

Best Judicial Practice from South Asia

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Legal Initiative for Forest and Environment

New Delhi

India

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Public/ Social
Interest
Litigation

Writ of
Kalikasan
(Writ of Nature)

Liberal Locus
Standi/ Standi

Continuing
Mandamus

Amicus Curiae

Green Benches/
Green Courts

Sou Moto
Jurisdiction

Precautionary
Principle

Polluter Pay
Principle

Public Trust
Doctrine

Legal
Personhood

Species Best
Interest
Standard

Eco-centric
Approach

Mumbai's Last Jungle Under Threat

A metro project threatens one of the city's last green spaces and the tribal people who live there.

By [Angel L Martínez Cantera](#)
September 06, 2019



Mumbai logs world's highest leopard density

Rectangular Snip



[Mrityunjay Bose](#), DH News Service, Mumbai, DEC 03 2017, 00:40AM IST | UPDATED: DEC 03 2017, 00:59AM IST

Bollywood joins the fight to save Aarey

Rectangular Snip

Ismat Tahseen | TNN | Updated: Jul 9, 2019, 1:00 IST

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There has been a huge effort to save Aarey, Mumbai's 3,000-acre green lung with Mumbaikars doing their best to... [Read More](#)

Along with activists and locals the fight to save the greenery in Aarey — Mumbai's 3,000-acre green lung — has also got strong support from the Hindi film industry. Actors and celebrities have rallied forces with citizen activists to speak up against a new proposal to cut over 2,000 trees in the area. From [Randeep Hooda](#) to [Dia Mirza](#), [Onir](#), [Adil Hussain](#), [Ashoke Pandit](#) and [Pooja Bed](#)

'Aarey is not a forest,' says Bombay High Court

Axing of over 2,500 trees in Mumbai gets clearance

f t p e Condé Nast Traveller PUBLISHED: OCT 04, 2019 | 13:37:31 IST



News / India / Union Environment Minister Prakash Javadekar backs cutting of trees at Aarey forest

Union Environment Minister Prakash Javadekar backs cutting of trees at Aarey forest

Amid ongoing public protests against the cutting of trees at Aarey colony in Mumbai, Union Environment Minister Prakash Javadekar on Saturday backed the proposed metro shed in forest area and said that development and environment protection should be done together.

ADVERTISEMENT

Can't declare Mumbai's Aarey a forest, says NGT

In June 2015, Vanashakti and another citizens' association, Aarey Conservation Group, filed a petition with NGT's western bench in Pune against the MMRCL, seeking that Aarey be designated as a forest and construction of the 33-hectare car shed be carried out elsewhere.

MUMBAI Updated: Sep 21, 2018 14:07 IST

Badri Chatterjee
Hindustan Times



The construction of the Metro-3 car shed would lead to destruction of 3,000 trees.

The construction of the Metro-3 car shed would lead to destruction of 3,000 trees.(HT File)

'Hands tied' says Bombay HC as it dismisses plea to declare Aarey a forest

Swati Deshpande | TNN | Updated: Oct 4, 2019, 22:36 IST



MUMBAI: Holding that its 'hands are tied', the Bombay high court on Friday dismissed a plea to declare 1280 hectares of Aarey milk colony, including the 33 hectares of land given for metro car shed as forest.

The battle needs to be fought

hindustantimes

Monday, Oct 07, 2019

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Activists should accept defeat honourably': Mumbai Metro MD on Aarey row

The Aarey colony in north Mumbai has been witnessing protests since Friday night after MMRC started cutting trees to build a car shed for Mumbai Metro's phase III.

Aarey forest protests: Student delegation write to CJI Ranjan Gogoi seeking intervention

A student delegation on Sunday submitted a petition before the Chief Justice of India (CJI) asking him to exercise his special jurisdiction and go out of the conventional way for a stay on the felling of trees in Aarey by Mumbai authorities.

Home > Mirror Now > In Focus

Aarey tree cutting: Supreme Court takes suo motu cognisance, schedules hearing on October 7

In Focus

Updated Oct 06, 2019 | 21:05 IST | Mirror Now Digital



Supreme Court to Hold Special Sitting Today on Aarey Tree Felling, Converts Letter by Students Into PIL

A special bench has been formed for urgent hearing of the case against the felling of over 2,600 trees in Aarey colony for the construction of a Mumbai Metro car shed, which has been opposed by activists and residents.

News18.com | Updated:October 7, 2019, 12:00 AM IST



, a representation has been given to Chief Justice of India (CJI) Ranjan Gogoi, seeking his urgent intervention to stop the axing s by the authorities in Mumbai's Aarey Colony.

