



# 'Damage to Aravallis scary'

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## **Highlights**

- The Supreme Court ordered the demolition of structures built illegally by a prominent builder in the protected forests of the Aravallis, noting that ecological damage done by colonisers to the ancient hills was irreversible and "quite frightening."
- It held that these illegal structures defy a Haryana government notification of August 18, 1992, issued under the **Punjab Land Preservation Act**, declaring the area as forest land and fragile.

## **Granted exemption**

- The court, however, ordered not to disturb constructions made between April 17, 1984 and August 18, 1992.
- These structures were built on the basis of an exemption given to Kant & Co. by the State's town planning department under the Haryana Development and Regulation of Urban Areas Act of 1975 for setting up a "film studio and allied complex" in the area.
- The exemption was removed when the August 18, 1992 notification kicked in.
- Kant & Co., the court ordered, should pay a full refund to investors to whom they had already transferred the land.
- The builder has to pay interest at 18% per annum from the date of the investment.

## **Department pulled up**

- The court pulled up the State town and country planning department for supporting the illegalities.
- The department was myopic and brazen to push its agenda in favour of the builder no matter what it cost to the environment and ground water in the area.
- The Bench accused the department of having "completely vitiated the efforts of the forest department as well as the orders of the Supreme Court."
- "It is not only the future generations that have to pay a heavy price for this environmental degradation, but even the present generation is paying a heavy price for the environmental and ecological degradation inasmuch as there is an acute water shortage in the area as prophesied by the Central Ground Water Board," Justice Lokur said.

## **Punjab Land Preservation Act**

### **PUNJAB LAND PRESERVATION ACT**

- This legislation was enacted to save the soil from erosion.
- At the time of enactment it was applicable to whole of Punjab. Now it is applicable to

whole of the State of Haryana.

- Areas of northern Haryana along the Shiwalik hills which are prone to soil erosion due to water flow in the rugged and slopy terrain and areas of southern and western Haryana which are prone to erosion both by air and water have been put under restriction of certain activities under this law.

### **Objective:**

- An act to provide for the better preservation and protection in certain areas in 10 districts of Haryana namely :- Panchkula, Ambala, Yamuna Nagar, Mewat, Gurgaon, Palwal, Faridabad, Mahendergarh, Rewari & Bhiwani.

### **Salient Features**

- Act can be divided into 6 major portions containing 22 section altogether.
- Section 2 deals with the definitions.
- Section 3 to Section 7A empower the government to notify and regulate certain areas, restrict or prohibit, by general or special order, within notified areas certain activities and to require execution of works and taking of other measures as deemed necessary to protect these areas.
- Section 8 to Section 11 endows the government control over the beds of chos.
- Section 13 deals with the power to enter upon and delimiting notified areas and beds.
- Section 14 and 15 are related with inquiry into claims and award of compensation.
- Section 16 to Section 18 lay down procedure for proclaiming notifications and of serving notices, orders and processes, issued under the Act.
- Section 19 to Section 22 are related with penalty for offences, bar of suits and applicability of Indian Forest Act, 1927.

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