

**GIB/DL/MINISTRY OF FINANCE/12-02-2020/Other-1**

**Others Category :** Others

**State :** Delhi

**Order No.:** GIB/DL/MINISTRY OF FINANCE/12-02-2020/Other-1

**Name of Entry :**  
Ministry of Finance

**Date :** 12-02-2020

**Breif Issue :**

**Issue Involved:**

Central Government notifies the Tribunal, Appellate Tribunal and other Authorities (Qualification, Experience and Other Conditions of Members) Rules 2017- Is this a Blatant Attempt to Curb the Functioning of the National Green Tribunal?

**Facts:**

A petition has been filed before the Supreme Court challenging the constitutionality of amendments that have been made in the NGT Act, 2010 through the Finance Act, 2017 with the petitioner, Social Action for Forest and Environment arguing that the amendments will weaken the functioning of the NGT and curtail its powers. The Supreme Court in its order dated July 28, 2017 has given the Central Government a period of two weeks to provide its response to the petition.

**Decision of Advance Ruling Authority :**

**Decision:**

A brief review of the observations of the Courts in **Union of India v. R. Gandhi** and **South India Music Companies versus Union of India**, shows that the Courts have generally taken a position that the independence of the Judiciary is to be maintained and attempts by the Executive to interfere in the Judicial function have generally been strongly struck down. This attempt by the Central Government to bring wholesale changes in the Appointment process of Members to Tribunals is also likely to struck down as unconstitutional.