



**PROPOSED MODIFICATION OF RULE REQUIRING PAYMENT OF COURT FEES IN
NATIONAL GREEN TRIBUNAL RULES**

24th April 2011: Recently, a news item appearing in a prominent English daily was brought to my attention. This news item put forth a critique of the following clause in the National Green Tribunal Rules:

“Rule 12: *An application or appeal where compensation has been claimed, shall be accompanied by a fee equivalent to 1% of the amount of compensation claimed, subject to a minimum of Rs 1,000.”*

It must be pointed out that though the article erroneously claims the rule is unprecedented it draws support from a number of parallel statutes and was drafted using those statutes as a template (To illustrate; under item 11 of the First Schedule to the Court Fees Act, the court fee payable is a percentage on “the amount or value of the property in respect of which the grant of probate is made”. Also Section 253 of the Income Tax Act 1961 titled “Appeals to the Appellate Tribunal” provides for a similar payment of one per cent. Reference may also be had to the Appellate Tribunal for Electricity (Procedure, Form, Fee and Record of Proceedings) Rules, 2007).

Furthermore the original intent behind the insertion of the clause was to discourage non *bona fide* and mischievous parties from bringing frivolous suits to harass other agencies and individuals through the medium of the tribunal. However I firmly believe that this protocol should not be such that it actively reduces access to justice.

Though the Rules provide for an exemption from the above requirement for those individuals who are below the poverty line, I do believe there is some merit in not keeping the provision. The Ministry does not intend for genuine litigants with valid grounds to feel prejudiced or discouraged from seeking justice.

I have consulted the Chairman of the National Green Tribunal. Though legally tenable and sound in terms of support from precedent, we both agreed that it would be in the greater public good to remove Rule 12. We may revisit the need for such a Rule at a later date based on our experiences with the NGT.

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