



UNMASKING HARYANA'S TREE LAW: LEGALIZED ECOCIDE DISGUISED AS GREEN POLICY?

Ketaki Suresh*

ABSTRACT

Haryana's environmental crisis is a bleak illustration of the costs of legal ambiguity, institutional inertia and systemic misgovernance. Despite the alarming rise in air pollution levels and dramatic losses in natural forest cover, the state's response is stymied by colonial-era statutes, vague legal definitions, and routine exploitation of regulatory loopholes. Evidence from policy analysis, judicial proceedings and field research reveals that this framework is not simply outdated; it is calculatedly permissive, in turn enabling the conversion of vital commons and ecologically sensitive areas into sites of unchecked development, corruption, and exclusion. This article aims to expose how superficial gains in "tree cover" mask severe declines in natural, dense forests and how elite-driven policies systematically disenfranchise the rural poor and marginalized, deepening both environmental and social inequity. At the same time, it notes the emergence of the courts as reluctant arbiters issuing unprecedented mandates for transparency, digital mapping and personal accountability among officials. Yet, it argues that the true turning point lies not in compliance-driven technocracy but in a radical change in basic assumptions, i.e., recognizing forests as indispensable public infrastructure, instituting science-based and participatory definitions, embedding transparent rights-driven stewardship and restoring power to local communities. Haryana's trajectory thus appears as both a warning and a blueprint with the choice to either perpetuate a cycle of decline and inequity or seize this juncture to forge a model of just, resilient and inclusive environmental renewal.

Keyword: Environmental Misgovernance, Forest Degradation, Legal Ambiguity, Social Inequity, Community Stewardship.

*BA LLB, SECOND YEAR, JINDAL GLOBAL LAW SCHOOL, SONIPAT, HARYANA.

INTRODUCTION

Haryana's battle with air pollution is both relentless and revealing. Each winter, as the northern plains settle into their long, toxic smog, Haryana becomes one of India's most prominent pollution epicentres, its cities turning into laboratories of what happens when unchecked development, vehicular congestion and ecological neglect intersect. The numbers are stark. In 2023, cities like Faridabad, Gurugram, Hisar, and Rohtak routinely recorded annual average PM_{2.5} concentrations that were not just above Indian norms (NAAQS: 40 µg/m³) but frequently two to four times those considered "safe" by national standards, and orders of magnitude above the World Health Organization's air quality guidelines (WHO: 5 µg/m³). Faridabad, for example, posted a PM_{2.5} average of 103 µg/m³ - a level that turns the very act of breathing into a daily health hazard, and which sits among the worst in the country.¹ Gurugram's story was similar, inching close at 90 µg/m³. And these are not aberrations. In Delhi's extended urban shadow, the daily Air Quality Index (AQI) in Gurugram has hovered above 140 as an annual average in the last half-decade, peaking at over 300 during peak smog weeks.² The seasonal rhythm of pollution in Haryana is sharply visible in AQI data. Take, for example, the monthly averages tracked by Environics India: during winter 2023, Delhi's AQI leapt above 350 and Haryana's major cities were not far behind, with frequent spells where the AQI touched "hazardous" zones of 300 - 400, before dipping only marginally in spring and summer.³ Gurugram's AQI in 2023 saw similar swings, maintaining levels above 140 even after monsoon relief, then rising sharply again once stubble burning began in October.⁴

¹ "Environment-and-Pollution Ambient-Air-Quality-Status Statistics and Growth Figures Year-Wise of Haryana- Indiastat" <<https://www.indiastat.com/haryana-state/data/environment-and-pollution/ambient-air-quality-status>>

² "Gurgaon Air Quality Index (AQI) : Real-Time Air Pollution" (*AQI.in*, July 17, 2025) <<https://www.aqi.in/in/dashboard/india/haryana/gurgaon>>

³ "Air Quality Analysis – September 2023 | Environics Trust" (October 10, 2023) <<https://environicsindia.in/2023/10/10/air-quality-analysis-september-2023/>>

⁴ "Gurgaon Air Quality Index (AQI) : Real-Time Air Pollution" (n 2)

City	2023 Avg PM2.5 ($\mu\text{g}/\text{m}^3$)	2023 AQI (Annual Avg)	Peak AQI (Winter 2023)
Faridabad	103	~150	>350
Gurugram	90	146	>320
Hisar	~89	~134	>300
Rohtak	~87	~130	>280
Sonipat	~84	~127	>265

Table 1: Annual and Seasonal Air Quality Indicators across Major Cities in Haryana (2023)

What sustains these toxic numbers isn't just the smoke of distant fires, but the proximity to ever-expanding industrial clusters, ceaseless construction and a relentless tide of vehicles clogging every arterial road. According to the Haryana State Pollution Control Board, the state's largest cities now see over 250 "poor" to "hazardous" pollution days annually with "good" air quality becoming such a rarity that in 2023, Gurugram recorded only 9 clean days out of 365: a dramatic drop from even the already dismal standards of the decade before.⁵ Agricultural burning in late autumn continues to send the region into a full-blown pollution crisis. In 2023, spikes in AQI were strongly correlated with satellite-detected fire events that blanketed districts from Hisar to Panipat in a dense, visible haze. These are not just urban threats as rural monitoring stations report similar severe conditions that have been exposing farming communities and vulnerable groups to persistent toxic loads.⁶ The health consequences are chilling and predictable. Elevated PM2.5 levels are linked with surging rates of asthma in children, exacerbations of COPD and an uptick in cardiovascular incidents. The Air Quality Life Index estimates that average life expectancy in Haryana is now cut by 5

⁵ "Environment-and-Pollution Ambient-Air-Quality-Status Statistics and Growth Figures Year-Wise of Haryana- Indiastat" (n 2)

⁶ Haryana State Pollution Control, "Haryana State Pollution Control Board - Home Page" <https://www.hspcb.org.in/>

