



सत्यमेव जयते

PARLIAMENT OF INDIA RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE
ON SCIENCE & TECHNOLOGY, ENVIRONMENT & FORESTS

TWO HUNDRED SEVENTY SEVENTH REPORT

The Compensatory Afforestation Fund Bill, 2015

(Presented to the Rajya Sabha on 26th February, 2016)

(Laid on the Table of Lok Sabha on 26th February, 2016)



Rajya Sabha Secretariat, New Delhi
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*To be appended at printing stage

COMPOSITION OF THE COMMITTEE

(2015-16)

(Constituted on 1st September, 2015)

1. Shri Ashwani Kumar — *Chairman*

RAJYA SABHA

2. Shri Anil Madhav Dave
3. Shri Prem Chand Gupta
4. Shri C.P. Narayanan
5. Shri Parimal Nathwani
6. Shri Paul Manoj Pandian
7. Dr. T. Subbarami Reddy
8. Shri Arvind Kumar Singh
9. Shri Bhupinder Singh
10. Shri Ronald Sapa Tlau

LOK SABHA

11. Shri Badruddin Ajmal
12. Shri Muzaffar Hussain Baig
13. Shrimati Bijoya Chakraborty
14. Shri Prabhatsinh Chauhan
15. Shri Pankaj Chowdhary
16. Kum. Sushmita Dev
17. Shri Ninong Ering
18. Shri Laxman Giluwa
19. Dr. K. Gopal
20. Shri Daddan Mishra
21. Shri Chirag Paswan
22. Shri Shivaji A. Patil
23. Shri Nanabhau Falgunrao Patole
24. Shri Nagendra Kumar Pradhan
25. Shri Harinarayan Rajbhar
26. Shrimati Sandhya Roy
27. Shri Kirti Vardhan Singh
28. Shri Nagendra Singh
29. Shrimati Renuka Sinha
30. Shri Vikram Usendi
31. Shrimati M.Vasanthi

SECRETARIAT

Shri M.K. Khan, Joint Secretary

Shri Rohtas, Director

Shri Mohd. Salamuddin, Deputy Director

Shri Rajiv Saxena, Assistant Director

INTRODUCTION

I, the Chairman of the Department-related Parliamentary Standing Committee on Science & Technology, Environment & Forests, having been authorized by the Committee to present the Report on its behalf, present this Two Hundred and Seventy-seventh Report on "The Compensatory Afforestation Fund Bill, 2015".

2. The Committee in its deliberations heard the views of the Secretary, Ministry of Environment, Forest & Climate Change on the Bill in its meeting held on 24th June, 2015. It also sought the views/comments of the State Governments /Union Territory Administrations on the provisions of the Bill. The Committee in its study visits to Udhagamandalam (Ooty), Shimla, Kochi, Nagpur, Pench, Bengaluru and Goa heard the views of respective State Governments and views of some experts/NGOs in its meetings held during the study visits and also on 17th September, 2015 and on 14th January, 2016 in Delhi. Thereafter, the Committee took up clause-by-clause consideration of the said Bill.

3. The Committee appreciates the assistance provided by the Officers of the Central Government, State Governments and valuable inputs and frank views expressed by Experts/NGOs to the Committee.

4. In the meeting held on 18th February, 2016 the Committee considered the draft report and adopted the same.

New Delhi:
February 18, 2016
29 Magha, 1937

ASHWANI KUMAR
Chairman,
Department-related Parliamentary Standing Committee on
Science & Technology, Environment & Forests.
Rajya Sabha

REPORT

The Chairman, Rajya Sabha, in consultation with the Hon'ble Speaker, Lok Sabha, referred* "The Compensatory Afforestation Fund Bill, 2015" (Annexure-I) as introduced in Lok Sabha on 8th May, 2015 and pending therein, to the Department-related Parliamentary Standing Committee on Science & Technology, Environment & Forests for examination and report.

