

Green protection to forest land in Aravalli ranges

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In news– Supreme Court of India has extended the green protection to forest land in Aravalli ranges recently.

What did the court say?

- The Court held that **all land covered by the special orders issued under Section 4 of the Punjab Land Preservation Act (PLPA) in Haryana will be treated as forests and be entitled to protection under the 1980 Forest Conservation Act.**
- **Special orders under Section 4 of PLPA are the restrictive provisions issued by the state government** to prevent deforestation of a specified area that could lead to soil erosion.
- **A bench, headed by justice AM Khanwilkar, shot down the Haryana government's contention** that PLPA has no connection with forests, and that the consequences of connecting the two would be disastrous because it would result in demolition of every building in 11 districts of Haryana, including Gurugram and Faridabad.
- Terming the submissions “misleading and fallacious”, **the bench held that the land covered by the special orders issued under Section 4 of PLPA have all the trappings of forest lands within the meaning of Section 2 of the Forest Act.**
- It further underlined that **once a land is covered under Section 2 of the Forest Act, whether the special orders under Section 4 continue to be in force or not, it shall continue to remain forest land.**

Protecting Haryana's ecology



IN CONTENTION

At the heart of the issue is the classification of land under Section 4 of the colonial era Punjab Land Preservation Act (PLPA), which remains in force since Haryana was part of undivided Punjab. The Section was used to demarcate certain areas that need to be protected from any sort of erosion

PAST ORDERS

- The issue dates back to past Supreme Court orders, in particular one in 2018 which held that areas notified under Section 4 of the PLPA should be deemed as forest land under the Forest Conservation Act
- The 2018 ruling deemed any construction on those classified lands as illegal, and should therefore be demolished

HARYANA'S RESPONSE

- The state said the 2018 order would mean 100% area of 11 of the state's 22 districts, including Gurugram and Faridabad, would need to be razed
- The state in February 2019 passed an amendment to the PLPA and excluded certain land meant for construction from the PLPA classification. This amendment was stayed by a Supreme Court bench a month later

THE LATEST RULING

- The SC upheld that Section 4 demarcations were valid and had "trappings of forest lands"
- The court also made a distinction – even if all demarcations were considered to be falling within parameters of protection of the PLPA, this did not make them fall within the Forest Act provisions
- It also rejected the state's contention that all 11 districts will need to be considered as forests, saying that in case of Gurugram, PLPA's Section 4 will apply only 5.4% of the land



- **The court's ruling will mean around 30,000 hectares across the Aravallis and Shivaliks in Haryana will be considered forest land. "**
- Reading the two provisions together, the top court ruled that the rationale behind issuance of special orders under Section 4 of PLPA makes it clear that such areas must be protected as forest.
- **Section 2 of the Forest Act imposes prohibitions on the de-reservation of forests** or use of forest land for non-forest purposes without prior approval of the central government.
- The bench said that when the state government is satisfied that deforestation of a forest area forming part of a larger area is likely to lead to erosion of soil, the power under Section 4 can be exercised.
- Therefore, it follows that the specific land in respect of which a special order under Section 4 of PLPA has been issued will have all the trappings of a forest governed by the Forest Act.
- It noted that while the land notified under the special orders of Section 4 of PLPA shall be forest lands, not all land under PLPA will ipso facto become forest lands

within the meaning of the Forest Act.

About Aravalli-

- The Aravallis of Northwestern India, one of the oldest fold mountains of the world, now form residual mountains with an elevation of 300m. to 900m.
- They stretch for a distance of 800 km. from Himmatnagar in Gujarat to Delhi, spanning Haryana, Rajasthan, Gujarat, and Delhi, the 692 kilometre (km).
- The Aravalli range is very rich in natural resources and gave rise to numerous peninsula rivers like Banas, Luni, Sakhi, and Sabarmati.
- Guru Shikhar is the highest point in the range which is located in Mount Abu.



- The Aravallis date back to millions of years when a pre-Indian subcontinent collided with the mainland Eurasian Plate.

Further reading: <https://journalsofindia.com/aravalli-range/>