- 6 years solely due to air pollution, a finding reflected by overburdened emergency rooms each winter and the growing number of “pollution holidays” for schools.⁷ Despite years of awareness, Haryana’s policy interventions remain patchy and reactive. While the addition of new real-time monitoring stations and inclusion of multiple cities under the National Clean Air Programme have improved data collection, enforcement continues to lag behind the scale of the threat. Pollution controls focus more on episodic bans than long-term infrastructure and behavioral transformation, and regulatory fines are routinely flouted or delayed, especially in rapidly growing peri-urban zones.⁸ Most damning, the natural antidote to Haryana’s airborne malaise: Its forests and tree cover have dwindled to the lowest levels among northern Indian states, offering little relief or filtration at a time when nature’s green shields are most needed. As empirical data reveal, Haryana’s Forest and tree cover at just 3.63% of the geographical area is among the lowest in India.⁹ The spiralling smog and thinning green belt are intimately connected, as every hectare lost means higher particulate load, greater urban heat, and longer recovery from each pollution spike. It is in this context that Haryana’s legal approach to tree protection and the decades-old loopholes that have enabled unchecked clearing and weak replantation takes on new urgency. The story of Haryana’s air is not only a tale of what is put into the sky, but also of what is missing from the land. Addressing the state’s pollution emergency is thus inseparable from confronting the failures, ambiguities and missed opportunities in its forest and tree governance; a nexus where environmental health and legal reform must now converge.

AN ILLUSION OF PROGRESS

Haryana’s forest governance stands as a compelling and troubling case of legal and ecological paradox. At first glance, official figures from the Forest Survey of India’s 2023 report create an impression of progress with figures pointing out that between 2021 and 2023 the state’s overall tree cover increased by approximately 141 square kilometres.¹⁰ But this superficial advancement masks a far more unsettling reality. In the same period, Haryana’s dense and moderately dense forests, the most ecologically valuable and irreplaceable tract, suffered marked attrition. Specifically, very dense forests declined by about 0.83 square

⁷ “Environment-and-Pollution Ambient-Air-Quality-Status Statistics and Growth Figures Year-Wise of Haryana– Indiastat” (n 3)

⁸ Control (n 2)

⁹ Adxventure India Dehradun, “Welcome | Forest Survey of India” <<https://www.fsi.nic.in/forest-report-2023>>

¹⁰ Sushil Manav and Sushil Manav, “Haryana Saw Rise in Total Forest & Tree Cover between 2021 and 2023, but Dense Forests Declined” (*ThePrint*, March 4, 2025) <<https://theprint.in/india/haryana-saw-rise-in-total-forest-tree-cover-between-2021-and-2023-but-dense-forests-declined/2416417/>>

kilometres (roughly 3%), and moderately dense forests receded by another 4.2 square kilometres (about 1%), continuing a years-long trend of net loss in true forest quality.¹¹ These figures are all the starker when considered in the context of Haryana's already marginal forest baseline: even with the inclusion of tree cover on non-forest and agroforestry lands, the state's aggregate forest and tree cover barely reaches 7.16% of its geographical area, the lowest for any major Indian state, and dramatically below the national average of 25.17%.¹²

This pattern is neither accidental nor uniform across districts. A granular look reveals that 15 of Haryana's 22 districts recorded active declines in forest cover over the last reporting cycle, with Rohtak, Mewat, Hisar, and Bhiwani being among the worst affected. Rohtak alone lost 4.3 square kilometres, i.e. over 428 hectares of forest, while districts like Mewat and Hisar each lost more than 1.7 square kilometres.¹³ Karnal persists at the lower bound with only 1.8% forest and tree cover, revealing a stark intra-state disparity. In contrast, only Panchkula, due to its Himalayan geography on the state's northern border, reports over 20% green cover¹⁴. Such disparities point not just to the differential impact of developmental pressures, but to an absence of coherent, statewide ecological vision, which is compounded by a legislative framework that is both outdated and ambiguous. The paradox of Haryana's "forest gain" must therefore be unpacked. While the nominal increases in open forest or tree cover are technically accurate, they are ecologically misleading. Much of this so-called gain is driven by the proliferation of plantations on non-forest lands that often feature non-native, commercial species such as eucalyptus and poplar. These plantations contribute little to biodiversity, provide limited carbon sequestration relative to natural forests and in many cases worsen water stress, which is an especially acute concern in Haryana's semi-arid landscape. Furthermore, data compiled by Global Forest Watch confirms that the overall trajectory for natural forest and high-quality canopy remains decisively negative: from 2001 to 2023, the state lost 429 hectares of tree cover, resulting in at least 187 kilotons of CO₂ emissions.¹⁵ In 2023 alone, Haryana experienced its sharpest annual drop in over a decade,

¹¹ Harpreet Bajwa, "Forest Cover Declines in Haryana, Punjab, Tree Cover Shows Marginal Growth" *The New Indian Express* (December 25, 2024) <<https://www.newindianexpress.com/nation/2024/Dec/25/forest-cover-declines-in-haryana-punjab-tree-cover-shows-marginal-growth>>

¹² "Haryana Forest Department | India" <<https://haryanaforest.gov.in/>>

¹³ Harpreet Bajwa (n 2)

¹⁴ "Haryana Forest Census" (*Drishti IAS*) <<https://www.drishtias.com/state-pcs-current-affairs/haryana-forest-census>>

¹⁵ Vizzuality, "Haryana, India Deforestation Rates & Statistics | GFW" <<https://www.globalforestwatch.org/dashboards/country/IND/12/?location=WyJjb3VudHJ5IiwSU5EliwiMTIiXQ%3D%3D&map=cyJjZW50ZXIiOnsibGF0Ijo0MC4zODY4Mzc4NTAyNzcwNywiYm91IjoxMjcuNDQ3NTU3Mzk1MDAyMzR9LCJ6b29tIjo1LjM0ODYwOTcyNjg2OTA0OSwiY2FuQm91bmQiOnRydWUsImRhdGFz>>

losing 8 hectares of natural forests and 13 hectares of tree cover; an erosion driven by both legal felling and the incremental encroachment that flourishes in regulatory gaps.¹⁶