2. The Bill seeks to provide for the establishment of funds under the public accounts of India and the public accounts of each State and crediting thereto the monies received from the user agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value and all other amounts recovered from such agencies under the Forest (Conservation) Act, 1980; constitution of an authority at national level and at each of the State and Union territory Administration for administration of the funds and to utilise the monies so collected for undertaking artificial regeneration (plantations), assisted natural regeneration, protection of forests, forest related infrastructure development, Green India Programme, wildlife protection and other related activities and for matters connected therewith or incidental thereto.

3. The Ministry of Environment, Forest & Climate Change through a background note on the 'The Compensatory Afforestation Fund Bill, 2015' submitted to the Committee gave an outline for the need of the Bill, summary of which is as follows:

- (a) The principal objective of "Compensatory Afforestation Fund Bill, 2015" is the establishment of the National Compensatory Afforestation Fund (NCAF) and the State Compensatory Afforestation Fund (SCAFs) to credit amounts collected by State Governments and Union territory administrations to compensate loss of forest land diverted for non-forest purpose. The bill also provides for constitution of a National Authority and a state Compensatory Afforestation Fund Management & Planning Authority in each State and Union Territory to manage and utilize the amounts credited to the National Compensatory Afforestation Fund and State Compensatory Afforestation Funds respectively. The Bill also establishes a Monitoring Group to assist the National Authority in Monitoring and Evaluation of activities undertaken from amounts released from NCAF and SCAFs.
- (b) Under Section-2 of the Forest (Conservation) Act, 1980, the Central Government accorded approval to the State Government for realizing funds from the user agency for creation and maintenance of the Compensatory Afforestation to mitigate impact of diversion/dereservation of forest land for non-forest purpose.
- (c) Observing the considerably slow and poor progress in some of the states for raising money for compensatory afforestation, Ministry of Environment, Forest & Climate Change placed the same before the Supreme Court of India in the form of a statement. The Supreme Court treated the statement as an I.A. No. 566 and issued notices to the defaulting states. The Supreme Court in its order, further stated that large sums of money were realized by various states but the utilization of the money for reforestation represents only about 83 per cent of the funds (shortfall is of nearly Rs. 200 crores) actually realized by the State Governments. The Supreme Court in its order stated that the Ministry of Environment, Forests & Climate Change should formulate a scheme to ensure that if the permission granted for use of forest land for non-forest purposes has the condition for compensatory afforestation, then the responsibility for the same should be of user agency to set apart a sum of money for doing the needful and the scheme formulated by the Ministry should have no shortfall in respect thereto. Further, the State

* Rajya Sabha Parliamentary Bulletin Part II, dated 21st May, 2015

Governments concerned will have to provide or make available land on which reforestation can take place and this land may have to be made available either at the expense of the user agency or of the State Governments as the State Governments may decide.

- (d) The Supreme Court, for implementation of the orders, constituted the Central Empowered Committee (CEC) which placed a Report regarding Compensatory Afforestation. The Report stated that:-
- (i) Funds in the states of Chattisgarh, M.P., Uttrakhand (erstwhile Uttaranchal) and Uttar Pradesh for the compensatory afforestation is readily available as the money is directly deposited by the user agency with the forest Departments as 'Forest Deposit' and do not form a part of consolidated funds.
 - (ii) In the other states, the funds received from the user agencies for compensatory afforestation are deposited as revenue receipts with the State Government which are made available to the forest Department only through budgetary provisions because of which all the states, except Karnataka, are facing problems in the timely release of funds for compensatory afforestation and until the present system of release of funds through budgetary provisions is changed, the pace of quality of compensatory afforestation cannot be increased significantly.
 - (iii) The practice of artificial regeneration which is envisaged by the present compensatory afforestation scheme does not adequately compensates the loss of forest cover and should be replaced by assisted natural regeneration as per the general consensus among the States/UTs. Also, as per the unanimity of views the assisted natural regeneration and other forests conservation and development activities in addition to plantations should be a site specific plan wherein assisted natural regeneration should be given due importance.
 - (iv) At present, net present value for forest land being diverted for non-forest use is being recovered from the user agency in the states of M.P., Chattisgarh and Bihar. It is desirable that such norms for recovering money from the user agency which could be utilized for undertaking specific activities may be laid down for all the states.
- (e) The Central Empowered Committee, after considering the views of State Governments as well as Ministry of Environment, Forest and Climate Change, was of the view that the present system of compensatory afforestation is neither being implemented effectively nor does it adequately compensate the loss of natural forests.
- (f) The Central Empowered Committee recommended that a 'Compensatory Afforestation Fund' should be created in which all the monies received from the user-agencies is deposited subsequently released directly to the implementing agencies as and when required. The rules, procedure and composition of the body for management of the CAF shall be finalized by Ministry of Environment, Forest and Climate Change with the concurrence of Central Empowered Committee within one month. The Committee also recommended that funds received or yet to be received from user agencies and amount received on account of compensatory afforestation but not spent or any balance amount lying with the States/Union Territories shall also be deposited in this Funds.
- (g) In response to the Report of the CEC, the Union of India field an affidavit in the Supreme Court of India. In the affidavit, the Ministry of Environment, Forest & Climate Change accepted the recommendations of the Central Empowered Committee in principle and mentioned that major institutional reorganization of the present mechanism needs to be done. The affidavit proposed framing of comprehensive rules which will *inter-alia* also relate to the procedure and compensation and a body for the management of the Compensatory Afforestation Funds.

