

**22– 10 – 2022**

**News:** Pakistan is out of FATF ‘grey list’ on terror funding

- Four years after it was placed on the ‘grey list’ and penalised with severe financial strictures by the Financial Action Task Force (FATF), **Pakistan won a major reprieve on Friday, as the international watchdog on terror financing and money laundering agreed to remove Pakistan’s name** from the list of countries under ‘increased monitoring’.

## **Financial Action Task Force (FATF)**

- Financial Action Task Force (FATF) is an **intergovernmental organisation founded in 1989 on the initiative of G-7 to develop policies to combat money laundering.**
- In 2012, it added efforts to **counter the financing of proliferation of weapons of mass destruction.**
- Objectives of FATF are **“Set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of international financing system”.**

- The FATF does not address all the issues related to the low tax jurisdiction or tax competition. The FATF mandate focuses only on the fight against laundering of the proceeds of crimes and the financing of terrorism.
- The secretariat of FATF is located at the Organisation for Economic Cooperation and Development (OECD) headquarters in Paris.
- But, OECD and FATF are entirely different organisations, even though most members overlap each other.
- The Rupee denominated Masala bonds can only be issued in a country and subscribed by a resident of such country that is a member of financial action task force and whose securities market regulator is a member of International Organisation of Securities Commission.
- Members include 37 member jurisdictions (including India) and 2 regional organisations European Commission and Gulf Co-operation Council.
- Eurasian Group on Combating Money Laundering and Financing of Terrorism is an Associate member of FATF.
- The FATF Plenary is the decision making body of the FATF. It meets three times per year around February, June and October.
- There are 9 FATF-Style regional bodies to devise systems for combating money laundering and terrorist financing. Eurasian Group, Asia/Pacific Group,

Caribbean FATF, MONEYVAL, ESAAMLG, FATF of Latin America, Middle East and African.

- It also assists jurisdictions in implementing financial provisions of the United Nations Security Council resolutions on terrorism.
- Since 2000, FATF has been maintaining the FATF Blacklist (Call for Action) and FATF Greylist (Other mentioned Jurisdictions).
- Only 3 objections are required to stop a proposal of including a country in Blacklist, but require 12 supporting nations to take one out of grey list.
- **Blacklist:** FATF describes “High-Risk jurisdictions subject to Call for Action” as having “significant strategic deficiencies in their regimes to counter money laundering, terrorist financing, and financing of proliferation”.
- Putting a country on Blacklist means shutting all doors to international finance for that country. As of 2020, North Korea and Iran are listed as Blacklist countries.
- **Grey List:** A country is put on the grey list when it fails to curb terrorism financing and money laundering.
- Currently there are 24 countries in the Grey List.
- The countries in the Grey List are Albania, Barbados, Botswana, Burkina Faso, Cambodia, Cayman Islands, Jamaica, Jordan, Haiti, Malta, Mali, Mauritius,

Morocco, Myanmar, Nicaragua, Panama, Philippines, Senegal, South Sudan, Syria, Turkey, Uganda, Yemen and Zimbabwe.

- The most recent plenary on October 2022, decided to take Pakistan out of the Grey List.

**News:** Central panel to probe ‘illegal’ axing of trees in national park

- The National Green Tribunal (NGT) on Friday told the forest officials of Uttarakhand that it would direct the Union government to form a committee to initiate an investigation into “illegal tree cutting” in Jim Corbett National Park.

## **Jim Corbett National Park / Ramganga National Park**

- Jim Corbett National Park, which is a part of the larger Corbett Tiger Reserve, a **Project Tiger Reserve lies in the Nainital district of Uttarakhand.**
- It was established in the year 1936 as Hailey National Park and has the glory of being **India's oldest and most prestigious National Park.**
- It is also being honoured as the place where **Project Tiger was first launched in 1973.**
- This unique tiger territory is best known as the father who gave birth of the Project Tiger in India to protect the most endangered species and the Royal of India called Tigers.