THE LIMITS OF LEGACY LAWS: PLPA, IFA, AND THE FAILURE OF MODERN FOREST PROTECTION

At the heart of this prolonged ecological regression lies a legal infrastructure both anachronistic and strategically ambiguous; a structure not merely outdated by historical accident but preserved by design, permitting administrative discretion to impersonate regulatory control. Far from protecting Haryana's dwindling green cover, the state's legal apparatus has become the very vehicle enabling its erosion. This entrenched vulnerability is rooted in the state's sustained dependency on the Punjab Land Preservation Act of 1900 (PLPA) and the Indian Forest Act of 1927 (IFA), both conceived in a colonial context and only marginally adapted for modern ecological challenges.¹⁷ The PLPA, while theoretically endowed with the power to safeguard ecologically sensitive terrains against erosion, desertification, and over-exploitation, creates a brittle framework of protection as it operates solely by executive notification. This means that areas are only deemed protected if and as long as the state government chooses to keep them under active notification. When a notification lapses, as it did for 86 villages in Gurugram in 2013, all legal protection is instantly extinguished.¹⁸

The biodiversity, ecological function and societal benefits of those lands become immaterial in legal terms the moment the notification expires. This system not only exposes large swathes of forests and commons to opportunistic development, but it also encourages a transactional approach to conservation, where protection can be dialled up or down based on political or commercial expediency rather than ecological necessity. The consequences of such administrative fragility are both immediate and long-term. For example, research and policy reviews highlight that expiration or withdrawal of PLPA notifications has led to the

[ZXRzljpbjpeyJkYXRhc2V0IjoicG9saXRpY2FsLWJvdW5kYXJpZXMiLCJsYXllcnMiOlsiZGlzcHV0ZWQtcG9saXRpY2FsLWJvdW5kYXJpZXMiLCJwb2xpdGljYWwtYm91bmRhcmlscyJdLCJib3VuZGFyeSI6dHJlZSwib3BhY2I0eSI6MSwidmlzaWJpbGl0eSI6dHJlZX0seyJkYXRhc2V0IjojdHJlZS1jb3Zlei1sb3NziwiwGF5ZXJzIjpbInRyZWUtYTg2ZXItbG9zeCYJdLCJvcGFjaXR5IjoXLjE2aXNpYmlsaXR5Ijp0cnViLCJwYXJhbXMiOnsidGhyZXNoIjozMCIwidmlzaWJpbGl0eSI6dHJlZX19XX0%3D>](#)

¹⁶ Ipsita Pati, “Haryana Lost Both Forest & Tree Cover in 2023: Report” *The Times of India* (November 24, 2024) <<https://timesofindia.indiatimes.com/city/gurgaon/haryana-faces-significant-decline-in-forest-and-tree-cover-in-2023/articleshow/115629669.cms>>

¹⁷ “Act & Rule | Haryana Forest Department | India” <<https://haryanaforest.gov.in/act-rule/>>

¹⁸ Sunny Hooda, "State of Forest Report: Analysis of Forest Cover in Haryana" (January 1, 2019) <https://ignited.in/index.php/jasrae/article/download/9588/18980/47413?inline=1>

opening up of previously protected areas in Gurgaon and Faridabad, which are some of the state's only remaining green buffers for real estate, roads, and extractive activities¹⁹. Once denotified, these lands lose their "forest status" and crucially, no longer trigger the regulatory safeguards provided under central laws like the Forest (Conservation) Act, 1980 or require compensatory afforestation measures²⁰. This has generated a fragmented conservation landscape, with eco-sensitive zones fluctuating in and out of legal protection, often without any public notice or scientific assessment of ecological impact. Overlaying these weaknesses is the Indian Forest Act, 1927, the foundational law purporting to govern forests across India. However, in Haryana, less than 4% of the state's geographical area is classified as Recorded Forest Area (RFA). This is a startlingly low baseline that reflects historical land use patterns but also the highly restrictive interpretation of what qualifies as a "forest" under the Act²¹. The IFA focuses on "reserved" and "protected" forests, but this designation process is path-dependent: if the government has not notified land as forest, no matter how dense or ecologically valuable the tree cover might be, it enjoys no automatic legal protection.²²

Thus, woodlands on agricultural lands, community commons, urban groves, and roadside plantations, which collectively represent a significant proportion of Haryana's remaining tree cover, are left out of the IFA's purview and remain at constant risk from development, overgrazing, and encroachment. Scholarly and policy analysis show that this selective visibility of forests in the legal system is a major driver of forest loss and ecosystem fragmentation. The Haryana Forest Policy of 2006 explicitly acknowledged these gaps by identifying objectives such as the protection of existing forests, increasing plantation on wastelands, involving communities through Joint Forest Management and maintaining biodiversity. However, the actual forest cover today is still stuck at less than 4% which is far below both national targets and the policy's own stated vision of reaching 10% (and ultimately 20%) forest and tree cover.²³ The policy attempts to address regulatory silences by calling for computerised tree enumeration, prohibition of forest clearance without scientific

¹⁹ Hooda (n 2)

²⁰ Vasvi Tyagi and Haryana Forest Department, "Written Statement of Smt. Vasvi Tyagi, IFS, Chief Conservator of Forests, South Circle, Haryana Forest Department, Gurugram on Behalf of Respondent No.3, 9 and 10 in OA No. 881 /2022 Titled as Rajinder Krishan Sharma Vs. Union of India & Others" (National Green Tribunal, Union of India, and Ambience Developers and Infrastructure Pvt Ltd, 2023) <https://greentribunal.gov.in/sites/default/files/news_updates/WRITTEN%20STATEMENT%20BY%20CCF,%20SOUTH,%20DELHI%20IN%20OA%20NO.%20881%20of%202022%20RAJINDER%20KRISHAN%20SHARMA%20&%20ANR.%20VS%20UNION%20OF%20INDIA.pdf>

²¹ Sanjeev Kumar, "Forest Policy 2006" (Scribd) <<https://www.scribd.com/document/412720192/Forest-Policy-2006>>

²² Hooda (n 3)

²³ "Haryana Forest Department | India" (n 2)

“working plans,” and community involvement in degraded forests.²⁴ Nonetheless, the mere existence of these objectives in policy documents is belied by the continued reliance on statutes with no clear mechanisms for implementation or accountability.

