

Courts being set up to settle environment cases

By AMITAV RANJAN

New Delhi, Nov. 27: The Centre plans to set up a national environment court and four more at the regional level, comprising judicial and scientific experts, in the next one year to speed up disposal of disputes relating to defiling of environment and forests.

And unlike the tribunals, which were to be set up following Parliament's approval of the National Environment Tribunal Act of 1995, the new courts will have the power to adjudicate on the disputes. Previously, approved tribunals only had jurisdiction to award compensation and relief for damage to persons, property and the environment.

"Initially, four Regional Environment Tribunals are proposed to be set up, one each for the Northern, Southern, Eastern & Northeastern, and Central & Western regions," says the proposed "Environment Tribunal Bill" which has been sent for Cabinet approval so that it can be brought in during the ongoing session of Parliament.

At present, neither the high courts nor the Supreme Court have exclusive jurisdiction on environmental issues and, hence, their disposal of such cases gets delayed. The courts also do not have independent statutory panel of scientists to help and advise them on regular basis. To that end, the Bill proposes that each of the tribunals be equipped with eight technical members from each aspect of physical and earth sciences with expertise assured by selecting those who have 15 years of relevant experience in the field.

The Law Commission, in its 186th Report, had recommended such courts in each state, with judicial and scientific experts for dealing with environmental disputes.

The report submitted in September 2003 had resulted in Government withholding implementation of the 1995 Act.

On enactment of the 2006 Bill, the authorities set up to examine a limited issue would be wound up and their functions transferred to the tribunals. There are presently 16 such adhoc panels, including

environment protection panels for the National Capital Region, Taj Trapezium, National Coastal Zone, Doon Valley, Mahabaleshwar Panchgani and Dahanu Taluka.

The tribunals would adjudicate disputes relating to "all civil cases where a substantive question of environmental protection including enforcement of legal rights relating to environment is involved". No other court or authority will have the jurisdiction to entertain any application, claim or action that can be dealt by the tribunals.

Any non-compliance with any directions or order of the tribunal would be an offence punishable with fine which may extend up to Rs 10 crore.

If non-compliance continues, the courts can attach the offender's property and direct its sale for proceeds after three months have elapsed. Appeals to the tribunals' decisions can be made to the national tribunal and the Supreme Court, respectively within 30 days of the judgement, says the proposed Bill.