

THE GAZETTE OF INDIA
EXTRAORDINARY
Part II-Section 3-Sub-Section (ii)
Ministry of Environment and Forests
ORDER
New Delhi, the 23rd April, 2004

S.O 525 (E) - Whereas a Central Empowered Committee (hereinafter referred to as CEC) was constituted for examining the issues relating to compensatory afforestation, net present value of diverted forest land, other monies recoverable, received and utilized in this regard; and

Whereas, the CEC has inter-alia observed that it is desirable to create a separate fund for compensatory afforestation etc. wherein all the monies received from the user agencies are to be deposited and subsequently released directly to the implementing agencies as and when required; and

Whereas, the recommendations of the CEF have accepted by the Hon'ble Supreme Court and the Hon'ble Supreme Court in its order dated : 30.10.2002 in Interlocutory Application No. 566 in Writ Petition (c) NO. 202 of 1995 directed the Central Government to take necessary steps required for implementing the recommendations of the CEC;

And whereas, the Central Government considers it necessary and expedient to constitute a body for the management of compensatory afforestation funds; now, therefore,

In exercise of the powers conferred by Sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 (29 to 1986) (hereinafter referred to as the said Act), and in pursuance of the Hon'ble Supreme Court's order dated the 30th October 2002 in IA No. 566 in Writ Petition (Civil) No. 202 of 1995, the Central Government hereby constitutes an authority to be known as **Compensatory Afforestation Fund Management and Planning Authority (hereinafter referred to as CAMPA)** with effect from the date of publication of this order for the purpose of management of money towards compensatory afforestation, Net Present Value and any other money recoverable in pursuance of the Hon'ble Supreme Court's order in this regard and in compliance of the conditions stipulated by the Central Government while according approval under Forest (Conservation) Act, 1980 (69 of 1980) for non-forestry uses of the forest land.

2. The CAMPA shall consist of the following Chairperson and Members and shall function through a Governing body and an Executive body namely.

2.1 Governing Body:-

- (i) Minister for Environment and Forest, Government of India - Chairperson
- (ii) Secretary, Ministry of Environment and Forest, Government of India - Member
- (iii) Director general of Forest and Special Secretary, Ministry of - Member
Environment and Forest, Government of India
- (iv) Addl. Director General of Forest (Forests) Ministry of Environment - Member
and Forests, Government of India
- (v) Addl. Director General of Forest (Wildlife) Ministry of Environment - Member
and Forests, Government of India.

- (vi) Joint Secretary and Financial Advisor, Ministry of Environment and - Member Forests Government of India.
- (vii) Regional Chief Conservator of Forest (Bangalore, Bhopal, Bhubaneswar - Member Lucknow and Shillong regions) and Regional Conservator of Forests, Chandigarh
- (viii) Six Principal Chief Conservator of Forest one each from six regions- to - Member be nominated annually by MOEF on rotation basis
- (ix) Inspector General of Forests (Forest Conservation), Ministry of - Member Environment and Forest, Government of India
- (x) An eminent professional ecologist, not being from the Central and State - Member Government, for a period of two years at a time, for up to two consecutive - Member terms.
- (xi) Chief Executive Officer (CAMPA) - Member Secretary

2.2 EXECUTIVE BODY:-

- (i) Director General of Forest and Special Secretary, Ministry of Environment - Member and Forests, Government of India
- (ii) Addl. Director General of Forest (Forests) Ministry of Environment and - Member Forest, Government of India
- (iii) Addl. Director General of Forest (Wildlife) - Member
- (iv) Inspector general of Forest (Forest Conservation), Ministry of Environment - Member and Forest, Government of India
- (v) Joint Secretary and Financial Advisor, Ministry of Environment and Forest, - Member Government of India
- (vi) Chief Executive Officer (CEO) - Member
- (vii) A professional ecologist, not being from the Central and State Government, - Member for a period of two years at a time, for up to two consecutive terms

2.3 The Chief Executive Officer (CEO) shall be an officer of the rank of Inspector General of Forests.

2.4 In addition to the CEO, there shall be one Joint CEO of the level of Conservator of Forest and two Deputy CEOs of the rank of Deputy Conservator of Forest to assist the Executive Body. These officers shall be appointed by the CAMPA on deputation basis for a period not exceeding five years after obtaining required clearances from the competent authority in the Ministry of Environment and Forests. The Governing body can create posts in CAMPA at the level of Deputy Inspector General of Forests and Assistant Inspector General of Forest to be filled on deputation. They shall be appointed for a period not exceeding five years on terms and conditions to be decided by the CAMPA with the concurrence of the Central Government in Ministry of Environment and Forests.