DENOTIFICATION AS a STRATEGY

This patchwork of statutory and policy ambitions, in turn, shapes a reality on the ground where regulatory protection is experienced not as a stable right, but as an administrative privilege that is conditional, transactional and easily revoked. The decline of the Aravallis: one of North India’s oldest and most ecologically sensitive ranges is perhaps the most visible case. Despite unmistakable Supreme Court orders beginning with the TN Godavarman judgment of 1996 and reinforced in subsequent rulings that all areas meeting the dictionary definition of “forest” must be protected under the Forest (Conservation) Act, Haryana has persistently stalled defining or surveying such “deemed forests.” Even after the Supreme Court’s 2024 directive, committees have been formed to geo-map forest-like areas, but fieldwork is intentionally delayed, pending a “Haryana-specific definition.” As a result, over half of the more than 100,000 hectares of the state’s Aravalli region remain unclassified as forest, thus unprotected and open to mining, highways, and construction.²⁵ This “regulatory limbo” is no accident but an engineered flexibility that benefits powerful actors looking to access land for profit.

This regulatory ambiguity is systematically stretched. In 2019, Haryana amended the PLPA and simultaneously moved to shrink its Natural Conservation Zones (NCZs), proposing to the NCR Planning Board a near 50% reduction. This proposal aimed to denotify more than 60,000 acres of Aravalli land, most of it unprotected commons, making it available for rapid commercialization and intensive real estate projects. This bid, which violated Supreme Court directives and NCRPB’s policies, was justified by officials as “balancing development with ecological priorities,” but in effect, it dissolved the last real legal hurdles to monetizing the hills.²⁶ These Legal gaps are further weaponised against the commons. Commons and panchayat lands, often the lifeline of rural Haryana, are kept out of robust protection frameworks, classified neither as forest nor as NCZ once a notification lapses. These lands

²⁴ Kumar (n 2)

²⁵ Pati (n 2)

²⁶ Ipsita Pati, “Haryana Lost 14sqkm of Forests in 2 Yrs, Gurgaon Saw a Marginal Increase” *The Times of India* (December 21, 2024) <<https://timesofindia.indiatimes.com/city/gurgaon/haryana-lost-14sqkm-of-forests-in-2-yrs-gurgaon-saw-a-marginal-increase/articleshow/116543797.cms>>

are prime targets for conversion to private or government-sanctioned development, a cycle enabled rather than constrained by the selective application or expiration of protective legal provisions. As noted by environmental researchers and even in state policy acknowledgements, the expiry or non-renewal of PLPA notifications is not a rare accident but a recurring phenomenon, engineered or tolerated to permit the allocation of prime lands to private and public sector interests without rigorous scrutiny.²⁷ Once out from under the umbrella of notification, these lands are seldom renotified, leaving thousands of hectares exposed to legal felling, infrastructure expansion, and irreversible ecological loss.

The ecological ramifications of this have been transformative and damaging. Gurugram's green buffers, once protected, have given way to gated colonies, expressways and commercial complexes, while wildlife corridors have been severed, leading to surging instances of animal fatality and conflict. The state's road expansion has left highways, such as NH-48, running through erstwhile forest, leading to frequent leopard and nilgai roadkill - a direct result of "protection on paper" failing on the ground. The Forest Department itself, hampered by chronic vacancies with over half its field posts unfilled, admits it cannot monitor encroachments, illegal felling or rapidly changing land use patterns.²⁸ Complicating the picture further is Haryana's agricultural dominance, as over 80% of land is under cultivation, with another 16% allocated to infrastructure, roads, canals, and settlements, leaving very little precious space for any new or regenerating forest, particularly outside the rigid definition grid of PLPA and IFA. The net result is an institutional dynamic where protection is both uneven and unreliable: areas rich in natural vegetation but lacking a formal label are structurally invisible to law, while even the best policy intentions cannot withstand the administrative tendency to treat green zones as "available" land for conversion at convenience.²⁹ This systemic instability, and the prioritisation of short-term administrative discretion over transparent, science-based ecological governance, ensures that Haryana's legal regime does not so much guarantee tree protection as facilitate a pattern of selective erasure. The state's most ecologically important sites, often those most attractive for

²⁷ Hooda (n 4)

²⁸ Pati (n 2)

²⁹ Sushil Manav and Sushil Manav, "Haryana Saw Rise in Total Forest & Tree Cover between 2021 and 2023, but Dense Forests Declined" (*ThePrint*, March 4, 2025) <<https://theprint.in/india/haryana-saw-rise-in-total-forest-tree-cover-between-2021-and-2023-but-dense-forests-declined/2416417/>>

development, are thus governed more by expedient paperwork than by enduring ecological principles or constitutional commitments to environmental stewardship.³⁰

JUDICIAL CORRECTIVES TO LEGISLATIVE ABDICATION

In the enduring vacuum left by the above-discussed inadequate legislative action and administrative retreat, the judiciary in India, particularly the Supreme Court, National Green Tribunal (NGT) and the Punjab & Haryana High Court, has emerged as the reluctant guardian of Haryana's embattled landscapes. The contours of this judicial activism provide a revealing lens on both the scale of regulatory failure and the tenacity of legal interventions in pursuit of forest protection. One of the most striking examples of this is the NGT's landmark 2019 ruling on Sarai Khwaja village, Faridabad, where the tribunal classified a 52-acre plot as "deemed forest" despite the Haryana government's bid to downplay its ecological status for a major real estate project. In this case, the forest department had previously recognized the area's dense vegetation (over 1,800 trees/hectare) but, under pressure from senior administration, reversed its stance and permitted the felling of over 7,000 trees. The state argued that because the land did not appear as a forest in revenue records, it could be cleared. The NGT, however, rejected this reasoning as "an erroneous understanding of law," clarifying that dictionary meaning and ecological function, not administrative labels, must govern the definition of forest. By upholding the Forest (Conservation) Act's supreme jurisdiction over any area meeting its ecological criteria and rebuking both the state and even the central environment ministry for their compliance lapses, the tribunal set a transformative precedent.