- (h) The Ministry of Environment, Forest and Climate Change vide Notification dated 23rd April, 2004 constituted Compensatory Afforestation Fund Management and Planning Authority (CAMPA) as an authority under sub-section (3) of section 3 of the Environment (Protection) Act, 1986. Supreme Court in their judgment dated 26.09.2005 suggested certain amendments in the CAMPA notification dated 23.04.2004 issued by the Ministry of Environment Forests. The MoEF vide notification dated 13.03.2007 incorporated these amendments in the CAMPA notification dated 23.04.2004. The Supreme Court in their order dated 05.05.2006 took note that the CAMPA had not become operational and directed for constitution of an ad-hoc body consisting of Director General of Forests and Special Secretary, MoEF as Chairman and Inspector General of Forests (FC), a representative of the Comptroller and Auditor General and a nominee of the Chairman of the CEC, as members, till CAMPA becomes operational. Consequent to the said order dated 5th May, 2006 passed by the Supreme Court, the ad-hoc CAMPA became operational and the funds have, since the year 2006, started flowing into the State wise accounts operated by this body.
- (i) The Compensatory Afforestation Fund Bill, 2008 was introduced in the Parliament in 2008. It was passed by the Lok Sabha on 23rd December, 2008. However, the Bill, taken up for discussion in Rajya Sabha, could not be passed and lapsed on dissolution of the 14th Lok Sabha.
- (j) After the Compensatory Afforestation Fund Bill, 2008 lapsed, there were persistent requests from Members of Parliament, Chief Ministers, Forest Ministers and Chief Secretaries for release of funds to the States/UTs from Ad-hoc CAMPA for carrying out compensatory afforestation activities urgently. Accordingly, Ministry of Environment, Forest & Climate Change formulated guidelines dated 2.7.2009 for State-CAMPA and placed before the Supreme Court for approval on which the Supreme Court gave the following directions, vide their order dated 10.07.2009:-
- (i) The guidelines and structure of the State CAMPA may be notified/implemented and all previous orders of the Supreme Court would stand modified to the extent necessary for implementation of state CAMPA.
 - (ii) Funds received by the Ad-hoc CAMPA would be released not all at one time but the sum of about Rs.1000 crore per year, for the next 5 years in proportion of 10% of the principal amount pertaining to the respective State/UT provided that the details of the bank account opened are intimated to the Ad-hoc CAMPA and the schemes for which amount is released towards NPV and protected areas would be reviewed by the State Level Executive Committee and the Annual Plan of Operation is approved by the Steering Committee of the State CAMPA. Also, the site specific works for which amount may be released towards the compensatory afforestation, additional compensatory afforestation, PCA and the Catchment Area Treatment Plan must be approved by MoEF&CC while granting prior approval under the FCA, 1980.
 - (iii) 5% of the amount released would be utilized by the National CAMPA Advisory Council whether directly or through the Ad-hoc CAMPA for monitoring, evaluation and implementation of various schemes. Recommendation from time to time would be made for the release of funds seeing the progress of state CAMPA and the effectiveness of the accounting, monitoring and evaluation systems.
 - (iv) Till an alternative system is put in place (after obtaining permission from this Court) the money towards CA, NPV and Protected Areas (National Parks, Wildlife Sanctuaries) shall continue to be deposited in the Ad hoc CAMPA and its release will continue to be made as per the existing orders of this Court. Also, the funds would be utilized by the work as per the broad guidelines adopted by the NREGA and work if possible may be allotted mostly to the unemployed rural people.

