

Bill No. 198 of 2022

THE NATIONAL GREEN TRIBUNAL (AMENDMENT)
BILL, 2022

By

SHRI E.T. MOHAMMED BASHEER, M.P.

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BILL

further to amend the National Green Tribunal Act, 2010.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the National Green Tribunal (Amendment) Act, 2022.

Short title and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 15. **2.** In section 15 of the National Green Tribunal Act, 2010 (hereinafter referred to as the principal Act),—

(a) in sub-section (1), the following proviso shall be inserted, namely:

“Provided that in cases of relief and compensation to be paid to a group of persons, the Tribunal shall quantify the amount of compensation to be paid to each victim of pollution and other environmental damages in such manner as may be prescribed.”; and

(b) after sub-section (1), the following sub-section shall be inserted, namely:

“(1A) The Tribunal shall, for the purpose of providing relief and compensation and restitution of property and environment under clauses (a), (b) and (c) of sub-section (1), establish a permanent panel of technical accessors on such terms and conditions of service as may be prescribed.”.

Amendment of section 22. **3.** In section 22 of the principal Act, after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that no appeal shall be made to the Supreme Court by a person against whom the award of compensation or relief is issued unless he deposits fifty per cent. of the amount of compensation awarded by the Tribunal to the Environmental Relief Fund constituted under the Public Liability Insurance Act, 1991.”.

Amendment of section 35.

4. In section 35 of the principal Act, in sub-section (2), in clause (1), for the words “manner and the purposes”, the words “manner, purposes and publication of information” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The National Green Tribunal (NGT) was set up in the year 2010 to provide a speedy and specialised form of adjudication of environment related cases and to provide compensation to victims of environmental damage. An expeditious mechanism is very much necessitated to finalise the process of assessing the compensation and disbursing it to the victims at the earliest.

As per the present system, the compensation must first be remitted to the environment relief fund which was set up under the Public Liability Insurance Act, 1991. When the NGT awards the compensation to victims of environmental damage, it must be transferred from the fund to the district collector having local jurisdiction for a disbursement. In practice, when there are large number of victims, the NGT awards a lump sum, leaving it to the collector to determine individual claims. This goes against the objective of the National Green Tribunal Act, 2010.

The Bill, therefore, seeks to amend the National Green Tribunal Act, 2010 with a view to provide process for assessment of environmental damage and quantifying environmental compensation and recast the process of appeal and formation of panel of technicians to assist the National Green Tribunal in surveying damage and quantifying compensation.

Hence this Bill.

NEW DELHI;
10 August, 2022.

E.T. MOHAMMED BASHEER

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Tribunal shall establish a permanent panel of technical assessors for the purpose of quantifying relief and compensation and restitution of property and environment. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees one hundred crore from the Consolidated Fund of India.

A non-recurring expenditure to the tune of one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules regarding the publication of information for which the amount of compensation or relief credited to the Environment Relief Fund shall be utilized. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

ANNEXURE

EXTRACT FROM THE NATIONAL GREEN TRIBUNAL ACT, 2010

	*	*	*	*	*	*
Relief, compensation and restitution.	<p>15. (1) The Tribunal may, by an order, provide,—</p> <p>(a) * * * * *</p> <p>(b) * * * * *</p> <p>(2) The relief and compensation and restitution of property and environment referred to in clauses (a), (b) and (c) of sub-section (1) shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991 (6 of 1991).</p>					
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Appeal to Supreme Court.	<p>22. Any person aggrieved by any award, decision or order of the Tribunal, may, file an appeal to the Supreme Court, within ninety days from the date of communication of the award, decision or order of the Tribunal, to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908 (5 of 1908):</p> <p>Provided that the Supreme Court may entertain any appeal after the expiry of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal.</p>					
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Power to make rules.	<p>35. (1) * * * * *</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—</p> <p>* * * * *</p> <p>(1) the manner and the purposes for which the amount of compensation or relief credited to the Environment Relief Fund shall be utilised under sub-section (2) of section 24;</p>					
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further to amend the National Green Tribunal Act, 2010.

(Shri E.T. Mohammed Basheer, M.P.)