- It Spans over an extent of 520 square kilometres and comprises hills, marshy depressions, riverine belts, grasslands and a large lake.
- It is sheltering a healthy population of tigers and rare species like Otters and the endemic fish-eating crocodile; the national park is one of the most sought-after destinations.
- The Ramganga River (West) along with its significant tributaries Sonanadi, Palain and Mandal forms the prominent hydrological resource for the Corbett.
- The Delhi High Court recently asked the National Tiger Conservation Authority (NTCA) to consider as representation a petition to stop the alleged illegal construction of bridges and walls within tiger breeding habitat of the Corbett Tiger Reserve.
- Recently, Jim Corbett National Park was renamed to Ramganga National Park.

## **National Green Tribunal (NGT)**

- NGT was constituted in 2010 as per the provisions of National Green Tribunal Act, 2010.
- India became the third country in the world after Australia and New Zealand, for setting up a specialized environmental tribunal and also the first developing country to do so.

- NGT consists of a **Chairperson and a minimum of 10 to maximum of 20 Judicial and Expert members**. Chairperson is a **retired judge in SC** and other judicial members are retired judges in HC. Experts must have a professional qualification and a minimum of 15 years of experience in forest conservation / environment protection.
- NGT follows the principles of **sustainable development, precautionary principle** and the **polluter pay** principle.
- The Chairperson of NGT is **constituted by Central Government in consultation with Chief Justice of India**.
- Term of the members **of NGT is 5 years** and they are **ineligible for reappointment**.
- National Green Tribunal Act, 2010 provides for the **application of the principle of no-fault while determining the liability of the responsible person** to provide relief or compensation to the affected persons.

### **No Fault Liability Principle**

- **Generally, a person is liable for his own wrongful acts and one does not incur any liability for the acts done by others.**
- If an individual commits a fault, he is liable for it.

- However, there is a principle that claims an individual liable without his being at fault. This is the 'no-fault liability principle'.
- Section 3 of the Public Liability Insurance Act, 1991 provides for 'no-fault liability principle'.

It reads as

- Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall be liable to give such relief as is specified in the Schedule for such death, injury or damage.
- This act has the major aim of providing immediate relief to the persons affected by accident occurring while handling any hazardous substances for matters connected with the incident. It has the goal of providing public liability insurance.
- This act says that every owner who works with hazardous substances and hires employees to control those dangerous things, shall have policies and insurances where he will be insured against liability to give relief in case of death or injury to a person or damage to property arising from the accident caused while carrying on the hazardous activities.

## Powers

- Tribunal has jurisdiction over all **civil cases involving substantial question relating to environment.**
- The tribunal is **not bound by the procedures under Code of Civil Procedure, 1908.**
- Apart from original jurisdiction side of filing an application, **NGT acts as an appellate jurisdiction.**
- The order/decision/award of Tribunal shall be executable as a **decree of a civil court.**
- NGT can provide for a penalty of **Imprisonment upto 3 years, or fine upto 10 crore or both.**
- NGT is mandated to make **disposal of applications finally within 6 months of filing the same.** An appeal against order of NGT lies to the SC within 90 days of communications.
- NGT has 5 places of sitting; New Delhi being the principal place of sitting and Bhopal, Pune, Kolkata and Chennai being the other four.
- The **Madras High Court has recently disapproved a 2017 Central notification which terms the north zone Bench in Delhi as the principal Bench, and reiterated that all five zonal Benches of the National Green Tribunal (NGT) are equally powerful and that their orders would be applicable pan India.**



- NGT Act of 2010 does not speak about any principal Bench, the court said.

### **The NGT deals with 7 laws related to the environment**

- Water (Prevention and Control of Pollution) Act, 1974
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  - Forest Conservation Act, 1980
  - Air (Prevention and Control of Pollution Act), 1981
  - Environment (Protection) Act, 1986
  - Public Liability Insurance Act, 1991
  - Biological Diversity Act, 2002
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- However, NGT avoids **Indian Forest Act, 1927, Wildlife Protection Act, 1972;**  
and **The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition  
of Forest Rights) Act, 2006 (simply Forest Rights Act).**

**News:** Are critically endangered Great Indian Bustards now migrating to Pakistan?

- The recent sighting of three Great Indian Bustards (GIBs) deep in Pakistan's Cholistan desert has given rise to speculation that the endangered birds might have flown across the international border from India's Desert National Park (DNP).

