

Forested Common Lands along The Aravalli under siege

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Rakesh Kamal (Host): Hi, I'm Rakesh Kamal, the co-founder and producer of Suno India. I'm also an environmentalist and I work extensively in the climate change policy and advocacy space. Welcome to the second episode of climate emergency. In this episode of climate emergency, we discuss how the lungs of Delhi, The Aravallis, are being encroached using illegal purchase of forested common land. Priya and I talked with journalists Nitni Sethi and Kumar Sambhav about the investigative piece in the Business Standard.

Nitin Sethi (Guest): So about a year back Sambhav and I started looking at what was happening to The Aravallis and how we were seeing trickle of stories and all media about how The Aravallis are turning into real estate, and while going through this, we came upon the first hint that Baba Ram Dev's Patanjali group was also involved in purchasing lands in The Aravallis. Took us a few months along with our sources to discover that Patanjali and through a bunch of companies that had formed which one can call shell companies was buying disputed lands in The Aravallis which were forested lands, should have ideally been common land belonging to the villages. And they had done it through a bunch of real estate dealers in Haryana. And they were doing it stealthily and quietly because there was dispute over the ownership. And there was also the controversy that these were around the hills that should be preserved as they are. We discovered that because these lands were disputed, we could see that these lands were being purchased at pennies. And it could, overtime when the disputes were settled in favour of these companies, thanks to the state government that this would turn into real estate gold. So we tracked down these companies, we looked at the records in government of land ownership, we were able to run through a host of these so called shell companies that the Patanjali group had created over years, which whose prime dealing was only this Aravalli hills in a village called 2:34 in Faridabad district of Haryana.

Yeah, I mean, why was this disputed land in the first place? And how did these real estate agents and dealers, you know, managed to get over 100 people to, you know, hand over power of attorney? So if you could sort of explain that a bit.

Nitin: Sure. I'll ask Sambhav to do it, but just to say that hundred land deals was what we got documents for. We believe there are hundreds of more, which we could not get authentic and complete proof of but while we were in the court village we heard of hundreds of more deals that had been made. So we got the tip of the iceberg in some sense and Sambhav will explain how these lands in the first place went over to how, as you said, the land dealers were able to buy out these lands.

Kumar Sambhav (Guest) : Right as you asked like, why are these disputed ownership over these lands. What basically happens is, in each village, you have private land owned by individual families for agriculture, etc. And then there is a huge part of that village estate, which is held collectively by all villagers as common land or common property. Now, in Haryana, there is a law which says that these collective lands which are called shamlat land in the state revenue records, They are supposed to be owned collectively and the ownership has to be with the panchayat of the village. Now, what happens is each family though the ownership is collective, each family would be considered to be owning nominal share in the notional set share in the in the whole, common land. So, for example, if the village's total land private land is a hundred acre and the village's total estate is 400 acres, so, 300 acre is, say the common land, then each family would own three times their private land as the nominal share in the common property. Now, you don't know where your share is, you don't have a plot as a family in this common land, but you just know that you have this much of nominal share. So what used to happen is these dealers would go to these village families and ask them to sell that normal that notional share of their ownership in the common land, hoping that someday these common lands would be privatised by the government through whatever process that they would influence or lobby for privatisation of common land. And once privatisation happens, they would hope that those notional shares would be converted into proper plots and those No, and then they will convert into regular ownership. So these dealers were actually buying these notional shares through the power of attorney agreements. Because according to law, as I said, there is no sale or privatisation allowed of these common common lands. So these dealers would go and say that through power of attorney, they have bought all the rights of these families over these parcels of land. And as Nitin said that we discovered that we got hold of these power of attorney agreements between land dealers and these families. And they have been handed over to different families, one by one over a cycle over years. And when we connected the dots, we found that several of these dealers were working or purchasing these lands through power of attorney on behalf of the Patanjali group companies. And they had a clear connection through these groups. We also looked at the documents of these companies. And we found that these pump companies have actually paid advances to these dealers. As against these power of attorney agreements,

Rakesh: All these villagers have been paid by Patanjali group is it? I mean, it could be peanuts, but they're all paid and there is a transaction that has happened.

