



NGT's Intervention in Haryana's Illegal Mining Issue

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Why in News?

The [National Green Tribunal \(NGT\)](#) has recently taken stringent action against the state of Haryana for its **failure to address [illegal mining concerns in Gurgaon's Rithoj village](#)**.

What is Illegal Mining?

- **About:** Illegal mining is the **extraction of minerals, ores, or other valuable resources from land or water bodies** without the necessary permits, licenses, or regulatory approvals from government authorities.
 - It can also involve the violation of environmental, labor, and safety standards.
- **Laws Related to Mining in India:**
 - The entry at serial No. 23 of **List II (State List)** to the Constitution of India mandates the state government to own the **minerals located within their boundaries**.
 - The entry at serial No. 54 of **List I (Central List)** mandates the central government to own the minerals within the **[exclusive economic zone of India \(EEZ\)](#)**.
 - In pursuance to this **[Mines & Minerals \(Development and Regulation\) \(MMDR\) Act of 1957](#)** was framed.
 - The power to frame **policy and legislation relating to minor minerals is entirely delegated to the State Governments** while policy and legislation relating to the **major minerals are dealt by the Ministry of Mines under the Union Government**.

What is the National Green Tribunal?

- **Foundation:** The NGT was established in **October, 2010**, under the **National Green Tribunal Act 2010**.
 - Its primary focus is to facilitate the swift and efficient resolution of cases related to **environmental protection, conservation of forests, and preservation of natural resources**.
 - Currently, **New Delhi** serves as the principal place of sitting of NGT, with **Bhopal, Pune, Kolkata, and Chennai** designated as the other four places of sitting for the Tribunal.
- **Structure:**
 - The Tribunal is headed by the **Chairperson who sits in the Principal Bench** and has at least 10 but not more than 20 judicial members and expert members.
 - The Chairperson is appointed by the Central Government in consultation with the **[Chief Justice of India \(CJI\)](#)**.
 - A Selection Committee shall be formed by the central government to appoint the Judicial Members and Expert Members.
- **Legal Mandate:** The Tribunal's jurisdiction **extends to enforcing environmental rights, granting relief and compensation for damages to individuals and property**, and

addressing matters associated with environmental protection and conservation.

- It operates independently of the **procedural rules laid down in the Code of Civil Procedure, 1908**, guided instead by principles of natural justice.
- Any person seeking relief and compensation for environmental damage involving subjects in the legislations mentioned in **Schedule I of the National Green Tribunal Act, 2010** may approach 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**

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims

Q. How is the National Green Tribunal (NGT) different from the Central Pollution Control Board (CPCB)? (2018)

1. The NGT has been established by an Act whereas the CPCB has been created by an executive order of the Government.
2. The NGT provides environmental justice and helps reduce the burden of litigation in the higher courts whereas the CPCB promotes cleanliness of streams and wells, and aims to improve the quality of air in the country.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (b)

Q. The National Green Tribunal Act, 2010 was enacted in consonance with which of the following provisions of the Constitution of India? (2012)

1. Right to healthy environment, construed as a part of Right to life under Article 21
2. Provision of grants for raising the level of administration in the Scheduled Areas for the welfare of Scheduled Tribes under Article 275(1)
3. Powers and functions of Gram Sabha as mentioned under Article 243(A)

Select the correct answer using the codes given below:

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

Ans: (a)

Mains

Q. Despite India being one of the countries of Gondwanaland, its mining industry contributes much less to its Gross Domestic Product (GDP) in percentage. Discuss. (2021)

Q. "In spite of adverse environmental impact, coal mining is still inevitable for development". Discuss.

(2017)

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