Crucially, the judiciary hasn't simply relied on existing administrative boundaries. In its 2019 Sarai Khwaja verdict, the NGT made clear that substantive ecological realities must trump bureaucratic convenience: "The test to be applied is not whether the area is recorded as forest in the revenue record, but whether the area is to be so treated by the forest department in terms of the dictionary meaning."³¹ This stance has emboldened environmental advocates, who point out that the decision could affect not just single projects, but the future of 50,000 acres or more in the Aravalli range, including biodiversity-rich sites such as Mangar Bani and

³⁰ Videh Upadhyay, "Legal and Policy Frameworks Related to Forest Conservation"

http://awsassets.wwfindia.org/downloads/lecture_notes_session_9_1.pdf

³¹ Ht Correspondent, "National Green Tribunal Terms Plot in Haryana Village as 'Deemed Forest' | Latest News Delhi - Hindustan Times" *Hindustan Times* (March 9, 2019) <https://www.hindustantimes.com/delhi-news/national-green-tribunal-terms-plot-in-haryana-village-as-deemed-forest/story-RloHxiubVza7d0v6GnJT5H.html>

the Aravalli Biodiversity Park in Gurugram. Further reinforcing this precedent, the NGT has imposed strict curbs on the exploitation of protected or newly classified forest land. In 2025, the tribunal intervened in Rajawas village, Mahendergarh, when it was revealed that the Haryana mining department had auctioned part of 506 acres of Aravalli land despite its recent designation as protected under the Forest (Conservation) Act as a 'Nicobar Swap' for compensatory afforestation. Responding to pleas from residents who demanded the area's recognition as a wildlife reserve, the NGT prohibited all mining and stone crushing activities on the site pending inquiry, demanding that state authorities ensure "no illegal mining occurs in the protected forest area" and that all relevant parties file detailed affidavits. This underscored the tribunal's readiness to enforce the law against both economic and administrative interests, especially where state action violated the spirit of environmental compensation or sidestepped long-term conservation commitments.³²

The NGT's vigilance extends to a variety of infractions, be they large or small, across Haryana's legal and physical landscape. In late 2024, the tribunal responded promptly to a petition in Basai Meo (Nuh district), alleging an illegal road construction project through notified forest initiated under the guise of village consolidation but in blatant violation of the Forest (Conservation) Act and relevant clauses of the IFA, 1927. The applicant further alleged that the construction disrupted natural drainage and created new health hazards via waterlogging. The NGT ordered state authorities to reply by affidavit, maintaining active scrutiny over both procedural violations and ecological injury.³³

Beyond individual disputes, the NGT's evolving jurisprudence has begun to clarify and expand administrative duties. The Tribunal has consistently directed the Haryana government to strictly comply with the Forest (Conservation) Act's procedures for notification, diversion and public disclosure whenever forest land is to be converted or cleared.³⁴ In several orders, the NGT found it "wrong on the part of HUDA, now known as HSVP (Haryana Shahari Vikas Pradhikaran), the urban planning and development authority of the state of Haryana in

³² Ipsita Pati, "Strict Curbs Must to Prevent Illegal Mining in Aravali Land Protected under Nicobar Swap, NGT Tells Authorities" *The Times of India* (April 10, 2025) <<https://www.hindustantimes.com/delhi-news/national-green-tribunal-terms-plot-in-haryana-village-as-deemed-forest/story-RloHxiubVza7d0v6GnJT5H.html>>

³³ "Order of the National Green Tribunal Regarding Construction of a Road through Forest Area in Village Basai Meo, Nuh District, Haryana, 17/12/2024 - India Environment Portal | News, Reports, Documents, Blogs, Data, Analysis on Environment & Development | India, South Asia" <<http://www.indiaenvironmentportal.org.in/content/477139/order-of-the-national-green-tribunal-regarding-construction-of-a-road-through-forest-area-in-village-basai-meo-nuh-district-haryana-17122024/>>

³⁴ "National Green Tribunal on Appeal of Forest Clearances" (*PRS Legislative Research*) <<https://prsindia.org/theprsblog/national-green-tribunal-on-appeal-of-forest-clearances?page=168&per-page=1>>

India, for putting forest land to auction without permission for diverting the forest land for non-forest purposes”³⁵, affirming citizens' right to challenge such clearance even after state-level approval. The NGT's insistence on geo-tagging, third-party audit of compensatory plantations and ongoing public accountability mechanisms signals a growing sophistication in judicial oversight, even as enforcement remains a challenge in practice.

However, even as the judiciary has slowed or halted some of Haryana's most egregious environmental transgressions, state responses often remain tepid or adversarial. Ministries sometimes contradict their field reports in court, upholding Haryana's discretionary decisions, while developers routinely appeal adverse rulings to higher courts. While much of the discourse on Haryana's Forest governance rightly centres on legal paradoxes and ecological attrition, a more granular and urgently overlooked dimension is the profoundly inequitable impact of this regime on marginalized communities. For these groups comprising smallholder farmers, landless labourers, forest-dependent households, Adivasis, and women, access to healthy tree cover and common lands is a foundational determinant of daily well-being, social resilience and climate adaptation.