3. POWER AND FUNCTIONS OF THE GOVERNING BODY.

The Governing Body shall -

- (i) review the broad policy framework of the CAMPA;

- (ii) Monitor the progress of the utilization of funds released by the CAMPA;
- (iii) Approve the annual budget of CAMPA for expenditure subject to overall ceiling of 10% of the average income from interest etc. on establishment and capital expenditure excluding income from funds received as per para 6.2 (iii);
- (iv) appoint the CEO, Joint CEO and Deputy CEO;
- (v) be empowered to create posts in CAMPA equivalent to the level the Deputy Inspector General of Forests and Asstt. Inspector General of Forests;
- (vi) approve the annual reports and audited accounts of the CAMPA.

4. MEETINGS:-

The Governing body shall meet at least once in six months.

5. POWERS AND FUNCTIONS OF THE EXECUTIVE BODY:

The Executive Body shall decide-

- (a) Deployment of staff on contractual basis or on deputations;
- (b) Financial procedure;
- (c) Delegation of financial or administrative powers;
- (d) Other day to- working in respect of receipts of funds;
- (e) Investment of funds;
- (f) Expenditure on establishment and other overheads including office accommodation subject to the approval of the annual budget by the Governing Body.

6.1 The CAMPA shall be custodian of the Compensatory Afforestation Fund and shall have the following functions and powers relating to the Funds, namely:

6.2 There shall be constituted a fund to be called the Compensatory Afforestation Fund and there shall be created thereto-

- (i) Receipt of all monies from user agencies towards Compensatory Afforestation, Additional Compensatory Afforestation, Catchment Area Treatment Plan or for compliance of any other condition (s) stipulated by Central Government while according approval under the Forest (Conservation) Act, 1980.
- (ii) The unspent funds already realized by the States/Union territories shall be transferred to the CAMPA by the respective States/ Union Territories to user agencies within six months from the date of the issue of this Order and any Compensatory Afforestation Funds which have not yet been realized shall be realized by the States and Union Territories and transferred to the CAMPA.
- (iii) The funds recoverable from the user agencies in cases where forest land diverted falls within the protected areas i.e. area notified under Sections 18, 26-A or 35 of the Wildlife (Protection) Act, 1972 (53 of 1972) for undertaking activities related to protection biodiversity and the Wildlife shall be maintained separately.
- (iv) Net present Value (NPV) of the Forest land diverted for non-forestry purposes which may be realized pursuant to the Hon'ble Supreme Court's order dated 30.10.2002 in I.A. No. 566 in Writ Petition (C) No. 202 of 1995.
- (v) Money receivable in pursuance of the orders of the Hon'ble Supreme Court or the Central Government r any other competent authority authorised in this regard by the Central Government.

6.3 MANAGEMENT OF THE FUND:-

- (i) The amount collected by the CAMPA shall be invested in Reserve Bank of India, Nationalized Banks, Post Office, Government Securities, Government Bonds and deposits.
- (ii) The non-recurring as well as recurring cost for the management of CAMPA including the salary and allowances payable to its officers and staff shall be met by utilizing a part of the income by way of accrued interest on the funds invested by the CAMPA excluding income from funds way of accrued interest on the funds invested by CAMPA excluding income from funds received as per para 6.2 (iii).
- (iii) The expenditure incurred on independent monitoring and evaluation shall be borne by the CAMPA out of the income by way of interest on the funds invested by the CAMPA excluding income from funds received as per para 6.2 (iii).
- (iv) The CAMPA shall get the annual accounts audited internally as well as externally through chartered accountant (s) who are on the panel of the Comptroller and Auditor General of India and the auditor (s) shall be selected on the approval of the Governing Body.

6.4 DISBURSEMENT OF FUNDS:-

- (i) The money received for compensatory afforestation, additional compensatory afforestation may be used as per the site specific schemes received from the States and Union Territories alongwith the proposals for diversion of forest land under the Forest (Conservation) Act, 1980.
- (ii) The money received towards Net Present Value (NPV) shall be used for natural assisted regeneration, forest management, protection, infrastructure development, wildlife protection and management, supply of wood and other forest produce saving devices and other allied activities.
- (iii) Monies realized from the user agencies in pursuance of the Hon'ble Supreme Court's orders or decision taken by the National Board for Wildlife involving cases of diversion of forest land in protected areas shall form the corpus and the income there from shall be used exclusively for undertaking protection and conservation activities in protected areas of the States and the Union Territories and in exceptional circumstances, a part of the corpus may also be used subject to prior approval of the CAMPA.
- (iv) CAMPA shall release monies to the concerned State and Union Territory in predetermined installments through the State Level Management Committee as per the Annual Plan of Operation (APO) finalized by the concerned State and the Union Territory.
- (v) The monies received in CAMPA from a State and Union Territory as per para 6.2 and the income thereon after deducting expenditure incurred by the CAMPA on its establishment cost, monitoring and evaluation on prorata basis shall be used only in that particular State or the Union Territory.

