



Current Affairs of the Day

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1. Secrecy of ballot is key to free and fair elections: SC
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1. Smokers at higher risk, says govt.

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➤ Environment & Biodiversity:

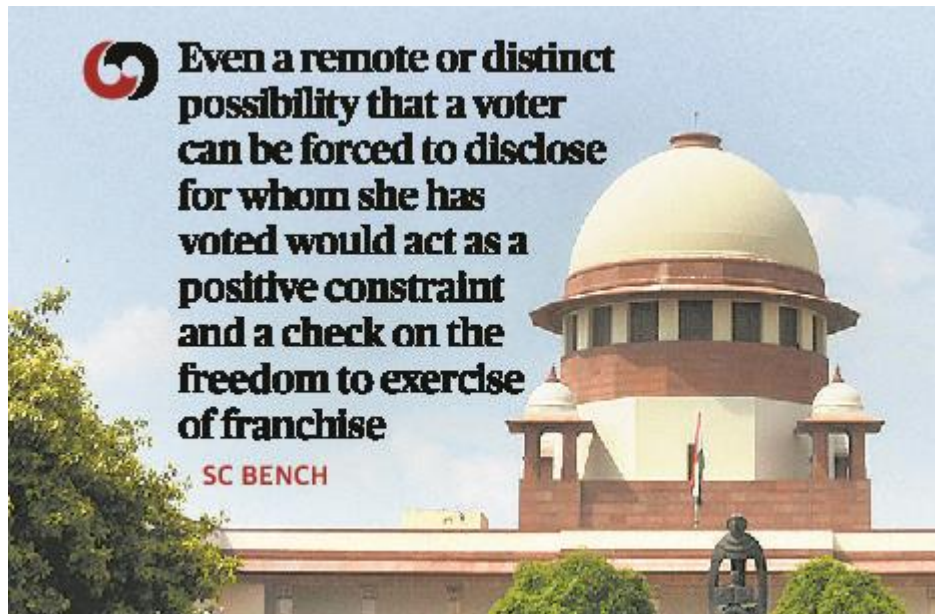
1. NGT fine on Karnataka over pollution in lake
2. What is National Green Tribunal (NGT)?



Secrecy of ballot is key to free and fair elections: SC

Supreme Court's observation:

- Secrecy of ballot is the cornerstone of free and fair elections.
- The choice of a voter should be free and the secret ballot system in a democracy ensures it, the Supreme Court has held in a judgment.



- The principle of secrecy of ballots is an important postulate of constitutional democracy, the court said.

Voters' privilege:

- Justice Khanna, who wrote the judgment, referred to Section 94 of the Representation of the People Act, which upholds the privilege of the voter to maintain confidentiality about her choice of vote.
- However, a voter can also voluntarily waive the privilege of non-disclosure. "The privilege ends when the voter decides to waive the privilege and instead volunteers to disclose as to whom she had voted. No one can prevent a voter from doing. Nor can a complaint be entertained from any, including the person who wants to keep the voter's mouth sealed as to why she disclosed for whom she voted," Justice Khanna wrote.



NGT fine on Karnataka over pollution in lake

- The **National Green Tribunal** has imposed an interim penalty of ₹10 lakh on the Karnataka government over pollution in the **Kithiganahalli Lake**, near Bommasandra in Bengaluru, saying criminal offence is being committed by the authorities in not stopping the discharge of pollutants into water bodies.
- A Bench headed by NGT Chairperson Justice Adarsh Kumar Goel also slapped a fine of ₹5 lakh on the Bommasandra municipal council for failure to discharge its duties.

Value Added Information

What is National Green Tribunal (NGT)?

- It is a specialised body set up under the National Green Tribunal Act (2010) for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources.
- With the establishment of the NGT, India became the third country in the world to set up a specialised environmental tribunal, only after Australia and New Zealand, and the first developing country to do so.
- NGT is mandated to make disposal of applications or appeals finally within 6 months of filing of the same.
- The NGT has five places of sittings, New Delhi is the Principal place of sitting and Bhopal, Pune, Kolkata and Chennai are the other four.