THE DISPROPORTIONATE IMPACT OF SHRINKING COMMONS

Empirical research in political ecology and rural development highlights that common-pool resources, including panchayat forests, traditional groves and village woodlots, play a critical role in the subsistence economies of rural Haryana, particularly the semi-arid and ecologically fragile districts, namely Nuh, Rewari, and Hisar. Trees regulate the local microclimate by buffering extreme heat, reducing the intensity of dry winds and stabilizing topsoil, all of which are vital in a region increasingly affected by climate variability and land degradation.³⁶ Equally significant is their contribution to water security: forested patches and mature woodlands enhance groundwater recharge, support surface hydrology, and protect traditional water sources, which are often the only dependable supply for drinking and irrigation in these low-rainfall zones. Moreover, many marginalized households, particularly landless laborers and women, rely heavily on nearby green commons for daily subsistence

³⁵ “Order of the National Green Tribunal Regarding Use of Forest Land for Non Forest Purposes, Haryana, 13/07/2021 - India Environment Portal | News, Reports, Documents, Blogs, Data, Analysis on Environment & Development | India, South Asia” <<http://www.indiaenvironmentportal.org.in/content/471104/order-of-the-national-green-tribunal-regarding-use-of-forest-land-for-non-forest-purposes-haryana-13072021/>>

³⁶ Mohammad Hashim Qureshi and Suresh Kumar, “Household Energy and Common Lands in Rural Haryana, India” (1996) 23 Environmental Conservation 343 <<https://www.cambridge.org/core/journals/environmental-conservation/article/abs/household-energy-and-common-lands-in-rural-haryana-india/DE2333ECF9936082611BA138FEAC773A>>

needs. Access to fuelwood, fodder for livestock, wild edibles and medicinal plants is directly linked to the presence and health of local vegetation.³⁷ Legal ambiguity, however, has rendered these life-sustaining resources precarious. As detailed in studies by the Centre for Policy Research³⁸ and the Indian School of Development Management, Haryana's approach to the classification and protection of commons mediated by discretionary notifications, the routine lapsing of PLPA coverage and weak participatory mandates directly facilitates the steady alienation and degradation of these lands³⁹. Once denoted or reclassified, commons become prime targets for conversion to private or infrastructural purposes, a process frequently executed without meaningful consultation or compensation for affected communities.

This spatial distribution of tree cover loss in Haryana also mirrors deep-rooted inequities in wealth, power and political voice. Wealthier enclaves in peri-urban Gurugram, Panchkula, and select canal-irrigated zones leverage influence and institutional access to secure or even create lush, "privatised" green spaces. In contrast, marginalized villages, SC/ST hamlets and urban informal settlements witness the systematic contraction of their historical green commons, with tree removal in these areas rarely offset by afforestation or restoration initiatives.⁴⁰ This environmental injustice unfolds across multiple, deeply interconnected dimensions. As forests and green commons recede, the physiological and household burdens on marginalized groups, particularly women and children, intensify. They are forced to travel longer distances for basic biomass needs such as firewood and fodder, increasing their exposure to extreme heat, exhaustion and safety hazards⁴¹. Simultaneously, the erosion of access to forest resources undermines critical rural income streams, especially livestock rearing and the collection of non-timber forest products, pushing small and marginal farmers into cycles of indebtedness, economic precarity, or seasonal migration⁴². In urban and peri-urban areas, the declining canopy exacerbates heat stress and air pollution, disproportionately affecting informal settlements already underserved by public health infrastructure. Compounding these physical and economic stresses is a pervasive political marginalization: the disappearance of commons and village forests is rarely accompanied by mechanisms for

³⁷ Kanchan Chopra and others, "Common Pool Resources in India: Evidence, Significance and New Management Initiatives" (2002) [Initiatives](https://assets.publishing.service.gov.uk/media/57a08d29ed915d622c0017f5/R7973AnnB.pdf) (2002) [<https://assets.publishing.service.gov.uk/media/57a08d29ed915d622c0017f5/R7973AnnB.pdf>](https://assets.publishing.service.gov.uk/media/57a08d29ed915d622c0017f5/R7973AnnB.pdf)

³⁸ Centre for Policy Research, "Centre for Policy Research" (CPR, June 27, 2025) [<https://cprindia.org/>](https://cprindia.org/)

³⁹ Chopra and others (n 2)

⁴⁰ Qureshi and Kumar (n 2)

⁴¹ Qureshi and Kumar (n 3)

⁴² Chopra and others (n 3)

inclusive consultation or compensation. Studies on the ground, particularly in the implementation of Joint Forest Management (JFM) schemes in Haryana, reveal that elite capture and exclusionary benefit-sharing practices consistently sideline vulnerable populations, stripping them of both ecological access and democratic voice in critical land-use decisions.

Despite national policy frameworks emphasising decentralised stewardship and community participation exemplified by JFM and the Forest Rights Act (where applicable), Haryana's on-ground reality remains one of tokenistic involvement and minimal devolution of control. The Haryana Forest Policy, while referencing community engagement, has not been effectively operationalised at scale. Evidence from recent fieldwork⁴³ shows that marginalized groups are often sidelined from decision-making processes around the use, protection or conversion of commons. JFM committees, where they exist, tend to be dominated by local elites, while weaker sections encounter procedural and informational barriers to meaningful participation.⁴⁴ This chronic overreliance on litigation and the deepening environmental injustice in Haryana stands in even starker relief when set against the legislative and institutional reforms adopted elsewhere in India, where environmental stewardship is pursued systematically, not reactively. This raises the very important question of whether they can. Why Won't Haryana?

