

## **MOOT PROBLEM**

### **B.A. LL. B 5 YR**

Republic 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.

To solve the problem of poor urban transit, the Govt. of Indiana has proposed an ambitious project of Metro Rail in various cities. Metro Rail is energy efficient, sustainable and viable mode of mass transit which is even environmentally friendly option as compared to other fossil fuel based transport facilities. Solar electricity generated through the solar panels installed atop the Metro stations will be used to power those stations and station facilities, thereby reducing demand of electricity for Metro Stations. In addition to making available cheap urban transport, Metro will also help reduce traffic congestion which will thereby help in reducing air pollution levels which are increasing at an alarming rate.

The Central Govt., along with State Govt. of Dombivili, has been executing a 20,000 Crores Metro facility, since the year 2010 in the metropolis of Bharuch. The city is located near the sea and has some forest alike areas on its northern boundaries to the main land. The Metro project needs to build a car shed which is the main depot of Metro boggies, wherein repairs, maintenance, and other allied facilities are carried out. There were several locations which were considered. Initially there were plans to make reclamation of estuaries near to a creek connecting the sea, but several environmentalists and salt pan workers working there and NGOs opposed the move citing destruction of estuaries. There was a slum area which was under consideration to be used as the metro car shed depot, by properly rehabilitating the slum dwellers at different locations in the city, to which the slum dwellers opposed. Cost of Metro would have increased manifolds considering the rehabilitation costs. Meanwhile, with each passing day, due to delay in construction of car shed depot, it was delaying one part of the Metro project, thereby causing escalation of the overall project cost.

The Govt. finally identified a small portion of a forest alike area called as Sasan Forest Area. Sasan forest is an old forest on the eastern boundary of the city of Bharuch having a unique habitat of its own, given its proximity to the sea.

Years of research has found out that certain plant species grow only in Sasan Forest on the western side of the country. 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 forest as a whole is safe haven for many migratory and local birds, reptiles, wolves, wild dogs, deers, rabbits and leopards. The Sasan Forest can rightly be called as green lungs of the Bharuch.

The identified portion of the forest is mostly near to the city, and it is proposed that around 2500 trees will have to be cut. The portion is 1/15<sup>th</sup> of the total forest area and doesn't include any lakes. There is no cost of land acquisition as it is Forest Dept.'s land, no human settlements or farms, so no rehabilitation. The Govt. is planning to impose an environmental cess on all property transactions in the Seven Isles, which will be utilized in developing Sasan Forest beyond its current limits, so that the forest area will eventually be restored.

A section of environmentally spirited citizens are not happy with the decision of identification of the forest plot for the Metro shed area. They allege that clearing of forest areas will hamper the wildlife and cause massive environmental imbalance.

One NGO, Kalpvraksh Foundation has approached the National Environment Tribunal which is having its bench at Zain, requesting the Tribunal to take the cognizance and give a stay on the proposed project of Metro Car Shed.

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