



CURRENT AFFAIRS



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NATIONAL GREEN TRIBUNAL

This article covers "Daily Current Affairs" and the topic details "National Green Tribunal". The topic "National Green Tribunal" has relevance in the "Governance and Environment" section of the UPSC CSE exam.

For Prelims:

National Green Tribunal
Composition, Functions, Procedures

For Mains:

GS2: Role and effectiveness of the National Green Tribunal (NGT) in addressing environmental issues

Why in the news?

During the past five years, the National Green Tribunal (NGT) has reported receiving 15,312 cases and resolving 16,402 cases, as reported in recent news articles.

National Green Tribunal

- The National Green Tribunal is a **statutory body** established in 2010 under the **National Green Tribunal Act 2010**.
- The National Green Tribunal is a specialized and proficient body that deals with complex environmental disputes encompassing multiple disciplines.
- The Tribunal's exclusive jurisdiction in environmental matters ensures swift dispensation of environmental justice and alleviates the load of litigation in higher courts.
- The Principal bench of the Tribunal is in New Delhi, while Bhopal, Pune, Kolkata, and Chennai serve as the other four regional benches.

Objectives of NGT

- Ensuring prompt and efficient resolution of cases concerning the protection of the environment and conservation of forests and other natural resources.
- Upholding and enforcing legal rights pertaining to the environment.
- Providing redress and compensation for individuals affected by damages related to the environment.

Composition of NGT

- The National Green Tribunal (NGT) is led by a **Chairperson who presides over the Principal Bench**.
- The Tribunal comprises a minimum of ten and a maximum of twenty judicial as well as expert members.
- The members of the National Green Tribunal (NGT) have a **term of three years or until they reach the age of sixty-five**, whichever comes first.

- They are **not eligible for reappointment**.
- The appointment of the Chairperson of the National Green Tribunal (NGT) is made by the Central Government after consulting with the Chief Justice of India (CJI).
- To appoint the Judicial Members and Expert Members, a Selection Committee is formed by the central government.

Powers & Jurisdiction

- **Anyone affected by environmental damage related to the subjects listed in Schedule I** of the National Green Tribunal Act, 2010 can seek relief and compensation by approaching the Tribunal.
- The statutes in Schedule I are:
 - **The Water (Prevention and Control of Pollution) Act, 1974;**
 - **The Water (Prevention and Control of Pollution) Cess Act, 1977;**
 - **The Forest (Conservation) Act, 1980;**
 - **The Air (Prevention and Control of Pollution) Act, 1981;**
 - **The Environment (Protection) Act, 1986;**
 - **The Public Liability Insurance Act, 1991;**
 - **The Biological Diversity Act, 2002.**
- The Tribunal has **jurisdiction over all civil cases involving a substantial question relating to the environment and the question.**
- Furthermore, individuals who are dissatisfied with an order or direction issued by any of the Appellate Authorities mentioned above have the right to challenge them before the National Green Tribunal. The Tribunal is not obligated to follow the procedural rules outlined in the Code of Civil Procedure, 1908, but must adhere to principles of natural justice.
- The Tribunal has a responsibility to make every effort to resolve applications or appeals within six months of their submission.
- It is not mandatory to hire a lawyer in order to approach the Tribunal. Affected parties have the option to personally approach the Tribunal by submitting an application in the specified format.
- The decisions of the Tribunal hold legal weight and are enforceable, as it possesses the same powers as a civil court under the Code of Civil Procedure, 1908.
- The Tribunal is empowered to review its own decisions. If this fails, the decision can be challenged before the Supreme Court within a period of ninety days.

Strength of NGT

- **Evolution of Environmental Jurisprudence:** The National Green Tribunal (NGT) plays an important role in the growth of environmental jurisprudence by offering an alternative dispute settlement system. This reduces the burden of environmental litigation in higher courts.
- **Litigation load Reduction:** It aids in the reduction of the litigation load on environmental matters in the higher courts.
- **Faster Dispute Resolution:** The NGT provides a less formal and less expensive alternative for certain environmental conflicts.
- **Limiting Environmentally Harmful Activities:** The NGT also helps to limit environmentally harmful activities, supporting sustainable practices and conserving natural resources.

Challenges in the functioning of NGT

- **Lack of adequate members and infrastructure:**
 - The NGT Act envisages a minimum of 10 judicial and 10 expert members, but the NGT is currently functioning with only 6 judicial and 5 expert members.
 - The NGT also faces issues such as lack of basic amenities, staff shortage, and inadequate funds.