STATUTORY INNOVATIONS VS HARYANA'S REGULATORY APATHY

Across India, states from Maharashtra to Karnataka to Delhi have developed dedicated statutory frameworks designed to meet the specific ecological and developmental pressures of their territories. What makes these models effective is their shared recognition that preservation of green cover is not a ceremonial commitment but a practical, enforceable necessity. Consider Maharashtra: When faced with rampant deforestation driven by urban expansion and industrial growth, the state government enacted the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, overhauled in the face of mass tree losses. This law did not tinker around the edges: every urban local body was mandated to form a statutory Tree Authority with genuine power that is responsible for annual tree censuses, maintaining a publicly accessible digital register of all trees, and scrutinising every

⁴³ "State of India's Environment 2024" <<https://www.cseindia.org/state-of-india-s-environment-2024-11989>>

⁴⁴ John Kerr, "Watershed Management: Lessons from Common Property Theory" (2007) 1 International Journal of the Commons 89 <<https://www.jstor.org/stable/26522983>>

application for felling or transplantation. Strict penalties are built in with unauthorised tree felling leading to a year's imprisonment and/or steep fines. Citizens, environmental groups and even schoolchildren can access the register and lodge objections or appeals, and there is a clearly defined grievance redressal mechanism⁴⁵. Whenever permission is given to cut a tree, compensatory plantation is not symbolic in Mumbai; it's often 1:3 or more, and public monitoring ensures compliance. The act even creates a Tree Authority Fund, pooling resources for ongoing tree care and replantation and empowers local bodies to raise a 'tree cess' for sustained green management.⁴⁶

Delhi's statutory innovation is equally instructive. Under the Delhi Preservation of Trees Act, 1994, all applications for felling must undergo site inspection by a Tree Officer, public notice and a period for objections, with orders posted online. For major projects (such as metro expansion), the courts have required government undertakings for massive afforestation; over 1.2 million new trees are now required as compensation, tracked through geo-tagged plantation data. A new digital platform integrates complaints, helplines, status monitoring by citizens and SMS-based updates on action. The penalties are not idle as recent court orders have imposed direct costs on government departments of up to ₹80 lakh in enforcement-linked fines, directing funds explicitly for replantation and ongoing monitoring.⁴⁷

Karnataka, meanwhile, covers both urban and rural landscapes under the Karnataka Preservation of Trees Act, 1976, extending protection to all land (government or private) across notified areas. No tree above a specified girth may be felled even on private land without explicit permission from the Forest Department and only if such felling is ecologically justified. Tree Authorities operate at the municipal and district level, maintaining registers, holding hearings and being legally bound to an annual review of green cover. Significant exemptions exist only for genuine, small-scale family needs, not commercial or real estate exploitation. Violations are strictly penalised, with fines and potential criminal liability, and digital innovations are underway for improved transparency.⁴⁸

⁴⁵ Government of Maharashtra, "The Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975" (1975) <https://www.indiacode.nic.in/bitstream/123456789/16809/3/maharashtra_.pdf>

⁴⁶ Manju Menon and Kanchi Kohli, *Regulating Urban Trees in India* (Heinrich Böll Foundation ed, Heinrich Böll Foundation 2021) 1 <https://cprindia.org/wp-content/uploads/2022/07/Regulating-Urban-Trees-in-India-hbs_0.pdf>

⁴⁷ Sameer Vashisht, "Necessity of Preservation of Trees Act" *Times of India Voices* (May 12, 2023) <<https://timesofindia.indiatimes.com/blogs/voices/necessity-of-preservation-of-trees-act/>>

⁴⁸ "Forestation on Private Land in Karnataka" (*Vidhi Centre for Legal Policy*, March 4, 2023) <<https://vidhilegalpolicy.in/research/forestation-on-private-land-in-karnataka/>>

State/UT	Tree Law (Year)	Tree Authority	Mandatory Tree Census	Digital/Public Register	Citizen Complaint & Objection	Penalties
Maharashtra	1975	Yes (by ULB)	Yes	Yes (digital, public)	Yes	Up to 1 year in jail, fines
Karnataka	1976	Yes (by State/Govt for urban/rural)	Yes (priority districts)	Yes (developing)	Yes	Fines, prosecution
Delhi (NCT)	1994	Yes (Tree Officer, Authority)	Yes	Yes (public, online access)	Yes	Fines, orders, court oversight
Haryana	None	No	No	No	Only via PIL/litigation	Negligible, rarely enforced

Table 2: Comparative Overview of Tree Protection Laws across Select Indian States

So, if tree preservation at this scale is not only possible but actively working across diverse states be it north, south, humid, arid, hill, plain, city or village; a critical question becomes unavoidable: Why does Haryana continue to hide behind notifications, outmoded colonial acts, and ad hoc “drives” while refusing to legislate what so many others have long made routine? It is not for lack of need: Haryana’s pollution crises, urban heat islands and rural ecological decline are as acute as (if not worse than) elsewhere. It is not a question of funding: Maharashtra and Delhi have shown that costs can be offset and even made self-

sustaining through mechanisms like tree cesses, environmental funds, and judicial fines earmarked for greening.⁴⁹ Nor is it an absence of models: Haryana's leadership need look no further than the statutes and digital platforms already running efficiently in state after state. The only explanation is an embedded policy and administrative reluctance to embrace accountability, local participation, and genuine transparency. Why else is there no public tree register in Gurugram or Faridabad? No citizen complaint cell in Hisar? No geotagged compensatory plantation monitoring in Panchkula or Karnal? Why must Haryana's residents rely on PILs and NGT interventions just to stop illegal tree felling that, in Karnataka or Maharashtra, would automatically trigger investigation, hearing and penalty from empowered local Tree Authorities? The lesson is unavoidable: Haryana's "exceptionalism" is not born of complexity or incapacity. It is a political and bureaucratic choice to resist the tide of environmental reform and leave governance in the hands of overworked courts and desperate citizens, even as the state's green future bleeds away. If Maharashtra, Delhi and Karnataka can move forward with enforceable, transparent and participatory tree protection centred in law and not just litigation, what excuse remains for Haryana continuing to treat its forests and trees as expendable? The answer, unmistakably, lies not in any administrative limitation or policy vacuum, but in the unfortunate culture of corruption that permeates Haryana's Forest governance at every level.

