

MOOT PROBLEM

BBA LL.B. Sem IX

Union of Indiana is a developing country which has to cater to solving various issues of urbanization such as haphazard expansion of cities, urban commute and traffic issues thereby causing aerial pollution and road accidents. Private vehicles in big numbers are being added every year due to existing poor urban transport thereby rising pollution levels which is affecting public health.

Two major commercial cities are on the western side of the country, Mumbai and Ahmadabad. A lot of business takes place between these two cities. Road travel takes around 10 hours, 8 hours for road travel and around an hour by air. There is good connectivity by all existing modes of transport.

But to further boost the connectivity and welcome foreign investments, the Union of Indiana has come out with an ambitious plan of linking the two cities with state of the art Bullet Train, with Maglev technology which is prevalent in Germany. Maglev uses magnetic levitation technique for achieving great speeds and uses lesser electricity compared to the conventional electric trains thereby reducing the consumption of electricity to run the train.

Though a costly project, the project is going to considerably reduce the travel time between the two cities and give an infrastructure boost to the slowing down economy and generate good employment opportunities.

Mumbai city is located near the sea and has good number of mangroves near to the coastal, estuary and creek areas. Mangroves act as natural barriers against salty water entering fresh water sources and even land, which might get infertile due to salty water. Mangroves is a breeding ground for fishes and crabs and hence lot of fisherman have their livelihood due to such breeding ground and they don't carry out any fishing activity in or nearby areas of the mangroves for healthy breeding of the marine life, thereby conserving the mangroves.

Incidentally the High Court of Bombay vide a order in the year 2005 had declared the mangroves to be protected forests and directed the State Govt. to form a special Mangrove Protection Cell under the State Forest Department. The cell is supposed to do a census of the mangroves and make all endeavours to protect the mangrove areas from all human incursions.

In the wake of implementing the Bullet Train, to minimise the cost of land acquisition and rehabilitation, the Govt. thought fit to use nearly 15 hectares of

mangrove lands, which will lead to cutting around 50,000 mangrove trees, for chalking out the route for Bullet Train. Research has found out that mangroves support not only support marine life but many avian varieties. Due to the plant varieties, it attracts a lot of migratory birds in the winters as there are many lakes and ponds in the area.

The Govt. is planning to impose an environmental cess on all property transactions in the Seven Isles, which will be channelised to the Mangrove Cell thereby carrying out mangrove plantation activities so that other areas can be developed as Mangrove habitats.

A section of environmentally spirited citizens along with fishermen are not happy with the decision of identification of the mangrove area. They allege that clearing of mangroves will hamper the marine life and cause massive environmental imbalance.

One NGO, Jal-sangathan has approached the National Environment Tribunal which is having its bench at Punyanagari, requesting the Tribunal to take the cognizance and give a stay on the proposed project of Bullet Train.

Constitution of Indiana is *pari materia* with the Constitution of India and so are all the environment and forest laws.