

"The Supreme Court has stopped further cutting of trees on a plot where the Mumbai Metro wants to build a car shed. Government says the site is the most convenient; Bombay High Court has rejected the arguments of activists."

Where do things stand in the Aarey Milk Colony tree-felling case matter?

A special Vacation Bench of the Supreme Court on Monday ordered "status quo [to] be maintained till the next date of hearing with respect to cutting of trees". This means that while the Mumbai Metro Rail Corporation Limited (MMRCL) cannot cut any more trees at the site of the proposed car shed, it can go ahead with construction activity related to the project.

Solicitor General Tushar Mehta, appearing for Maharashtra, said that "whatever [trees] has to be cut, is cut", and "nothing further is to be cut". The MMRCL had proposed — and had been permitted by the Brihanmumbai Municipal Corporation's Tree Authority — to cut 2,185 trees, and transplant 460.



The court directed that everyone arrested for protesting the felling of the trees should be released. All 29 individuals who had been arrested were released on bail on Sunday night.

The Bench of Justices Arun Mishra and Ashok Bhushan directed that the matter be listed before the court's Forest Bench for October 21.

How did the case reach the Supreme Court? What is the core issue?

A 21-year old Greater Noida-based law student, Rishav Ranjan, wrote to Chief Justice of India Ranjan Gogoi on Sunday, seeking a stay on the cutting of trees for the MMRCL's car shed located on 33 hectares land in Mumbai's Aarey Colony. The site is on the bank of the Mithi River, with several channels and tributaries flowing into it — and construction for the "polluting industry" could flood Mumbai, he argued. The court accepted the letter as Public Interest Litigation (PIL) and set up the special Bench.

The tussle between environmental activists and the government over the Metro car shed has been ongoing since 2014. On Friday, the Bombay High Court dismissed four petitions challenging the decision to cut trees at Aarey. The petitioners had questioned the propriety and legality of the BMC Tree Authority's permission for the tree-felling, and asked for Aarey to be declared a flood plain and a forest. Activists argue that Aarey is an extension of Sanjay Gandhi National Park, and that the car shed would pave the way for greater commercial exploitation of the area.



Why does Metro want the car shed here?

MMRCL argues that this land belongs to the state — it is with the Dairy Development Department — and therefore, the long, messy, and expensive process of acquisition can be avoided, with zero additional cost to citizens.

Aarey is located 800 metres from SEEPZ, the last station on the 33.5-km Colaba-SEEPZ line — the optimum distance from where operations can be serviced swiftly. In case of an emergency, the depot must be easily accessible for operating staff by alternative means.

The activists want the depot to be in Kanjurmarg, which is 10 km from SEEPZ. Acquiring land at this site is likely to increase the cost of the Rs 23,000-crore Metro line 3 project (the Colaba-SEEPZ line, which will be serviced by the car shed) by Rs 5,000 crore. It will also delay the project, and add to the cost.

Earlier, the government had said the Kanjurmarg site was under litigation. But while arguing its case in the Bombay High Court, the government said the site would be used to house the depot for a different Metro line.

What kind of facility is proposed to be built at the Aarey site?



The proposed car shed will house washing, maintenance, and repair works facilities. A railway car shed is a “Red Category” industry, which causes the highest level of pollution. Activists say activities at the shed will generate oil, grease, and electrical waste, besides hazardous materials such as acid and paints. Effluents will be discharged into the

Mithi, and could pollute the groundwater, they say. Also, construction of the depot will increase exploitation of ground water resources, they say.

MMRCL says it will set up mechanisms to prevent any kind of pollution. An existing ban on the setting up of Red Category industries on river banks was revoked in 2015.

What is the argument about the environmental cost of the project?

According to a report on “Biodiversity of Aarey Milk Colony and Film City” prepared by researchers Zeeshan A Mirza and Rajesh Sanap, the area is home to 86 species of butterfly, 90 species of spider, 46 species of reptiles, 34 species of wildflower, and nine leopards.

As per the BMC’s tree census, there about 4.5 lakh trees in Aarey, which is described as Mumbai’s green lung. Activists says the Aarey depot plot is the sole surviving natural floodplain of the Mithi, whose reclamation through construction and felling of trees would lead to greater inundation during the monsoon.

However, the proposed car shed will be set up on only 33 hectares, which is barely 2% of the 1,278 hectares of the green belt. The MMRCL has said that beyond this 33-hectare plot, no other part of Aarey will be disturbed, as the site is accessible by road from three sides.

Also, the trees that were felled over the weekend stood on only 17% of the land earmarked for the car shed. The MMRCL has said that 60% of the trees are non-native and exotic, and can be replaced by native species.

According to a report by Dr Rajendra Shinde, Head of the Department of Botany at St Xavier’s College, 36 of the 87 species of trees at the site were indigenous — they included Dhaman (502), Sehmat (445), Mango (82), Mahua (21), Palash (8), Tendu (8), Vad (3), Teak (1) and Behda (1). One of the petitions filed in the High Court mentioned the following non-native species: Subabul (522), Rain Tree (169), and Gulmohar (26).

The MMRCL has argued that the Metro will bring enormous environmental benefits by reducing the overall carbon footprint: seven days of Metro operation is projected to cut carbon dioxide equivalent to that absorbed by 2,700 trees in a year.

What is the controversy over the categorisation of the area as a ‘forest’?

In 2015, Stalin D of the NGO Vanshakti filed a petition in the National Green Tribunal (NGT) asking that Aarey be declared a “forest”. The petition was dismissed in September 2018.

Another petition was filed by Amrita Bhattacharjee of Aarey Conservation Group in 2017, seeking the quashing of the change in land use of Aarey from No Development Zone to Metro car shed. That petition was dismissed by the Bombay High Court in 2018. The court upheld the government’s notification changing the land use.

Both Bhattacharjee and Stalin filed Special Leave Petitions in the Supreme Court in 2018. These petitions have now been listed for hearing on October 21, along with Ranjan’s petition.

Expected Questions (Prelims Exams)

1. Recently, the Supreme Court has banned the Mumbai Metro car shed project due to environmental concern. In this context, consider the following statements:-

1. It was banned due to increase in the quantity of PM 2.5 and PM 10 in air.
2. It is banned to prevent the felling of trees due to this project.
3. Supreme court has banned it on the PIL of a law student Rishav Ranjan a resident of Greater Noida.

Which of the statements given above are correct?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) None of the above

Expected Questions (Mains Exams)

Q. "The controversy over the falling of trees in the Aarey colony is going to give rise to a debate on environment versus development." Analyze this statement in the context of the Aarey colony dispute. Also discuss the arguments of different parties.

(250 Words)

Note: Answer of Prelims Expected Question given on 7 Oct., is 1 (d).

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