Structure of NGT

- The Tribunal comprises of the Chairperson, the Judicial Members and Expert Members. They shall hold office for term of five years and are not eligible for reappointment.
- The Chairperson is appointed by the Central Government in consultation with Chief Justice of India (CJI).
- A Selection Committee shall be formed by central government to appoint the Judicial Members and Expert Members.



- There are to be least 10 and maximum 20 full time Judicial members and Expert Members in the tribunal.

Powers & Jurisdiction

- The Tribunal has jurisdiction over all civil cases involving substantial question relating to environment (including enforcement of any legal right relating to environment).
- Being a statutory adjudicatory body like Courts, apart from original jurisdiction side on filing of an application, NGT also has appellate jurisdiction to hear appeal as a Court (Tribunal).
- The Tribunal is not bound by the procedure laid down under the Code of Civil Procedure 1908, but shall be guided by principles of 'natural justice'.
- While passing any order/decision/ award, it shall apply the principles of sustainable development, the precautionary principle and the polluter pays principle.
- NGT by an order, can provide
 - relief and compensation to the victims of pollution and other environmental damage (including accident occurring while handling any hazardous substance),
 - for restitution of property damaged, and
 - for restitution of the environment for such area or areas, as the Tribunal may think fit.
- An order/decision/award of Tribunal is executable as a decree of a civil court.
- The NGT Act also provides a procedure for a penalty for non compliance:
 - Imprisonment for a term which may extend to three years,
 - Fine which may extend to ten crore rupees, and
 - Both fine and imprisonment.
- An appeal against order/decision/ award of the NGT lies to the Supreme Court, generally within ninety days from the date of communication.



- The NGT deals with civil cases under the seven laws related to the environment, these include:
 - The Water (Prevention and Control of Pollution) Act, 1974,
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 - 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 and
 - The Biological Diversity Act, 2002.
- Any violation pertaining to these laws or any decision taken by the Government under these laws can be challenged before the NGT.

Strengths of NGT

- Over the years NGT has emerged as a critical player in environmental regulation, passing strict orders on issues ranging from pollution to deforestation to waste management.
- NGT offers a path for the evolution of environmental jurisprudence by setting up an alternative dispute resolution mechanism.
- It helps reduce the burden of litigation in the higher courts on environmental matters.
- NGT is less formal, less expensive, and a faster way of resolving environment related disputes.
- It plays a crucial role in curbing environment-damaging activities.
- The Chairperson and members are not eligible for reappointment, hence they are likely to deliver judgements independently, without succumbing to pressure from any quarter.
- The NGT has been instrumental in ensuring that the Environment Impact Assessment process is strictly observed.



Challenges

- Two important acts - Wildlife (Protection) Act, 1972 and Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 have been kept out of NGT's jurisdiction. This restricts the jurisdiction area of NGT and at times hampers its functioning as crucial forest rights issue is linked directly to environment.
- The NGT decisions are being challenged in various High Courts under Article 226 (power of High Courts to issue certain writs) with many asserting the superiority of a High Court over the NGT, claiming 'High Court is a constitutional body while NGT is a statutory body.' This is one of the weaknesses of the Act as there is lack of clarity about what kind of decisions can be challenged; even though according to the NGT Act, its decision can be challenged before the Supreme Court.
- Decisions of NGT have also been criticised and challenged due to their repercussions on economic growth and development.
- The absence of a formula based mechanism in determining the compensation has also brought criticism to the tribunal.
- The decisions given by NGT are not fully complied by the stakeholders or the government. Sometimes its decisions are pointed out not to be feasible to implement within a given timeframe.
- The lack of human and financial resources has led to high pendency of cases - which undermines NGT's very objective of disposal of appeals within 6 months.
- The justice delivery mechanism is also hindered by limited number of regional benches.

Important Landmark Judgements of NGT

- In 2012, POSCO a steelmaker company signed a MoU with the Odisha government to set up steel project. NGT suspended order and this was considered a radical step in favour of the local communities and forests.