Nitin: Yeah, so let me take us back a step further into history. As someone was explaining that these lands under the law of the State were supposed to be vested with the panchayat, but in several places, the government maliciously has not done it over years. These farmers ended up out of little greed, perhaps hope, to sell these parcels and the notional shares to other people outside Haryana. And these people in turn have sold it off to the Patanjali group. So this transactions have been happening for the last decade or so. And in all these cases of the

owners whoever they are, they do get some money or may, the money they get is a pittance compared to what the price of that land would be once you allow commercialization and real estate development. So it's a typical racket that we've seen in land dealings across the country where those who are powerful have vested interests and influence in the government will go and buy over either agricultural land to common lands at a pittance, and then get the rules turn to make that common or agricultural land where you can actually hold commercial properties and that price Jacks up and they sell it off further to make money out of it.

You know, because as per law, only agriculture Land can be consolidated by the state government, as per your stories has already been looked at. So yeah, could you sort of explain how this is ultimately going to benefit Patanjali and its subsidiary companies?

Nitin: Sure. So as we were saying that these are common lands, a lot of the land passes that Patanjali group has bought through its fronts is common lands in the hills in Aravallis or joining agricultural lands of the village. Now, under the law, the consolidation process happens for agricultural lands where over decades the agriculture parcels have got fragmented because families have increased in size etc, etc. The government is allowed to intervene and say, okay, instead of three parcels distributed all over the village, we'll give you one parcel of land equivalent land or equally fertile land somewhere, so that you can do better farming. Now this is allowed only for agricultural land, but in this case, Haryana government has repeatedly tried and this time it's got through by saying we will consolidate your ownership, disputed ownerships even in the Aravalli hills and even in the common lands. So what it will do is what was considered just a notional ownership will turn into a consolidated parcel of land physically owned or controlled by the Patanjali group. And if they're, if they're good with how they lobby, they could get this land right next to a road or somewhere where access is easier and the price of that land would escalate further. So instead of having a hundred parcels in the notional parcels in the hills, they will have been consolidated parcels in the hill and partially in the lower area, which is really superb for real estate, resort building, etc. Because there's a highway passing right by connecting Gurgaon, Faridabad and Delhi, makes it easy access to those who want to go there, so Patanjali could turn it around, and we've seen other companies do it before Patanjali also, buying these lands getting them consolidated, and these consolidated lands turning into, in some sense, real estate 10:05, that that can be then sold off at multiple levels of profits.

Kumar Sambhav: And also in a sense, it will just end the dispute over ownership also, like you right now you say that this is common land and notional shares, but you just get a plot and clear ownership over it after the consolidation.

Nitin: So if you remember, you know, this land law that we've had and arguments we've had over whether India requires a land, land acquisition, law and all, it's all based on this basic principle that none of us have in India, large parts of India do not have affirmative ownership

documents over the lands we own. They are disputed. The best way to settle a dispute is for the government to intervene and give you a document saying you own this, then the courts also respected much, better the disputes get settled out immediately. It's again a land racket that runs all over the country, almost always at the cost of the poor, who cannot hold against the system very long and go through litigation etc.

Yeah, I'm just a bit curious. So what was said that these guys would tell the villagers to, you know, to get the power of attorney? Would it be just a very simple monetary transaction or tell them that listen, this is forever going to be in conflict. So, you know, there's you as well making money out of it. I mean, what was it that they were telling the people on the ground to get such, you know, large parcels of land handed over?