Following the order, State CAMPAs were constituted in each State/Union Territory and funds limited to Rs.1000 crore p.a. were released to various State CAMPAs during 2009 to 2014. Supreme Court in their judgment dated 12th March 2014 permitted the Ad-hoc CAMPA to release annual amount equal to 10% of the principal amount lying to the credit of each State/Union Territory, out of the interest receivable by it with effect from financial year 2014-15 onwards.

- (k) The Comptroller and Auditor General (C&AG) in their report entitled "Compensatory Afforestation in India (21 of 2013)" recommended that the Ministry needed to review the existing paradigm of CAMPA by approaching the Supreme Court, where considered necessary and in a way that enhances transparency, bringing CAMPA within the broader focus of both Parliament and State legislatures and in greater public view so as to ensure the largest possible stakeholders participation. The C&AG further recommended that the amounts lying in Ad-hoc CAMPA are to be transferred into the Public Account of India as per compensatory Afforestation Fund Bill, 2008 and transfers to individual states could be made transparent which would ensure that budgetary financial and performance related indicators/information on CAMPA are suitably reflected in public documents at the Centre and State level for income and outflows from CAMPA.

Earlier, the C&AG in his D.O. No.13-CAG/ Rep (C)/CAMPA/13 dated March 4, 2013 requested the Hon'ble Finance Minister to examine the entire issue of maintaining a fund outside Government Accounting System and also suggested to move to the Supreme Court for reviewing its decision to transfer the Ad-hoc CAMPA fund into Public Account of India.

- (l) The MoEF&CC in consultation with the concerned Ministries formulated the draft CAMPA order 2014 with a view to utilize unspent amounts to provide for constitution of an Authority, as provided in sub-section (3) of the section-3 of the Environment (Protection) Act, 1986 in the Union of India and in each State and the UT to be known as National CAMPA and the State CAMPA respectively and to provide for establishment of a non-lapsable, non-alienable, dedicated, interest bearing fund under the Public Accounts of Union of India and of states to be managed by the National CAMPA and the concerned state CAMPA respectively.

The cabinet in its meeting held on March 27, 2014 approved the proposal of draft CAMPA order, 2014 and the MoEF filed I.A. No. 3797 of 2014 in the writ Petition (Civil) No. 202 of 1995 in the matter of T.N. Godavarman Thirumulpad vs. Union of India before the Supreme Court that the MoEF may be allowed to publish the said order in the official gazette and to implement the draft CAMPA order, 2014 as per modifications to be made by the Hon'ble Supreme Court. The said I.A. was listed before the Green Bench of the Supreme Court several times and the last time on 16th January, 2015.

The learned Attorney General for India in his D.O. letter dated 22nd January, 2015 informed the Minister of State (Independent Charge) for Environment, Forest & Climate Change that the Attorney General before Hon'ble Supreme Court pleaded that the matter needs to be heard at the earliest since more than Rs.37,000 crores is available in the said fund and also advised that the Government of India may consider introducing a new Bill in line with the CAMPA Draft Order, 2014 in the Parliament and the bill would have to address the judgment of the Supreme Court dated 26/9/2015 wherein the Supreme Court had stated that the CAMPA fund do not come within the fold of Article 266 or Article 283 of the constitution and therefore the Court had not allowed transfer of these funds to the Consolidated Fund of India or the Public Account of India due to two reasons i.e. (i) The fund is for regeneration of forests and maintenance of ecology and will not fall in constitutional provisions, and (ii) It is a 'fee' and not a 'tax'.