- In 2012 Almitra H. Patel vs. Union of India case, NGT gave judgment of complete prohibition on open burning of waste on lands, including landfills – regarded as the single biggest landmark case dealing with the issue of solid waste management in India.
- In 2013 in Uttarakhand floods case, the Alaknanda Hydro Power Co. Ltd. was ordered to compensate to the petitioner – here, the NGT directly relied on the principle of ‘polluter pays’.
- In 2015, the NGT ordered that all diesel vehicles over 10 years old will not be permitted to ply in Delhi-NCR.
- In 2017, the Art of Living Festival on Yamuna Food Plain was declared violating the environmental norms, the NGT panel imposed a penalty of Rs. 5 Crore.
- The NGT, in 2017, imposed an interim ban on plastic bags of less than 50-micron thickness in Delhi because “they were causing animal deaths, clogging sewers and harming the environment”.

Additional funds sought for Jal Jeevan Mission

- Faced with a financing shortfall for the **Jal Jeevan Mission (JJM)**, the Jal Shakti Ministry is pitching for additional funding of ₹82,000 crore from the 15th Finance Commission for the project to provide drinking water tap connections to every rural household by 2024. Only 18% of households are currently covered.
- The Ministry also wants to control the flow of the Commission’s funds to panchayats for water and sanitation.
- In a presentation made to the Commission this week, the Ministry showed that there had been a 45% shortfall in financing the JJM by both the Centre and the States in its first year of 2019-20. The planned Central share for the year was ₹20,798 crore, but actuals were only at ₹12,000 crore. The share due from States was ₹8,329 crore, but the shortfall was more than ₹4,200 crore. Similarly, in 2020-21 as well, there has been a 32% shortfall at the Central level.



Value Added Information

About Jal Jeevan Mission:

- The Mission was **announced in August 2019**.
- The chief objective of the Mission is to **provide piped water supply (Har Ghar Jal) to all rural households by 2024**.

Key features:

- It aims to create local infrastructure for rainwater harvesting, groundwater recharge and management of household waste water for reuse in agriculture.
- The Jal Jeevan Mission is set to be based on various water conservation efforts like point recharge, desilting of minor irrigation tanks, use of greywater for agriculture and source sustainability.
- The Jal Jeevan Mission will converge with other Central and State Government Schemes to achieve its objectives of sustainable water supply management across the country.



Need for and significance of the mission:

- **India has 16% of the world population, but only 4% of freshwater resources.** Depleting groundwater level, overexploitation and deteriorating water quality, climate change, etc. are major challenges to provide potable drinking water. It is an urgent requirement of water conservation in the country because of the decreasing amount of groundwater level. **Therefore, the Jal Jeevan Mission will focus on integrated demand and supply management of water at the local level.**



Smokers at higher risk, says govt.

Key Points:

- Tobacco, alcohol and drugs used to cope with emotions or boredom can worsen physical and mental health and reduce immunity during the COVID-19 pandemic, the Union Health Ministry said on Sunday.
- Smoking makes people more vulnerable to COVID-19 because it leads to lung diseases, reduces lung capacity and may lead to virus transmission from hand to mouth.
- It also cautioned that there is no evidence to show that regularly rinsing your nose with saline helps prevent infection.
- According to the Indian Council of Medical Research, the number of samples being tested every day also continues to grow and in the last 24 hours, 1,90,730 samples were tested. The number of samples tested thus far is 68,07,226, it said. It said the number of government labs has increased to 722 and private labs to 259 (total 981).

Naval ship bringing back 198 from Male

Operation Samudra Setu:

- Amphibious vessel INS Airavat set sail from Male in the Maldives to Thoothukudi in Tamil Nadu with 198 Indians on Sunday under the next phase of Operation Samudra Setu to repatriate citizens from overseas.
- The Navy launched Operation Samudra Setu on May 8 to repatriate citizens stuck abroad due to the COVID-19 pandemic and since then Indian citizens have been evacuated from the Maldives, Sri Lanka and Iran.
- INS Jalashwa and INS Magar had evacuated 2,874 individuals from the Maldives and Sri Lanka to the ports of Kochi and Thoothukudi.