- **Restriction on suo motu jurisdiction:**

- The NGT Act does not explicitly grant or deny the NGT the power to take up cases on its own motion.
- However, some High Courts have restrained the NGT from exercising this power, which limits its ability to address environmental issues proactively.

- **Frequent appeals to High Courts:**

- The NGT Act provides that any person aggrieved by an order of the NGT may appeal directly to the Supreme Court within 90 days.
- However, some High Courts have entertained appeals under Articles 226 and 227 of the Constitution, which defeats the purpose of expeditious disposal of cases by the NGT.

- **Non-scientific determination of compensation:**

- The NGT Act does not prescribe any methodology or criteria for calculating environmental compensation.
- The NGT has often relied on arbitrary percentages of project cost or sale proceeds, without considering the actual extent of environmental damage or the polluter's ability to pay.

- **Trend of not penalizing governmental authorities:**

- The NGT has failed to impose significant monetary penalties on governmental authorities who have violated environmental laws or failed to perform their duties.
- Even in cases where the NGT has held them accountable, the implementation of orders has been poor.

- **Dilution of NGT's independence through amendments to the Finance Act, 2017:**

- The Finance Act, 2017 inserted a provision in the NGT Act that allows the Central Government to make rules regarding the qualifications, appointment, term, salaries, removal and other conditions of service of the NGT's members.
- This undermines the autonomy and credibility of the NGT as a quasi-judicial body.

- **Exclusion of certain laws from NGT's jurisdiction:**

- **The NGT Act does not empower the NGT to deal with matters relating to the Wildlife (Protection) Act, 1972 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

- These are important laws for protecting biodiversity and forest rights, which are often linked to environmental issues.

- **Lack of expertise in the functioning of the Tribunal:**

- The NGT is supposed to have expert members who can advise judges on scientific and technical aspects of environmental cases.
- However, there have been instances where the NGT's decisions have been questioned or overruled by the Supreme Court for lack of expertise or merits-based review.

Sources:

NGT received 15,312 cases, disposed of 16,402 during 2018-2023 – The Hindu Volume-IX-Issue-I-17-55.pdf (nliu.ac.in)

Q1. With reference to National Green Tribunal, consider the following statements:

1. The Principal Bench of National Green Tribunal (NGT) is constituted at New Delhi with Zonal Benches at Mumbai, Kolkata, Chennai and Bhopal.
2. According to the NGT Act, the appeal from the Tribunal shall lie directly before the Supreme Court.
3. Although the Tribunal is not bound by the procedure laid down under the Code of Civil Procedure, 1908, it is necessary to have legal representation in order to approach the Tribunal.

Which of the statements given above is/are correct?

- (a) 1 and 2 only

- (b) 2 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Answer: (c)

Q2. How many of the following legislations mentioned in Schedule I of the National Green Tribunal Act, 2010?

1. The Water (Prevention and Control of Pollution) Cess Act, 1977
2. The Forest (Conservation) Act, 1980
3. The Public Liability Insurance Act, 1991
4. The Biological Diversity Act, 2002
5. Wildlife (Protection) Act, 1972
6. Forest Rights) Act, 2006.

How many of the statements given above are correct?

- (a) Only two
- (b) Only three
- (c) Only four
- (d) Only five

Answer: (c)

Q3. Examine the role and effectiveness of the National Green Tribunal (NGT) in addressing environmental issues.

Gaurav Nikumbh

HUMAN TRAFFICKING

This article covers "Daily Current Affairs" and the topic details "Human Trafficking". The topic "Human Trafficking" has relevance in the Governance section of the UPSC CSE exam.

For Prelims:

What is Human Trafficking?

For Mains:

GS 2 : Governance

Status of Human Trafficking in India?

Relevant Laws and Conventions?

Causes of Human Trafficking?

Impacts of Human Trafficking?

Way Forward?

Why in the news?

The Ministry of Women and Child Development, Government of India, has approved a scheme that aims to provide financial assistance to states and Union Territories to establish protection and rehabilitation homes for victims of trafficking, particularly in states with international borders.

What is Human Trafficking?

