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Wind up green bench, SC told

Your Are Hurting Objective Of Forest Preservation, Centre Tells Apex Court

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New Delhi: In a blunt message to the supreme court, Centre has asked it to wind up its green bench on the ground that it has outlived its utility and is hurting the objective of preservation of forests.

The bench's orders on the basis of advice given by lay persons have contributed in accentuating poverty, social unrest and a spurt in Naxal activities in major states, the Centre said in what marked an unprecedented display of belligerence.

The three-judge green bench, a significant innovation which has traditionally been headed by the Chief Justice of India (CJI), has passed several landmark judgments, orders and directions for implementation of the Forest Conservation Act in the last 12 years.

But the interventions which earned its applause were resented by the executive which saw them as intrusion.

The ministry of environment and forests (MoEF) makes no bones of its anguish, saying that the prolonged hearing on the writ petition filed in 1995, as well as 1,700 applications attached to it, has resulted in judiciary usurping the executive's powers.



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"Such a large number of applications testify to the fact that the separation of powers between different organs of the government, and mutual respect, are being eroded," the MoEF said in its affidavit seeking vacation of the stay on the functioning of Forest Advisory Committee constituted by it.

The stand-off between the Centre and the apex court emanated from the disagreement over choice of independent experts to the FAC, strongly espoused by amicus curiae Harish

Salve, who wanted inclusion of independent experts like Belinda Wrights and Bittoo Sehgal.

MoEF made known its scant regard for the views of lawyers and social activists assisting the court in forest matters. While referring to them as "lay persons", it even accused them of influencing the court orders that has led to social problems like spurt in naxal activities in forests.

The MoEF said the way hearings in the apex court had gone clearly showed that "advocates, who are experts in law not in forestry, and social activists, who may espouse social causes without any background of scientific issues that may have given rise to that issue, have tried to influence hearings in the cases through submissions on aspects which are in the domain of forestry science".

Such a situation may not only lead to errors of judgment but also result in accentuating poverty and social unrest, the Centre said.