SYSTEMIC CORRUPTION AND THE COLLAPSE OF ECOLOGICAL ACCOUNTABILITY

Major investigations and judicial inquiries have consistently exposed a pattern of embezzlement, data fabrication and systematic cover-up within the state's forestry apparatus. A 2015 probe by the Haryana Vigilance Bureau found that nine forest department officials in Ambala had siphoned off nearly ₹5 crore intended for the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). These officials were accused of manufacturing fake records, destroying muster rolls and vouchers and uploading fabricated data to government MIS portals. Shockingly, despite repeated warnings from local administrators about irregularities and missing documentation, senior IAS officers continued to authorise disbursements totalling ₹25 crore, often in explicit violation of funding

⁴⁹ Menon and Kohli (n 2)

protocols.⁵⁰ The scale of misappropriation was so significant that criminal cases were ordered and departmental proceedings initiated; yet, higher-level accountability against implicated administrative officers has proven elusive.⁵¹ This is not an isolated episode. The so-called “Haryana Forestry scam”, a multi-crore fake plantation and afforestation scam, was brought to national prominence after IFS officer Sanjiv Chaturvedi, a Ramon Magsaysay Award winner and prominent whistleblower, unearthed systematic fraud in plantation records. His findings led to indictments not just of forest officials, but also of senior politicians, including former Chief Ministers and cabinet officials. Chaturvedi faced sustained retaliation: frequent transfers, departmental chargesheets, and harassment, all ultimately overturned by the President of India and the Central Vigilance Commission, which found his allegations credible enough to warrant a CBI probe. Despite this, the state government has repeatedly resisted and delayed independent investigations, attempting to shift responsibility between agencies or, in some cases, seeking to discredit the whistleblower himself.⁵²

Official inquiries by the Ministry of Environment and Forests (MoEF) corroborated the existence of massive embezzlement, violations of Supreme Court orders and misuse of environmental law protections to facilitate illegal clearances and cover up wrongdoing. These reports underscored a “connivance at the highest level,” where government and political leaders, rather than enforcing accountability, prioritised shielding their associates. In one instance, instead of prosecuting offenders as required by law, a Supreme Court-appointed committee suggested only a fine for the state government, overlooking prosecution and allowing business as usual to continue. Subsequent MoEF recommendations for a CBI inquiry into these actions were stonewalled by the Haryana administration, reflecting the depth of the institutional resistance to genuine accountability.⁵³

Most recently, the Supreme Court has castigated the Haryana government for shielding officials and failing to act against the mining mafia and errant authorities, further highlighting the state’s reluctance to enforce even elementary legal compliance when political or

⁵⁰ Hitender Rao, “NREGS Scam: Criminal Case Ordered against 9 Forest Officials - Hindustan Times” *Hindustan Times* (January 28, 2015) <<https://www.hindustantimes.com/punjab/nregs-scam-criminal-case-ordered-against-9-forest-officials/story-2EAtgmK7mhClGHF7gRwAiN.html>>

⁵¹ “Jagmohan Sharma And Another vs Lokayukta Haryana and Others on 18 September, 2019” <<https://indiankanoon.org/doc/43889013/>>

⁵² Nitin Sethi, “Haryana Forest Scam: MoEF Indicts Politicians and Senior Officers” *The Times of India* (April 26, 2011) <<https://timesofindia.indiatimes.com/home/environment/developmental-issues/haryana-forest-scam-moef-indicts-politicians-and-senior-officers/articleshow/8048555.cms>>

⁵³ Sofi Ahsan, “Haryana Forest Scam: High Court Asks Centre and State to Depute Officials” *The Indian Express* (September 29, 2017) <<https://indianexpress.com/article/cities/chandigarh/haryana-forest-scam-high-court-asks-centre-and-state-to-depute-officials-4867829/>>.

economic interests are at stake.⁵⁴ The consequences of such endemic corruption are multifold. Resources meant for ecological restoration and local livelihoods vanish long before they reach the ground. “Ghost plantations”, i.e. tree cover that exists only in official reports, inflate state statistics, masking ongoing deforestation and environmental decline. Communities that depend on forests are doubly betrayed, losing both their ecological safeguards and their faith in public institutions. Meanwhile, honest officers and whistleblowers endure persecution, sending a chilling warning to others who might challenge the prevailing order.

CONCLUSION

Haryana finds itself at an inflexion point where the inertia and equivocation of decades have finally collided with an urgent demand for clarity, accountability and ecological renewal. Its forests, once silenced by the fog of ambiguous laws and administrative deferral, now stand exposed: both as casualties of a system that prized expedience over stewardship, and as symbols of what remains possible if the arc of governance is bent towards justice. The courts have forced Haryana’s hand, wielding the law not as a rhetorical device but as a living mandate demanding that every patch of “forest-like” land be properly recognised, mapped and protected. Yet, while judicial intervention has cast the spotlight on bureaucratic delay and evasion, the true choice now belongs to the people and leadership of the state: to either allow forests to remain loopholes in the pursuit of private and political profit or to reclaim them as essential, living infrastructure for climate resilience, public health and generational equity. What the State requires is a profound shift in imagination. Forests must be viewed not as liabilities to be defined away, but as the connective tissue of the state’s future, binding together rural livelihoods, urban well-being, water security and economic stability. This transformation hinges on courageous leadership willing to embrace full transparency, digital accountability and participatory stewardship; it relies on the recognition that ordinary citizens, villages and local communities must be the front line of restoration and protection, empowered and trusted as partners, not afterthoughts. Above all, Haryana’s legacy will be measured not by the technicalities of compliance or the volume of new committees formed, but by the tangible renewal of green landscapes and the restoration of public confidence in the rule of law. In choosing renewal over resignation, Haryana can transform from a

⁵⁴ PTI and PTI, “Supreme Court Pulls up Haryana Govt for Inaction against Mining Mafia, Errant Officials” (*Deccan Herald*, May 29, 2025) <<https://www.deccanherald.com/india/haryana/supreme-court-pulls-up-haryana-govt-for-inaction-against-mining-mafia-errant-officials-3562976>>

cautionary tale into a standard-bearer. The window for such transformation is narrow, but the stakes - ecological, social and moral could not be greater. The forests of Haryana and generations yet unborn demand nothing less.