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Govt clips wings of forest panel

Makes SC Go Back On Own Order Over Its Ambit

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New Delhi: The Centre's increasing reluctance to yield executive control over forests has led to the drastic curtailment of the powers and stature of the Central Empowered Committee (CEC) which had virtually become the boss in forest-related matters.

Pursuant to the May 9, 2002, order of the SC, the Centre had constituted the CEC headed by then forest secretary P V Jayakrishnan under Section 3(3) of the Environment (Protection) Act.

The Centre had also conferred it with vast powers referred under Section 3(2), Section 5, Sections 15 to 21 of the Act as well as the power to regulate mining in forest areas under the Forest (Conservation) Act, Indian Forest Act, Wildlife (Protection) Act.

Though the CEC was virtually conceived and its members decided by the SC, the Centre had given a statutory cloak. Of late, the government realised that under

SC judge wary of judicial activism

Coimbatore: The "weapon of judicial activism" should be used carefully failing which the Supreme Court could turn into a "dictator", an SC Judge P Sathasivam has said.

"Judicial activism is a sharp-edged tool, which has to be used as a scalpel by a skillful surgeon to cure the malady," Sathasivam said at the Bar Association here. "The SC's pivotal role in making up for the lethargy of the legislature and the inefficiency of the executive is commendable... But the law can be dehumanised and the final forensic floor, the Supreme Court, may turn into a diptator," he said.

the law, though it should have the power to make appointments to all committees constituted by it, it had no such privilege as far as CEC was concerned.

When the time for extension of its tenure came, solicitor general G E Vahanvati politely but firmly told

the SC forest bench of CJIK G Balakrishnan and Justices Arijit Pasayat and S H Kapadia that the Centre was not in favour of giving a new lease of life to CEC, or at least not give it the official seal.

After amicus curiae Harish Salve and Vahanvati discussed the matter and reached an agreement over the status of CEC, the apex court set aside all its previous orders relating to the constitution and functioning of the committee, including its terms of reference.

In a fresh order, it said the CEC would now stand constituted "for the purpose of monitoring and ensuring compliance with the orders of this court covering the subject matter of forest, wildlife and related issues arising out of the said order".

Though CEC has been given powers to summon any record from any government authority or even an official, it would not have residuary powers mentioned in the Environment Protection Act or forest and wildlife protection laws.