Haryana's Affidavit on Forest Land Case

Why in news?

The Haryana government recently filed an affidavit in the Supreme Court regarding its forest land.

What is the Haryana forest land case about?

- In 2002, 2018 (Kant Enclave judgment) and recently in July 2021, the Supreme Court has reiterated the following:

1. All areas notified under Sections 3, 4 and 5 of the Punjab Land Preservation Act (PLP Act) are forest land including where the validity period of the notification has expired.
2. Every structure constructed on such land after issuance of any notification under the provisions of the PLP Act are illegal structures and are required to be demolished.

- Recently, the court directed the Haryana government to ensure that all unauthorised structures standing on Aravali forest land are cleared "without any exception."
- Now, on the court's direction, the Haryana government has filed an affidavit clarifying about multiple notifications over the years declaring forest land in the state.
- It has also explained why all structures on the land covered under PLPA could not be removed.

Punjab's claims

39.35% of the total geographical area of the State has been notified under Sections 3, 4 and 5 of the Punjab Land Preservation (PLP) Act.

This includes 100% area of at least 11 of the 22 districts of the state. [Panchkula, Ambala, Yamunanagar, Gurgaon, Faridabad, Palwal, Mewat, Mahendragarh, Rewari, Bhiwani and Charkhi Dadri.]

All the areas covered under the PLP Act cannot be considered as a "forest land".

What challenges does the Haryana government face?

- Haryana government has expressed its inability to follow the verdict, citing "unparalleled law and order problems."
- Many of owners who were served notices claim that their premises in Faridabad's Kheri village were outside the forest area.
- If the Court's order is to be carried out, many critical establishments may have to be demolished including border force centres, universities, research institutions, thermal plant, corporate set ups, etc.
- Given these, the government has asked for further instructions from the court.

What are the pending issues?

- In 2014, Haryana moved an application seeking clarification that land notified under expired notifications or orders passed under Section 4, 5 of PLPA should not be treated as forest.
- This plea is still pending consideration of the apex court.
- In February 2019, Haryana Vidhan Sabha passed an amendment to the PLPA.
- This excluded certain lands meant for construction from the ambit of PLPA notification.
- But, on March 1, 2019, Supreme Court forbade the Haryana government from taking any action in furtherance of the PLP (Amendment) Act, 2019.
- This matter is also pending.

Reference

https://indianexpress.com/article/explained/explained-why-haryana-is-looking-forward-to-supreme-court-judgments-on-protection-of-forest-land-7592307/

