers to investigate into the charges given in the complaint, namely :— @ Cabinet Secretary @ Secretary, Ministry of Environment and Forests @ Secretary, Department of Legal Affairs, Ministry of Law and Justice —Chairperson —Member —Member (3) The Committee shall devise its own procedure method of investigation which may include of evidence of the complainant and collection of material evidence relevant to the inquiry which may be conducted by a Judge of the Court under these rules, 8 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] (4) Committee shall submit its report to the President as early as possible within a period that may be specified by the President in this behalf, 21. Judge to conduct inquiry* (i) If on receipt of the findings of the Committee, the President is of the opinion that there are reasonable grounds for making an inquiry into the truth of the imputation of misconduct or incapacity of the chairperson or a Judicial or an Expert Member, he shall make a reference to the Chief Justice of India requesting him to nominate a Judge of the Court to conduct the inquiry, (2) The President shall, by order, appoint one of the Judges of the Supreme Court by order of India for the purpose of conducting the inquiry. (3) Notice of the Judge under sub-rule (2) shall be given to the Member concerned, (4) The President may forward to the Judge a copy of— (i) the notice of charge against the Member and the statement of imputation; (ii) the statements of witnesses, if any; and (iii) the material to the inquiry. (5) The Judge appointed under sub-rule (2) shall complete the inquiry within such time or time as may be specified by the (6) The Member concerned shall be given a reasonable opportunity of presenting a written statement of defence within such time as may be specified in this behalf. (7) Where it is alleged that the Member concerned is unable to discharge the duties of office efficiently due to any physical or mental incapacity and the allegation is proved, the Judge may make a reference to the

medical examination of the Member by such Medical Board as may be constituted for the purpose by the President and the Member concerned shall submit himself to such medical examination within the time specified in this behalf by the Judge. (8) The Medical Board shall undertake such medical examination of the Member as may be necessary and submit a report to the Judge stating therein whether the incapacity is such as to render the Member unfit to continue in office. (9) If the Member refuses to undergo such medical examination necessary by the Medical Board, the Board shall submit a report to the Judge stating therein the examination which he has refused to undergo, and the Judge may, on receipt of such report, presume that the Member suffers from such physical or mental incapacity as is against the Member. (10) The Judge may, after considering the written statement of the Member and the Medical Report, if any, and the charges referred to in clause (i) of sub-rule (4) and in such a case, the Member shall be given a reasonable opportunity of presenting a fresh written statement of defence. (11) The Central Government shall appoint its counsel or an advocate to present the case against the Member. (12) Where the Central Government has appointed an advocate to present its case before the Tribunal, the concerned Member shall also be permitted to present his case by an advocate chosen by him.

22. Application of the Departmental Inquiries (Enforcement of Witness and Production of Documents) Act, 1972, to inquiries under these of the Departmental Inquiries (Enforcement of Witness and Production of Documents) Act, 1972 (18 of 1972), shall apply to the inquiries made under the rules as they apply to inquiries. 23. of Judge.—The Judge shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (S of 1908), but shall be guided by the principles of natural justice and shall have power to regulate his own procedure including the fixing of places and times of his inquiry. of Member,— anything contained in rule 6 and without prejudice to any action taken) in accordance with the said rule, the President, keeping in view the gravity of charges, may direct the Judicial Member of the Tribunal against whom a case is made to the Supreme Court. 25. Subsistence Allowance.—The payment of subsistence allowance to a Member under this Commission shall be regulated in accordance with the rules and orders for the time being applicable to a Secretary to the Government. 26. Inquiry and conclusion of the investigation, the Judge shall submit his report to the President stating therein his findings and the reasons therefor on each of the charges separately with such observations on the whole case as he thinks fit, ORM (See rule 6) Declaration against acquisition of any adverse financial or other interest having been appointed as the Chairperson/Judicial/Expert Member (cross out portion not applicable) of the National Green Tribunal, do solemnly affirm and declare that I do not have, nor shall have in future any financial or other interest which is likely to affect prejudicially my functioning as the Chairperson/Judicial/Expert Member (cross out portion not applicable) of the National Tribunal. Dated : Place : (Name of the Member) National Green Tribunal Dr. RAJNEESH DUBE, Jt. Secy. by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications, Delhi-110054.