Human trafficking refers to the illegal trade and exploitation of human beings. It involves the recruitment, transportation, harboring, or receipt of individuals through force, fraud, or coercion, often

across national borders. Human trafficking is considered a grave violation of human rights and a form of modern-day slavery.

Forms of Human Trafficking:

- **Forced Labor:** Exploitation in industries such as agriculture, construction, domestic work, and manufacturing.
- **Sexual Exploitation:** Trafficking for prostitution and pornography.
- **Child Trafficking:** Involving child labor, forced begging, child marriage, adoption scams, and sexual exploitation.
- **Bonded Labor:** Trapping individuals in debt bondage, where they work to repay an increasing debt.
- **Organ Trafficking:** Illegal trade of organs for transplantation purposes.

Status of Human Trafficking in India:

- Statistics provided by the National Crime Records Bureau (NCRB) show that 2,189 cases of human trafficking were filed in 2022, involving 6,533 victims of which 4,062 were female victims and 2,471 male victims. Also, 2,877 victims were minors.
- States like Telangana, Maharashtra, and Assam reported higher numbers of cases due to various factors such as porous border, high population density and more active organised crime networks.

Relevant Laws and Conventions:

Constitution of India:

- Article 23 prohibits human trafficking and begar (forced labor without payment).
- Article 24 forbids the employment of children below the age of 14 years in hazardous occupations like factories and mines.

Indian Penal Code (IPC):

- Section 370 and 370A of the IPC provide comprehensive measures to counter human trafficking, including trafficking of children for exploitation in any form, physical exploitation, sexual exploitation, slavery, servitude, or forced removal of organs.
- Sections 372 and 373 deal with selling and buying of girls for the purpose of prostitution.

Immoral Traffic (Prevention) Act, 1956 (ITPA):

- The ITPA is the primary legislation for preventing and combating trafficking for commercial sexual exploitation in India.
- It criminalizes various activities related to prostitution, brothel keeping, and solicitation.

International Conventions Addressing Human Trafficking:

- **UN Convention on Transnational Organized Crime:** This convention, also known as the Palermo Convention, is a comprehensive framework to combat transnational organized crime, including human trafficking.
- **SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution:** It aims to promote cooperation among SAARC member countries to address the root causes of trafficking, protect and rehabilitate victims, and prosecute offenders.

Causes of Human Trafficking:

- **Socioeconomic Factors:** Economic inequality and disparities, unemployment and lack of economic opportunities, lack of education and awareness, migration and displacement
- **Gender Inequality and Discrimination:** Violence against women, child marriage, and limited access to education.
- **Political Instability and Conflict:** Displacement and vulnerability.

- Corruption and Organized Crime: Impunity for traffickers due to corruption within law enforcement and immigration authorities.

Impacts of Human Trafficking:

- Physical and Psychological Trauma: Abuse, violence, injuries, and psychological disorders.
- Violation of Human Rights: Deprivation of freedom, dignity, and security.
- Economic Exploitation: Harsh working conditions, low or no pay, and debt bondage.
- Disruption of Social Fabric: Separation of families, loss of social support networks, and strained relationships within communities.

Way Forward:

- Strengthen Legislation and Law Enforcement: Enact and enforce robust anti-trafficking laws and enhance training programs for law enforcement agencies.
- Technological Solutions: Develop advanced tools for data analysis, artificial intelligence, and blockchain technology to combat trafficking and enhance supply chain transparency.
- International Collaboration: Facilitate knowledge exchange and partnerships between countries, NGOs, academia, and the private sector to combat human trafficking effectively.

Source:

<https://www.thehindu.com/news/national/centre-to-assist-border-states-and-uts-to-set-up-homes-for-rehabilitation-of-trafficking-victims/article67041859.ece>

Q.1 Which international convention addresses the prevention and suppression of human trafficking, especially women and children?

- (a) United Nations Convention on the Rights of the Child
- (b) UN Convention on the Elimination of All Forms of Discrimination Against Women
- (c) Convention on the Elimination of All Forms of Racial Discrimination
- (d) UN Convention on Transnational Organized Crime

ANSWER: (d)

Q.2 Which article of the Indian Constitution specifically prohibits human trafficking and forced labor?

- (a) Article 19
- (b) Article 21
- (c) Article 23
- (d) Article 24

ANSWER: (c)

Q.3 Discuss the socio-economic factors contributing to human trafficking in India and analyze the measures that can be taken to address these factors and prevent trafficking.

Rishabh