Nitin: Let me put it this way. Others had already bought large parcels of these lands that had been bought by other outsiders into the village. And they could not perhaps do anything on it because it was so far declared as forest and Aravalli and protected where you cannot do commercial activity. So people have bought these lands even in the 80s and 90s, from the villagers and they're just sitting with this parcel of land without being able to do any real activity on it. So if I x person goes to them and says, Look, you bought this land at peanuts 10 years ago, but you're unable to convert it into anything. I'll give you four times the money you gave at that time. And your trouble is over, you made a little profit on your investment. I'm sure anyone would be an easy game for it saying, Well, you know, it's off my hands, I made a little money on it. And it's off to someone else who maybe is able to convince the government to turn it into commercial real estate property and earn a little bit. So we've seen this model operate in Haryana. It's called a land use change scam at some point. So these games are played where intermediaries get into play, and buy lands on behalf of bigger real estate dealers. And then bundle it together and sell it to one real estate dealer and he will pass it on to the next one who's a bigger real estate player in the region. And somebody who's influential enough and large scale enough will get the pattern and the land use classification of that land changed it to development.

Both of you have broken such a big and important story. Why, but I have not seen it being picked up by the mainstream media a lot. Have you had any sort of major newspapers reaching out to you saying that, you know, they would like to sort of do a follow up story? Why, why? Why is the media India sort of sitting on such a big story and not doing anything about it?

Nitin: Well, frankly, I don't think it's the first story that we'll all be sitting on. It reflects more on the state of media and our inability to report on things, which not only involve malfeasance by this government, but also dubious dealings of the private sector, I think, in general, and this is not passing comment on any individual organisation, but generally, I think our media finds it very difficult and this is true for long run to report on malfeasance or even dubious dealings of private companies. And it's partly to do, I think with the kind of defamation laws we have in the

country where you can be sued for criminal liability. And you can run through these cases for years, endlessly at the end to emerge victorious in most cases, but it's tedious harassment and the criminal liabilities that are attached with criminal defamation are difficult for all news organisations to deal with. So I see this partly as the systematic problem that we have of criminal defamation in India, partly also to do with how you write against some of the biggest advertisers in the country?

Kumar Sambhav: So like I, I have had conversation with some of the reporters who wanted, in other publications who wanted to follow up the story, and it seems like they were clearly told that Oh, you can do so like after our story, there was a press conference by the opposition Congress in in Delhi and then opposition this is also in opposition in Haryana state. And when the press conference, the party presented all papers, documents, and so many of the journalists still wrote about it, but they had to not take the name of the company. Now, it's simple like you there's a political party, which is, which is levelling allegations, you could still say that this political parties making comments from the other sides, you can take company against comments from these allegations. But even that simple exercise of reporting was not allowed in some of the publications that you can't take the name of the companies.

So you know, and I know that, you know, repeatedly I've seen in these three articles, you've said that, you know, he reached out to representatives of Patanjali. And you've not, have you got any response till date from them, or is it just been like complete silence from there?

Nitin: None whatsoever. We haven't got a single response. And I know other journalists who tried from other media organisations to reach out to them to get a response and there's been dead silence on Part of Patanjali group in our stories, we reached out to all subsidiary companies that were involved. We must have sent more than 30 emails, I think, and several phone calls, WhatsApp messages. But we didn't get a single word.

Kumar Sambhav: Over two weeks with them, we didn't get any.

Why this could actually have a huge impact from an environmental perspective, you know, a big conglomerate like Patanjali owning land in a very sensitive area like Aravallis, what are the potential impacts of this? If you know if and when this consolidation, mass consolidation goes ahead and happens? What could the impact be?

Kumar Sambhav: So just to go back to the same question that you asked, what were the problems? Why is it disputed? So we mentioned one law that was about how common land should be vested with the panchayats and common land can't be privatised, but over and above that they were also, also, most of these common lands are Aravalli hills there and there have been laws, forest laws, which protect any kind of development or any kind of commercial activity in in these lands. So, there is a Forest Conservation Act which applies to all kinds of hills and vegetate areas which are under green vegetation and supreme court orders apply on that nothing can happen there. There is a state law which is called Punjab land Preservation Act,