## Great Indian Bustard (GIB)

- GIB is also called **Indian Bustard** and **Ghorad**.
- It is also the **state bird of Rajasthan**.
- GIB is the **heaviest flying bird weighs up to 15 kg** and grows up to 1 metre high.
- Most **commonly arid and semi-arid grasslands**, open country with shrub. **They normally avoid irrigated areas**.
- GIB is also **endemic to Indian Sub-continent**.
- This **omnivorous bird** is considered as **a flagship species in grassland ecology**.
- They have poor frontal vision.
- GIBs are the largest among the fur bustard species in India, the others being MacQueen's bustard, lesser Florican and the Bengal Florican.
- These birds are often found associated in the **same habitat as Blackbuck**.
- GIB is found majorly in **Central and Western India and Eastern Pakistan**.

- The GIB lays one egg every 1-2 years and the success rate of these eggs is 60-70 per cent. However, this rate has been reduced to 40-50% due to predators like fox and dogs.
- Population in India is reduced to 150 approximately in 2018. Out of them, 122 are in Rajasthan.
- Recent survey shows that only four female GIBs are left in Gujarat.
- IUCN Status of Great Indian Bustard is Critically Endangered.
- It is also protected under Appendix I of CITES Schedules and Schedule I of Wildlife Protection Act, 1972.
- Threats faced include developmental projects leading to collision led deaths, Hunting, Loss of Eggs; Noise pollution makes the mating call impossible and Habitat destruction.
- Great Indian Bustard Sanctuary/ Jawaharlal Nehru Bustard Sanctuary, Project Great Indian Bustard and Project Godawan by Rajasthan Gov are intended to protect Great Indian Bustard.
- It is also protected in Rollapadu Wildlife Sanctuary in Andhra Pradesh and Karera Wildlife Sanctuary in Madhya Pradesh.
- The government has recently released Rs 33 crore to a project, titled "Habitat Improvement and Conservation Breeding of Great Indian Bustard-An Integrated Approach", for five years from the Compensatory Afforestation Fund

Management and Planning Authority (CAMPA) for conservation and breeding of the GIB.

- In 2015, the Union Government launched the GIB species recovery programme, under which the Wildlife Institute of India (WII) and Rajasthan forest department have jointly setup conservation breeding centres, where GIB eggs harvested from the wild are incubated artificially, and hatchings raised in a controlled environment.
- Until 2020, 9 eggs have been hatched.
- The plan is to create a population that can act as insurance against the threat of extinction and to release the third generation of these captive-bred birds.
- The World Conservation Congress in its session held in November 2004 had urged the Government of India to initiate action to conserve the species of bustards by launching a specific 'Project Bustard' on the lines of Project Tiger.
- Recently, the government informed Rajya Sabha that there were no GIBs in the Kutch Bustard Sanctuary in Gujarat.

## **M.K. Ranjitsinh & Others vs Union of India & Others**

- The Supreme Court in *M.K. Ranjitsinh & Others vs Union of India & Others*, said that, in all cases where the overhead lines in power projects exist, the governments of Rajasthan and Gujarat shall take steps forthwith to install bird

diverters pending consideration of the conversion of overhead cables into underground power lines.

- In protecting the birds, the Court has affirmed and emphasised the **biocentric values of ecopreservation**.
- The philosophy of biocentrism holds that the **natural environment has its own set of rights which is independent of its ability to be exploited by or to be useful to humans**.
- Biocentrism often comes into conflict with its contrarian philosophy, namely **anthropocentrism**.
- Anthropocentrism argues that **of all the species on earth humans are the most significant** and that all other resources on earth may be justifiably exploited for the benefit of human beings. Example: Snail darter fish case in USA.

## **Desert National Park**

- Desert National Park is **spread over Jaisalmer and Barmer districts of Rajasthan** and is the **second largest national park in India** after Hemis National park (famous for Snow Leopard).
- This is one of the largest national parks, covering an area of 3162 km<sup>2</sup>.
- The Desert National Park is an **excellent example of the ecosystem of the Thar Desert**. Sand dunes form around 20% of the Park.

- The major landform consists of craggy rocks and compact salt lake bottoms, intermedial areas and fixed dunes.
- DNP sustains 73 villages, 62000 people and 182,000 cattle. People grow bajra and jowar during summer. There are ongoing debates over whether these people should be relocated. Park officials stress on their relocation, politicians are against it.