

# **The National Environment Appellate Authority (Procedure for Conducting Inquiry against the Chairperson or the Vice-Chairperson or a Member) Rules, 2001**

UNION OF INDIA

India

## **The National Environment Appellate Authority (Procedure for Conducting Inquiry against the Chairperson or the Vice-Chairperson or a Member) Rules, 2001**

### **Rule**

### **THE-NATIONAL-ENVIRONMENT-APPELLATE-AUTHORITY-PROCEDURE of 2001**

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The National Environment Appellate Authority (Procedure for Conducting Inquiry against the Chairperson or the Vice-Chairperson or a Member) Rules, 2001 Published vide Notification No. G.S.R. 450(E), dated 11th June, 2001 Ministry of Environment and Forests G.S.R. 450(E). - In exercise of the powers conferred by sub-section (1) and Clause (a) of sub-section (2) of Section 22 read with sub-section (4) of Section 8 of the National Environment Appellate Authority Act, 1997 (22 of 1997), the Central Government hereby makes the following rules, namely :

### **1. Short title and commencement.**

(1) These rules may be called the National Environment Appellate Authority (Procedure for Conducting Inquiry against the Chairperson or the Vice-Chairperson or a Member) Rules, 2001. (2) They shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions.**

(1) In these rules, unless the context otherwise requires, (a) "Act" means the National Environment Appellate Authority Act, 1997 (22 of 1997); (b) "Authority" means the National Environment

Appellate Authority established under sub-section (1) of section 3 of the Act;(d)"Vice-Chairperson" means the Vice-Chairperson of the Authority;(e)"Member" means a Member of the Authority;(2)Words and expression used and not defined in these rules but defined in the National Environment Appellate Authority Act, 1997 (22 of 1997), shall have the meanings respectively assigned to them in that Act.

### **3. Procedure for conducting inquiry against the Chairperson or the vice-Chairperson or a Member for removal from office in certain circumstances.**

(1)The President may by an Order remove from office the Chairperson or the Vice-Chairperson or any Member of the Authority, who(a)has been adjudged an insolvent; or(b)has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or(c)has become physically or mentally incapable of acting as the Chairperson or the Vice-Chairperson or a Member; or(d)has acquired such financial or other interest in the matter before the Authority as is likely to affect prejudicially his functions as the Chair person or the Vice-Chairperson or a Member; or(e)has so abused his position as to render his continuance in office prejudicial to the public interest.(2)Notwithstanding anything contained in sub-rule (1) the Chairperson, the Vice-Chairperson or a Member of the Authority shall not be removed from his office on the grounds specified in sub-clauses (d) and (e) of that sub-rule unless a judge of the supreme Court has, on an inquiry, reported that the Chairperson or the Vice Chairperson or a Member ought on such ground or grounds to be removed.

### **4. Powers of the Judge.**

(1)The judge shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 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 enquiry.(2)The judge shall have, for the purposes of discharging his functions under these rules, the same powers as are vested in a civil court under Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely :-(a)Summoning and enforcing the attendance of any person and examining him on oath;(b)requiring the discovery and production of documents;(c)receiving evidence on affidavits; and(d)subject to the provisions of section 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or copy of such record or document from any office.