Breaking - Aarey Case : SC Orders Status Quo On Cutting Of Trees For Mumbai Metro Car Shed [Read Order]

BY: NILASHISH CHAUDHARY | 7 Oct 2019 10:39 AM



Last Updated : Oct 07, 2019 12:04 PM IST | Source: Moneycontrol.com

No more cutting of trees in Aarey Colony for now, SC stops Maharashtra govt

SC said it will look into the legality of tree felling and ordered the state government to release all protesters if not released already

Moneycontrol News
[@moneycontrolcom](https://twitter.com/moneycontrolcom)



The Supreme Court of India (SC) on October 7 ordered status quo on felling of trees at Mumbai's



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e

New Sky
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Baba Ramdev's firm ordered to share its profit with locals in Uttarakhand

Run by Yoga guru Ramdev, Divya Pharmacy's entire argument, according to HC, rested on a textual and legalistic interpretation, particularly of the term FEBS.

INDIA Updated: Dec 29, 2018 15:11 IST

ht Neeraj Santoshi
Hindustan Times, Dehradun



Uttarakhand High Court Orders Yoga Guru Ramdev to Share Divya Pharmacy's Profits With Farmers, Local Community

The bench of Justice Sudhanshu Dhulia upheld the view of fair and equitable benefit-sharing as provided under the Biological Diversity Act, 2002.

Published: December 29, 2018 8:58 PM IST

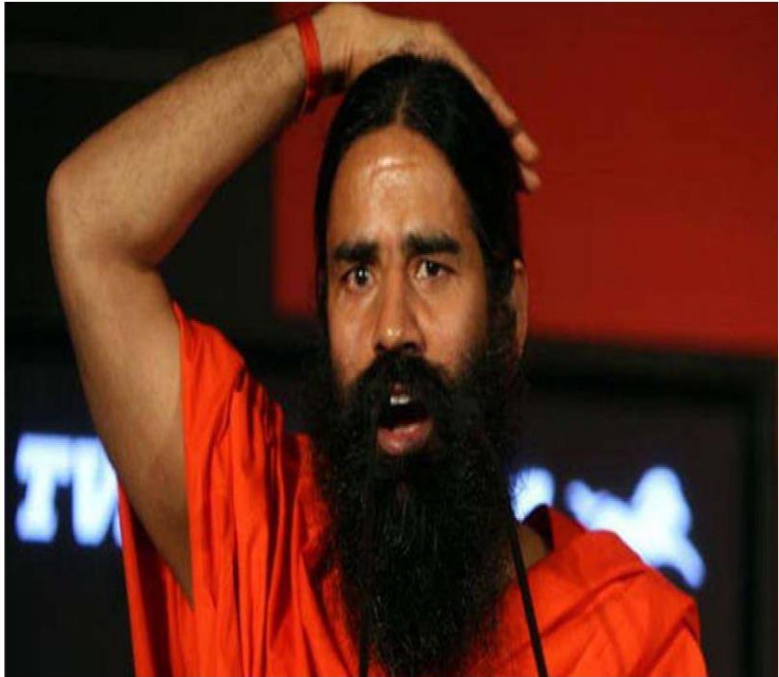
By India.com News Desk | Edited by Kanimozhi Sudhakar

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Baba Ramdev's Divya Pharmacy bound to share profit with local communities under Biodiversity Act, Uttarakhand HC

Meera Emmanuel December 29 2018



f t w + 482

Climate Change and the Judicial Innovation

It appears that we have to move on. The existing environmental jurisprudence has to be fashioned to meet the needs of something more urgent and overpowering i.e., *Climate Change*.

Justice Mansoor Ali Shah

Leghari Versus Federation of Pakistan

Lahore High Court



The Washington Post
Democracy Dies in Darkness

Asia & Pacific

India's aggressive green court takes lead role in high-stakes battles

Merit Review

Judicial Review

**Not Bound by
Code of Civil
Procedure**

**Liberal Locus
Standi**

Shall Apply the
Precautionary Principle.
Polluter Pay Principle and
Principles of Sustainable
Development

NGT issues bailable warrant for Uttarakhand Chief Secretary Subhash Kumar

National Green Tribunal issued a bailable warrant against Uttarakhand Chief Secretary as no one appeared on behalf of the state.