which also protects these kinds of eco sensitive areas. Now, states over the years have been trying to dilute these protections over the Aravalli hills in Haryana. There have been several instances which we have listed in the story. A recent example was that in January this year itself, the state government tried to amend the Punjab Land Preservation Act and which would have lifted this protection from any kind of development in Aravalli hills including in the court village where Patanjali has been buying land. Now that amendment has been stayed by the Supreme Court but that also shows that over the year the protection over Aravallis near NCR has been diluted or deliberately kept vague so that these developments can happen. Now Aravallis is very well documented and scientifically proved that they act as the water recharge zone for Delhi and NCR. They also act as its so called lungs for Delhi to clean air. And we have seen examples when last year there were sand storms, desert storms in Delhi and it was said that because of the deterioration of the hills of Aravallis the desert is expanding towards steady so it could have a disastrous impact on the environment we have already seen. And that's why it's very important and in policies and in law in the Supreme Court all have acknowledged this and are trying to protect it, but the state has not been acting on these protections.

Nitin: So if I may add to this, you know, Patanjali is not unique in what's happening, Patanjali for us was a symptom. It was a symptom of how one, Corporate's Act, and what they claim and what they really do to what's happening to Aravalli. So the reason we went looking more deeply into the Patanjali group was because it was reflecting on both the levels of corporate whales that we have, which does not allow us to see the real work that they do and how they earn their money so that Aravallis are under risk. Delhi is already an unlivable city in most parts of the year as we know because of air pollution. If you flatten out, Aravallis you turn it into a city that perhaps may not be livable throughout the year. So clearly it is a great challenge for the city. It's also challenging because there are pressures of real estate development as naturally as it would be around a capital region. But whether the state and I say the state, I mean the centre and the state government can have a balanced, transparent system of saying how much area shall be opened up to real estate mining and how much shall be preserved. I think it's shown us the challenge and the layers and the amount of effort different stakeholders put to undercut laws, ruling supreme court orders and how much effort it would take to prevent this in coming years.

With all these various amendments being made to various environmental laws, including the forestry tag, and this, do you feel that the government is diluting many of the environmental laws that are there which are protecting the existing natural forests and spaces like Aravallis?

Nitin: So I guess you're referring to the challenges that have arisen to the Forest Rights Act that Haryana hasn't actually ever implemented in reality in its region, to yes, I would principally agree with you that there is a move of diluting the overall environmental governance system. That said, I must also think we both agree with Sambhav and I, that it's not as if the current set of environmental laws are sufficient to protect the environment, and their implementation

itself would protect the environment in the first place. These if you remember our legacies from the 1860s 70s good dating back to as far as 1927, the colonial era, they need to be updated at the moment they are only rent seeking mechanism that neither save the industry nor the environment, but in the name of reforms, we've seen a series of delusions happen in the past five years at a pace that we've not seen earlier, but not as if the government before that were also not added slowly. We've seen a, I think, a dramatic and a more 22:12 attempt at doing that. Will it get worse? I think looking at the proposals that have now before the Union Government, on amending the Environment Act in different places, the Forest Rights Act being diluted in some areas through other laws, the amendment to the Indian Forest Act of 1927, we do see a large challenge coming up in the coming years of how environmental governance shapes up in the country.

For you both as journalists and reporters who have, you know, written this important story, what is it that you, you're expecting and hoping as a way forward, and also, are there any plans for any more follow up stories linked to this particular story in itself?

Nitin: You know, as reporters, I think our work stops at putting out the truth as far as we can to the best of our ability. What other stakeholders, actors do if they do something we will report on it hopefully, we'll stay with the story and that's the best we can do as journalists. Will there be follow ups? We are already working on some and it will take time again, this one took, I think our concerted effort for a month and a half and and our sources concerted efforts for a year and a half, when we will be able to mature more out of it, but yes, we hope to and intend to keep at it, keep a vigil over it and see what else we can bring out.

On 9th of July, Jairam Ramesh member of parliament and next amendment minister quoted the article by Nitin Sethi and Kumar Sambhav in the zero hour of the Parliament, he urges the Environment Ministry to take an uncompromising position as per SC orders and protect the Aravallis by cancelling the illegal purchases.

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