



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.B.

Semester: IV

SUBJECT: Environmental Laws

SUBJECT CODE: LLB404

NAME OF FACULTY: Mohammad Aqib

Lecture-25



LECTURE 25: Term of Office , Resignation and Removal, Salaries and allowances to Chairperson, Vice chairperson and members under National Environment Tribunal Act

Term of office:

The Chairperson, Vice-Chairperson and other Member shall hold office as such for a term of five years from the date on which he enters upon his office, but shall be eligible for re-appointment for another term of five years:

Provided that no Chairperson, Vice-Chairperson or other Member shall hold office as such after he has attained,-

- (a) in the case of the Chairperson, the age of seventy years;
- (b) in the case of the Vice-Chairperson, the age of sixty-five years; and
- (c) in the case of any other Member, the age of sixty-two years.

Resignation and removal

- (1) The Chairperson, Vice-Chairperson or other Member may, by notice in writing under his hand addressed to the President, resign his office:

Provided that the Chairperson, Vice-Chairperson or other Member shall unless he is permitted by the President to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

- (2) The Chairperson, Vice-Chairperson or any other Member shall not be removed from his office except, by an order made by the President on, the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the Supreme Court in which such Chairperson, Vice-Chairperson or other Member had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.
- (3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Chairperson, Vice-Chairperson or other Member referred to in sub-section (2).

Salaries and allowances and other terms and conditions of service of Chairperson, Vice-Chairperson and other Member:

The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairperson, Vice Chairperson and other Member shall be such as may be prescribed:

Provided that neither the salary and allowances nor the, other terms and conditions of service of the Chairperson, Vice-Chairperson or other Member shall be varied to his disadvantage after his appointment.

Financial and administrative powers of Chairperson:

The Chairperson shall exercise such financial and administrative powers over Benches as may be vested in him under the rules:

Provided that the Chairperson shall have authority to delegate such of his financial and administrative powers as he may think fit to the Vice-Chairperson or any other officer of the Tribunal subject to the condition that the Vice-Chairperson or such officer shall, which exercising such delegated powers, continue to act under the direction, control and supervision of the Chairperson.

Distribution of business amongst the Benches:

(1) Where any Benches of the Tribunal are constituted, the Central Government may, from time to time by notification, make provisions as to the distribution of the business of the Tribunal amongst the Benches and specify, the matters which may be dealt with by each Bench.

(2) If any question arises as to whether any matter falls within the purview of the business allocated to a Bench, the decision of the Chairperson shall be final.