PTI | Updated: Jul 26, 2013, 04.20 PM IST



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DELHI

NGT issues bailable warrants against medical superintendents



Akanksha Jain

NEW DELHI:, OCTOBER 28, 2014 08:27 IST

UPDATED: MAY 23, 2016 16:07 IST

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None appears for SDMC, NGT issues bailable warrant

Press Trust of India | New Delhi

Last Updated at September 5, 2013 18:01 IST

NGT issues bailable warrant against Delhi Chief Secretary

PTI New Delhi | Updated on January 24, 2018 | Published on May 31, 2015



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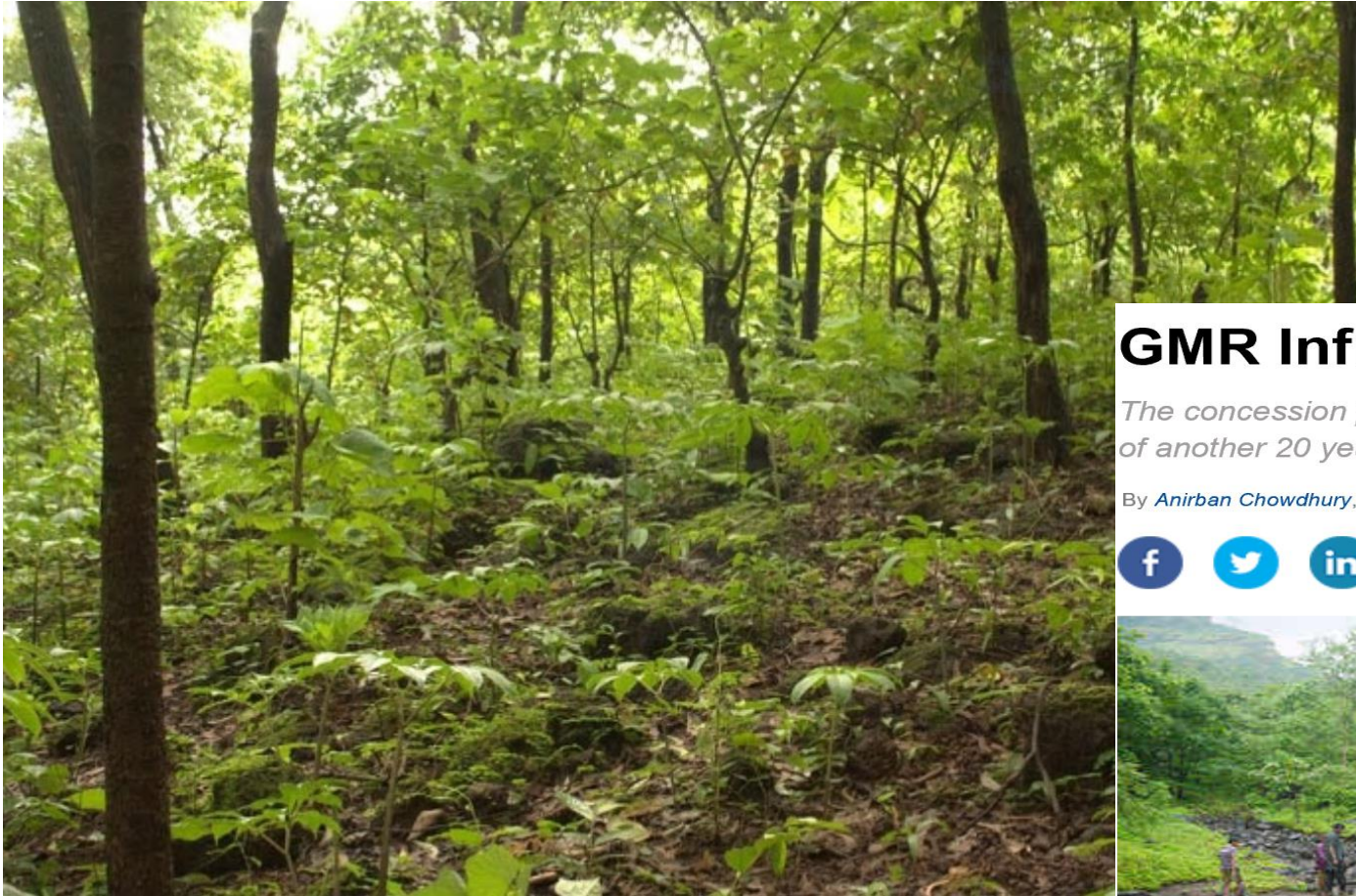
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The National Green Tribunal has issued bailable warrant against the Delhi chief secretary for failure of officials to appear before it for apprising it about implementation of closure orders of stainless steel pickling firms.

