

Why Haryana will need to take a stand on Aravalis

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GURGAON: The Supreme Court's latest order asking govts to follow the dictionary meaning of 'forest' will force Haryana to look at an exercise it started in the late 90s but never concluded — of identifying 'deemed' forests, Ipsita Pati reports. Despite SC's TN Godavarman judgment in 1996 directing states to do so, the state has consistently held out when it comes to recording or notifying forest areas that don't come under the Forest Conservation Act (FCA)

All eyes are now on the state's submission to the environment ministry (MoEF) on identifying forests, and it has until Mar 31 to do this

What does SC's latest order say?

Feb 19 | The top court, in an interim order, told states and UTs to follow the 'broad' definition of forest as laid down in its 1996 judgment in the TN Godavarman vs Union of India case till a consolidated record of forests across the country is made

- - Effectively, the order offset the amendment to FCA passed by Parliament last year
- - The 2023 amendment excluded areas that were not recorded or notified as 'forest' in govt records as of Oct 25, 1980. This change, critics had said, violated the 1996 ruling that defined forest as per "dictionary meaning" and not necessarily based on official records

What is the effect of the Feb order?

- - Among its directions, SC told states and UTs to forward to the Union environment ministry by Mar 31 all records of reports made by expert committees formed after the 1996 ruling. These committees were supposed to identify all forests under the dictionary definition, but compliance lacks 27 years on
- - If Haryana follows through with this direction, uncertainty about tracts of Aravalis being considered 'deemed forests' or not will be resolved

Why is it important to recognise Aravalis as 'deemed forests'?

- - Haryana ranks lowest among all states in forest cover. That's because most of the Aravalis are not recognised or notified as forests. Instead, Aravali land lies with panchayats, urban bodies or private owners, and not with the forest dept
- - Courtesy rulings by courts over the decades, the only Aravali areas protected under FCA are those notified under the Punjab Land Preservation Act (PLPA), 1990, and those covered by the Aravali Notification of 1992
- - The remaining Aravali region — more than half of the 1 lakh hectares in Haryana — are not legally protected without recognised as forests

What has been Haryana's stand in the past?

- - A govt source told TOI that Haryana had formed a committee in 1997 to carry out the exercise to identify and record 'deemed forest' after SC's Godavarman ruling, but the rules weren't followed
- - One, the panel was headed by a block development officer, and not the principal chief conservator of forests
- - Two, the panel worked for a few months, but the report was neither published, nor submitted to the environment ministry.

- - Officially, Haryana has argued it could
- not complete the process as the ministry had not issued guidelines for identification of deemed forests
- - May 2014 | After NGT's order to identify forests in Mangar as per the dictionary meaning, forest secretary YS Malik told the tribunal the MoEF will need to make guidelines for the country to follow
- - June 2016 | At a meeting of the NCR Planning Board, Haryana said it does not know what the Aravali areas are, and environment and urban development ministries will have to take a call on that. It was in response to MoEF's direction to identify Aravali land and forest to tag them as Natural Conservation Zone (NCZ)

What is Haryana's stand now?

- - On MoEF's March 2 notice to states and UTs to submit details of forests identified by expert committees after the 1996 ruling, Haryana's principal chief conservator of forests Pankaj Goyal told TOI that govt will follow the process
- - "We have received MoEF's letter. Not just Haryana, but every state will have to submit its deemed forest record. We will decide how to start the process soon. As the forest department this week has gone through reshuffling, we will envision a plan soon," he said
- - Goyal said the dept will have to see if any expert committee was formed after SC's 1996 judgment. "Also, we will also examine if any previous reports on deemed forest land already exist," he added

What experts say

"Haryana has neither complied with the SC judgment of 1996, nor the Lafarge one in 2011. It doesn't want to include private land in deemed forest areas as it wants the real estate lobby to benefit" - RP Balwan, ex-forest conservator

"Around 40% of Aravalis in Gurgaon and 36% in Faridabad are outside PLPA and are waiting to be declared 'deemed forests'. Even the Mangar Bani grove hasn't been notified as a forest" - Chetan Agarwal, forest analyst

"Even after 27 years, states have failed to submit records. This has not only led to encroachments on existing forests but has also resulted in disputes that burden courts and bureaucracy" - Debadityo Sinha, legal expert