6.5 MONITORING AND EVALUATION OF THE WORKS:-

- (i) An independent system for concurrent monitoring and evaluation of the works implemented in the States utilizing the funds released by the CAMPA shall be evolved and implemented to ensure effective and proper utilization of funds and services of the Regional Officers of the Ministry of Environment and Forests in this regard may also be utilized.
- (ii) The CAMPA shall have the powers to order inspection and financial audit of works executed by utilizing CAMPA funds in any State or the Union Territory.
- (iii) On being satisfied that the funds released to a particular State or the Union Territory are not being utilized properly, the Executive Body of the CAMPA shall have the power to withhold or suspend the release of remaining funds or part thereof.

6.6 OTHER FUNCTIONS:-

- (i) The CAMPA may establish Special Purpose Vehicles (SPV) for undertaking Compensatory Afforestation particularly by involving large public sector undertaking which frequently require forests land for their projects, in consultation and as far as possible with the concurrence of the CEC.
- (ii) The CAMPA may also consider evolving new mechanism to generate additional sources of fund for forest conservation works and to create capacity and data base for better conceptualization and management of fund.

7. Every State or the Union Territory shall have a Steering Committee and a Management Committee consisting of the following Chairperson and Members namely:

7.1 STATE LEVEL STEERING COMMITTEE:-

- (i) Chief Secretary - Chairperson
- (ii) Principal Chief Conservator of Forests - Member
- (iii) Principal Secretary (Forests) - Member
- (iv) Principal Secretary (Finance) - Member
- (v) Principal Secretary (Planning) - Member
- (vi) Chief Wildlife Warden - Member
- (vii) Nodal Officer - Member
- (viii) An eminent Non-Government Official to be nominated by State Govt. for a period of two years at a time who shall be eligible for renomination. - Member
- (ix) Chief Conservator of Forest (Plan/Schemes) - Member Secretary

7.2 STATE MANAGEMENT COMMITTEE:-

- (i) Principle Chief Conservator of Forests - Chairperson
- (ii) Chief Wildlife Warden - Member
- (iii) Chief Conservator of Forest (Planning/Schemes - Member
- (iv) Financial Controller/Financial Adviser in the Office of the Principle Chief Conservator of Forests - Member
- (v) An eminent Non-Government Official to be nominated by the State Government for a period of two years at a time who shall be eligible for renomination - Member
- (vi) Nodal Officer - Member Secretary

8. POWERS AND FUNCTIONS OF THE STATE STEERING COMMITTEE:-

The Steering Committee shall-

- (i) facilitate and be responsible for policy decision;
- (ii) ensure inter departmental coordination;
- (iii) take steps for grant of special sanction for procurement;
- (iv) accord concurrence to the Annual Plan of Operation (hereinafter referred to APO)

8.1 MEETINGS;

The Steering Committee shall meet least one in six months.

9. POWERS AND FUNCTIONS OF THE STATE MANAGEMENT COMMITTEE SHALL BE AS UNDER:-

- (i) Preparation of the Annual Plan of Operation (APO) of the State for various activities in conformity with para 6.4
 - (ii)
 - (a) Submission of the Annual Plan of Operation (APO) to the CAMPA after obtaining concurrence of Steering Committee for release of fund giving break up of the proposed activities and estimated cost.
 - (b) The Annual Plan of Operation (APO) may include the expenditure on overhead and contingency expenses upto a maximum of 2% of the total annual expenditure.
 - (iii)
 - a) Qualitative and quantitative supervision of the works being implemented in the State out of the funds released from CAMPA.
 - (b) It shall also responsible for proper auditing of both receipt and expenditure of funds.
 - (iv) Development of the code for maintenance of the account at implementing agency level
 - (v) Submission of reports or clarification to CAMPA.
10. The mechanism for receipt and disbursement of funds by the State Management Committee shall be decided by CAMPA in consultation with the States or the Union Territories concerned.
 11. The CAMPA shall function under the supervision of the Central Government in the Ministry of Environment and Forests.
 12. The jurisdiction of the CAMPA shall be the whole of India.
 13. The Headquarters of the CAMPA shall be at New Delhi.

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(FOREST CONSERVATION)