Mopa Airport, Goa



GMR Infra to develop Mopa airport in Goa

The concession period for the Greenfield project will be 40 years with a possible extension of another 20 years through a bid process.

By [Anirban Chowdhury](#), ET Bureau | Updated: Aug 27, 2016, 07:59 PM IST



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"GMR has won the financial bid and it has pledged 36.99 per cent revenue sharing with the state government after the airport becomes operational," the Chief Minister told reporters.

MUMBAI: [GMR Airports Limited](#), a subsidiary of [GMR Infrastructure](#) NSE -1.66 % Limited has won the competitive bid for development and operation of the Rs 3,000 crore [Mopa](#) Greenfield Airport in North [Goa](#).

The concession period for the Greenfield project will be 40 years with a possible extension of another 20 years through a bid process.

The airport will be built under the BOT (Build Operate Transfer) model.

Apex court suspends environmental clearance to Mopa airport

PTI New Delhi | Updated on March 29, 2019 | Published on March 29, 2019



Directs expert appraisal panel to revisit decision

The Supreme Court on Friday suspended the environmental clearance granted for an international airport at Mopa in Goa and directed Expert Appraisal Committee (EAC) to revisit the decision in light of its impact on ecology.

A bench of Justices D Y Chandrachud and Hemant Gupta said EAC, as an expert body, abdicated its role and function by taking into account circumstances which were extraneous to the exercise of its power and failed to notice facets of the environment that were crucial to its decision making.

Health Of Environment Is The Key To Preserve The Right To Life Under Article 21: SC [Read Judgment]

BY: ASHOK KINI | 31 March 2019 9:51 AM



67 We cannot gloss over the patent and abject failure of the State of Goa as the project proponent in failing to disclose wet lands, water sources, water bodies, biospheres, mountains and forests within an aerial distance of 15 kilometres as required by Form 1. The disclosure in Form 1 constitutes the very foundation of the

A careful avi-faunal study was necessary, having due regard to the fact that the proposed project is an airport site. Bearing in mind the profile of airport operations, foraging or nesting by bird species in and around the airport must not be discarded. **It must be accepted that in a project involving the setting up of an airport, the EIA report must deal with the impact of the airport on birds and likewise the impact of birds on aircraft operations.**

.... there is a considerable implementation gap between the requirements of environmental laws and their implementation and enforcement – both in developed and developing countries alike. The environmental rule of law seeks to address this gap. The environmental rule of law provides an essential platform underpinning the four pillars of sustainable development—economic, social, environmental, and peace. It imbues environmental objectives with the essentials of rule of law and underpins the reform of environmental law and governance. 61

The environmental rule of law becomes a priority particularly when we acknowledge that the benefits of environmental rule of law extend far beyond the environmental sector. While the most direct effects are on protection of the environment, it also strengthens rule of law more broadly, supports sustainable economic and social development, protects public health, contributes to peace and security by avoiding and defusing conflict, and protects human and constitutional rights

Supreme Court of India in Hanuman Laxman Aroskar versus Union of India

Mopa Judgment

“There can be no gambles with the environment: a ‘heads I win, tails you lose’ approach is simply unacceptable; unacceptable if we are to preserve environmental governance under the rule of law”

Amartya Sen argues for a broadening of the notion of sustainable development which is the most dominant theme of environmental literature, from a need-based standard to a standard based on freedoms. Thus recharacterized, it encompasses the preservation, and when possible even the expansion of the substantive freedoms and capabilities of people today without compromising the capability of future generations to have similar - or more - freedoms. The intertwined concepts of environmental rule of law thus further intragenerational as well as intergenerational equity.

Supreme Court in Hanuman Laxman Aroskar Versus Union of India

Key Concerns

- The seriousness and enormity of Climate Change is yet to figure in Judicial decisions
- Dominance of Judicial Review as opposed to Merit Review
- Cases largely relate to pollution, deforestation, urban planning, resource rights. They are based on local violation
- Judicial Decisions have not kept pace with the threat of climate change.
- Paris Agreement (INDC) is seen as part of 'policy domain'; Judicial "hand's off approach"
- No change in governmental decision making and judicial decision making after Paris Agreement

The Ganges and Bhramaputra Delta is the most densely populated parts of the world. The flood plains of Bengal is not likely to be submerged as soon or as completely as, say, the Pacific Island nation of Tuvalu. But the population of Tuvalu is less than 10,000, while the partial inundation of just one island of Bangladesh –Bhola Island – has led to the displacement of more than 50,00,00 people”

The Great Derangement – Amitav Ghosh