However, according to the Attorney General, the reasons are not tenable as the funds come well within the constitutional provisions and would at least be public revenue and therefore amounts could be spent. According to him, if the judgement of the Supreme Court could not be reversed by introducing a legislation, its effect could be nullified by removing the basis of the judgment. The Bill therefore, must address itself to the judgement of the Supreme Court dated 26/9/2005 and it would be in the nature of a validation Act which would state that law is being enacted notwithstanding anything contained in any judgment or order of any court. It is informed that in pursuance to advice of the learned Attorney General for India, The Compensatory Afforestation Fund Bill, 2015 had been introduced in the Parliament.

4. The Committee held a preliminary discussion on the Bill and heard the views of Secretary, Ministry of Environment, Forest and Climate Change on 24th June, 2015. Considering the significance of the Bill, the Committee directed to issue a Press Release, in national dailies and other regional newspapers on 27th June, 2015 inviting memoranda from the public, experts, organizations etc on the Bill. In response the Committee received a number of memoranda. The said memoranda are at ANNEXURE-II. The Committee sought the comments of the Ministry on the memoranda received from various experts/organizations.

5. The Committee also wrote to States/Union Territory Governments/administrations for seeking their views/comments on the provisions of the Bill and also undertook study visits to Udhamandalam (Ooty), Shimla, Kochi, Nagpur, Pench, Bengaluru and Goa to hear the views of concerned State Governments. The views of the State Governments on the Bill received by the Committee are at Annexure III. The Committee also heard the views of some experts/NGOs in its meetings held during the study visits and also on 17th September, 2015 and on 14th January, 2016 in Delhi.

6. The Committee held detailed deliberations on views/suggestions of experts, NGOs and State Governments on various provisions of the Bill and took up clause by clause consideration of the Bill in its next meeting. After taking into account the suggestions received on various clauses, the comments/recommendations of the Committee are as follows *in seriatim* :-

6.1 Long Title

Plantations of indigenous/native species needs to be encouraged since it has long term impact on environment. Further, Green India Programme is a separate programme of Government and has its own budgetary allocation. The funds under Compensatory Afforestation are not meant to finance Green India Programme.

Therefore, the Committee recommends that in Para 1, line 8, the words particularly of native species, may be added after the word 'plantations' and in line 9, the words "Green India Programme" may be deleted.

6.2 Clause 1

The Committee adopts the Clause without any modification.

6.3 Clause 2(a) to (d) and (f) to (k)

The Committee adopts the Clause without any modification.

6.4 Clause 2(e)

An indicative list of 'environmental services' has been given in this clause which is not exhaustive. The Committee, therefore, recommends that the words "environmental services means" may be substituted by the words "environmental services includes".

6.5 Clause 2(e) (iv)

Pollination & Seed Dispersal are critical ecosystem services for forest regeneration and must find their place in any definition of environmental services. Therefore, the Committee recommends that the words "including pollination and seed dispersal" may be added at the end of the clause.

6.6 Clause 2(1)

As this Bill contains many provisions for making rules which have a bearing on States/Union Territories, it is advisable that views of States are taken on board before rules are framed. The Committee therefore recommends that this Clause may be amended as under:-

"Prescribed" means prescribed by rules made by the Central Government in consultation with the State Governments/Union Territory Administrations under this Act.

6.7 Clause 2(m) to 2 (o)

The Committee adopts the Clause without any modification.

6.8 Clause 3(1) to (3)

The Committee adopts the Clause without any modification.

6.9 Clause 3(4)

Most of the State Governments have stated that crediting 10 percent of the funds to National Authority is on the higher side and were of the view that it must be reduced. The Committee feels that the National Authority as envisaged under the Bill would not be requiring funds to the tune of Rs.4,000/- crore (which is ten per cent of the accumulated funds) for its establishment and functioning and therefore there is a case for reducing the share of Central Government/National Authority from the proposed "ten per cent".

The Committee, therefore, recommends that in line 2, the words "ten per cent" may be replaced by the words "five per cent".

6.10 Clause 3(5) to 3 (7)

The Committee adopts the Clause without any modification.

6.11 Clause 4 (1) to 4 (3)(ii)

The Committee adopts the Clause without any modification.

