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TODAY'S IMPORTANT CURRENT AFFAIRS

UPSC MAINS

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NATIONAL GREEN TRIBUNAL

Source: The post is based on the article published in “The Hindu” on 03.06.2025.

In News: NGT asks firm to give details of cargo in Sunken vessel.

Syllabus: Mains – GS II,III(ENVIRONMENT -CONSERVATION AND TRIBUNALS)



The **National Green Tribunal (NGT)** is a specialized judicial body established in India under the **National Green Tribunal Act, 2010**. Its main purpose is the **effective and speedy disposal of cases** related to **environmental protection, conservation of forests, and other natural resources**, as well as the enforcement of legal rights relating to the environment.

Structure and Authority

- ❖ **Composition:** The NGT consists of a **Chairperson, Judicial Members, and Expert Members**. The Chairperson is appointed by the Central Government in consultation with the Chief Justice of India. Other members are appointed by a selection committee formed by the central government.
- ❖ **Benches:** The NGT operates from **five locations**: New Delhi (principal seat), Bhopal, Pune, Kolkata, and Chennai.
- ❖ **Jurisdiction:** The NGT has jurisdiction over **all civil cases** involving substantial environmental questions, including the enforcement of legal rights related to the environment.

- ❖ **Authority:** The NGT acts **independently** of the Civil Procedure Code and is guided by **principles of natural justice**. It can provide relief, compensation, and impose penalties for environmental damage.

Functions and Powers of the National Green Tribunal (NGT)

❖ Adjudicatory Powers

- ✧ Hears and decides all civil cases related to environmental protection, including air, water, and noise pollution, hazardous waste, biodiversity, and forest conservation.
- ✧ Has both **original and appellate jurisdiction** for disputes under key environmental laws such as the Water Act, Air Act, Environment Protection Act, Forest Conservation Act, Biological Diversity Act, and Public Liability Insurance Act.

❖ Relief, Compensation, and Restitution

- ✧ Grants relief and **compensation to victims** of pollution and environmental damage, including accidents involving hazardous substances.
- ✧ Orders **restitution** of damaged property and restoration of affected environments and ecosystems.

❖ Enforcement Enforcement and Regulatory Powers

- ✧ Issues directions, orders, and decrees to **prevent, control, and abate** environmental pollution.
- ✧ Can cancel approvals, issue stop-work orders, demolish unauthorized constructions, and direct government agencies to act against violators.
- ✧ Imposes penalties and fines on polluters and can recommend closure, suspension, or relocation of polluting industries.

- ❖ **Procedural Flexibility:** Not bound by the Code of Civil Procedure or Indian Evidence Act; follows principles of natural justice for efficient and flexible dispute resolution. Can create its **own procedures**, making the process less formal and faster than regular courts.

- ❖ **Suo Motu Powers :** Can take up environmental issues on its **own initiative**, even without a formal complaint.

- ❖ **Guiding Principles :** Decides cases based on **sustainable development**, the precautionary principle, and the polluter pays principle.

- ❖ **Review and Appeals:** Has the power to **review its own decisions**; appeals against NGT orders can be made to the Supreme Court of India.

- ❖ **Expertise and Public Participation:** Seeks expert assistance in environmental matters and encourages public participation through hearings and advisories.

- ❖ **Promotion of Environmental Law:** Helps shape environmental jurisprudence and policy through its rulings and recommendations to the government.
- ❖ **Timely Disposal:** Strives to resolve cases within six months of filing, ensuring speedy environmental justice.

Challenges in the National Green Tribunal (NGT)

1. Limited Jurisdiction: NGT's authority is restricted to specific environmental acts and does not cover crucial laws like the Wildlife Protection Act, 1972 and the Forest Rights Act, 2006, limiting its ability to address comprehensive environmental issues.

2. Resource Constraints: The NGT suffers from a **shortage of judicial and expert members**, often functioning with far fewer members than mandated, leading to delays and a high pendency of cases. **Financial limitations** further **hinder** its ability to **dispose** of cases within the stipulated six months.

3. Enforcement Issues: NGT's orders largely **rely on local authorities** for implementation, who may lack the will, resources, or capacity, resulting in poor compliance and ineffective enforcement.

4. Limited Regional Access: With only a **few regional benches** located in major cities, people from remote or tribal areas—where environmental exploitation is severe—face difficulties accessing the tribunal.

5. Delays and Backlog: Delays in judicial appointments and unfilled vacancies contribute to a backlog, undermining the objective of swift environmental justice.

6. Questioned Expertise and Legal Conflicts: The **expertise of the tribunal** has been questioned, with several decisions being **overruled by the Supreme Court**, and conflicts sometimes arise with other authorities or legal forums.

There is also ambiguity regarding the calculation of compensation for victims, and a lack of clear formulas or guidelines.

7. Criticism on Development: NGT's decisions are sometimes criticized for negatively impacting economic growth and development, leading to resistance from stakeholders and the government.

8. Lack of Autonomy and Modern Capacity: The tribunal lacks sufficient autonomy and is not fully equipped to address complex, modern environmental challenges.

Issues with Sunken Vessel Cargo

Key Issues: The sinking of cargo vessels like **MSC Elsa 3** off the Kerala coast leads to immediate and long-term environmental risks, especially when carrying hazardous materials and large quantities of oil and fuel.

- ✧ Sunken containers may contain **chemicals that react** with seawater, such as calcium carbide, which produces flammable acetylene gas, and other toxic substances that can leak and contaminate the marine environment
- ✧ Oil spills from the vessel's fuel tanks **threaten marine life**, fisheries, and coastal communities. Leaked oil can wash ashore as tar balls, disrupting fishing and harming sensitive species.
- ✧ **Floating containers and plastic pellets** (nurdles) released from damaged cargo can pollute beaches and enter the food chain, causing persistent ecological harm.

Way Forward for Sunken Vessel Cargo Issues and NGT

Immediate Actions:

- ✧ Remove oil and hazardous cargo quickly to prevent further leaks. Deploy pollution control vessels and expert teams for spill containment and cleanup.
- ✧ Track and recover drifting containers and debris to minimize marine and coastal pollution.

Medium & Long-Term Solutions:

- ✧ Set up clear, rapid-response protocols among authorities.
- ✧ Maintain a database of shipwrecks and cargo for risk management.
- ✧ Invest in safe ship recycling and hazardous waste management infrastructure.
- ✧ Enforce international conventions (like MARPOL) and strengthen penalties for violations.

NGT-Specific Steps:

- ✧ Ensure strict enforcement and regular monitoring of compliance.
- ✧ Promote transparent reporting and independent audits of cleanup.
- ✧ Facilitate compensation for affected communities.
- ✧ Push for policy reforms on ship safety and cargo transparency.

Sustainable Prevention:

- ✧ Promote cleaner fuels and better waste systems on ships.
- ✧ Mandate regular risk assessments and emergency drills. Foster international cooperation for marine pollution management