6.12 Clause 4 (3) (iii)

For the sake of uniformity, the Committee recommends that:

In line 1, the words "receipt of all monies", may be substituted by the words "all monies realized".

6.13 Clause 4 (3) (iv)

The Committee adopts the Clause without any modification.

6.14 Clause 4 (4) (i), (ii) and (iii)

The Committee feels that since "State Authority" has been defined in clause 2, therefore, the words "constituted in such State" in each sub-clause, may be deleted, being redundant.

6.15 Clause 4 (5) and 4 (6)

The Committee adopts the Clause without any modification.

6.16 Clause 5 (a) and 5 (b)

Most of the State Governments have stated that crediting 10 percent of the funds to National Authority is on the higher side and were of the view that it must be reduced. The Committee feels that the Central Government/National Authority will be requiring much less funds/resources than what comes out to be as "ten per cent".

The Committee therefore recommends that in line 1 of Clause 5 (a), the words "ninety per cent" may be substituted by the words "ninety- five per cent" and in line 1 of Clause 5 (b), the words "ten per cent" may be substituted by the words "five per cent".

6.17 Clause 6(a)

The Committee adopts the Clause without any modification.

6.18 Clause 6(b)

The Committee feels that the phrase "infrastructure development, supply of wood and other forest produce saving devices and other allied activities" needs to be elaborated and clearly defined to avoid any ambiguity and to ensure that money is used only for activities related to forest restoration, protection and management.

The Committee recommends that the word "money" may be substituted by the word "monies" and the words "particularly of native species" may be added after the words "artificial regeneration (plantation)".

6.19 Clause 6(c)

In line 2, the word 'Admionistrations' may be read as 'Administrations'.

6.20 Clause 6(d)

There is a need to facilitate relocation of people residing in critical wildlife habitats to achieve long term conservation goals.

Therefore, the Committee recommends that in line 5, the words "including facilitating voluntary relocation from and" may be added after the word "activities".

6.21 Clause 6(e)

In line 1, the words "ten per cent" may be substituted by the words "five per cent".

6.22 Clause 6(f)

The Committee adopts the Clause without any modification.

6.23 Clause 6(g)

In line 3, the word 'Sate' may be read as 'State'.

6.24 Clause 6 (h)

The Committee adopts the Clause without any modification.

6.25 Clause 7

The Committee adopts the Clause without any modification.

6.26 Clause 8 (1) to 8(3)

The Committee adopts the Clause without any modification.

6.27 Clause 8 (4) (ii)

The Committee feels that since nomenclature of ministries are changed quite often and sometimes ministries are merged/bifurcated therefore, in line 1, the word "of" may be substituted by the words "dealing with". Further, the Committee is of the view that ministries of Space and Earth Sciences have important role to play in forest mapping including remote sensing, satellite imagery and monitoring forest cover etc., therefore, in line 4, words "Space; Earth Sciences" may be added after the word "technology".

6.28 Clause 8 (4) (ix)

The Committee recommends that clause 8(4) (ix) may be deleted.

6.29 Clause 8 (4) (x)

The Committee feels that governing Body of the National Authority needs to be expanded and one expert each of the fields mentioned in this sub clause should be included. Accordingly, it recommends that Clause 8 (4) (x) may be amended as under:-

"Five experts including an environmentalist, conservationist, scientist, economist and social scientist appointed by the Central Government for a period of two years subject to not more than two consecutive terms — Members.

6.30 Clause 8 (5)

The Committee adopts the Clause without any modification.

6.31 Clause 9 (1)

The Committee adopts the Clause without any modification.

6.32 Clause 9 (2) (ix)

The Committee is of the view of that an expert on tribal matters or a representative of tribal community may be co-opted in the Executive Committee and therefore recommends accordingly.

6.33 Clause 9 (3) to 9 (5)

The Committee adopts the Clause without any modification.

6.34 Clause 10(1) to (4)

The Committee adopts the Clause without any modification.

- 6.35 Clause 10(5)
The Committee adopts the Clause without any modification.
- 6.36 Clause 10(6) to (7)
The Committee adopts the Clause without any modification.
- 6.37 Clause 11 (1) to (2)
The Committee adopts the Clause without any modification.
- 6.38 Clause 11(3)
The Committee feels that an expert on tribal matters or a representative of tribal community may be co-opted in the Steering Committee and recommends accordingly.
- 6.39 Clause 11(4) to 11 (5)
The Committee adopts the Clause without any modification.
- 6.40 Clause 12
The Committee adopts the Clause without any modification.
- 6.41 Clause 13
The Committee adopts the Clause without any modification.
- 6.42 Clause 14(1) to 14 (3)
The Committee adopts the Clause without any modification.
- 6.43 Clause 15(1)
The Committee recommends that to ensure approval of the Annual Plan Operations submitted by the State Authorities within a definite time frame, Clause 15 (1) (i) be amended as under:-
"approve, within 3 months from the date of receipt, the annual plan of operations of the State Authorities";
- 6.44 Clause 15 (2)
The Committee adopts the Clause without any modification.
- 6.45 Clause 16 (1)(i)
The Committee feels that monitoring and evaluation should be based on the use of scientific methods and therefore recommends that the words "including remote sensing" may be added at the end.
- 6.46 Clause 16 (2)
The Committee adopts the Clause without any modification.
- 6.47 Clause 17(1) to 17 (3)
The Committee adopts the Clause without any modification.
- 6.33 Clause 18
The Committee recommends that Clause (18) (2) as under may be added:-
"The Steering Committee of a State Authority shall meet at least once in every three months.
- 6.48 Clause 19 (1) (i)
The Committee is of the view that since the Steering Committee of the State Authority is already proposed to send the Approved Annual Plan of Operations to the Executive Committee of the National Authority for final approval and, therefore, recommends that **Clause 19 (1) (i) may be amended as under:-**
"Formulate and submit Annual Plan of Operations to the Steering Committee of the State Authority for its concurrence".
- 6.49 Clause 19(2)
The Committee adopts the Clause without any modification.
- 6.50 Clauses 20 to 32
The Committee adopts the Clauses without any modification.
- 6.51 Clause 33(1) to 33 (3)
The Committee feels that there is an overlapping in the provisions of sub-clause (1) and (2). Therefore, it recommends that these clauses may be amended as under:

(1) The Central Government may, if it finds necessary or expedient in public interest, issue such policy directives to the National Authority or any State Authority, in writing and such policy directives shall be binding upon the National Authority or the State Authority, as the case may be.

Sub-clause (3) may be renumbered as sub-clause (2).

7. In its report of September 2013 on Compensatory Afforestation, the CAG has put forth some startling facts. It computes that between 2006 and 2012, the State environmental departments were to get 103,382 hectares of non-forest land for afforestation from revenue departments. Instead, all they got was 28,086 hectares out of which afforestation was carried out on "an abysmal 7280.84 hectare constituting seven per cent of the land which ought to have been received". Both the CAG and the Government have noted that it is difficult to procure land for Compensatory Afforestation. The 'land for land' requirement as stipulated by the FCA 1980 is difficult to satisfy as land is a limited resource. Further, several issues arise with regard to the purchase of land such as lack of clear land titles, difficulty in complying with procedures for land use etc. Also, land for compensatory afforestation cannot be acquired under the Land Acquisition Act 2013. In 2014, a High Level Committee reviewing environmental laws noted that while forest and tree cover has increased, the quality of this cover has significantly decreased. The High Level Committee observed that one of the reasons behind this decline is the poor quality of Compensatory Afforestation plantations. The Supreme Court in its order dated 26.9.2005 directed collection of these funds because States had utilized only 83% of the funds collected. The Compensatory Afforestation Fund Bill, 2015 seeks to unlock these funds that are currently under "Judicial" Overview and create a structure so as to place them under "Parliamentary/Legislative" oversight.

8. **The Committee, therefore, recommends that in order to meet the situation where enough land is not available for Afforestation, specific provisions should be made in the bill for encouraging densification and revitalization of available forests closest to areas where deforestation is considered unavoidable on account of critically important national projects. Thus the bill should contain provisions emphasizing the same.**

9. **Consequential changes wherever necessary may also be made.**
