

Ad-hoc

Compensatory Afforestation Fund Management and Planning Authority
Constituted by the Hon'ble Supreme Court of India, by Order dated 5th May 2006 in
IA No.1337 with IA Nos.827, 1122, 1216, 1473 in
WP (Civil) No.202 of 1995 : T N Godavarman Thirumalpad Vs Union of India & Ors.

4th floor, Block No.3, CGO Complex, New Delhi-110 003
Tel No.(011) 24368006. FAX No.(011) 24368007. E-mail : adhoc_campa_mef@nic.in

No.13-20/2015-CAMPA

Dated the 29th January 2015.

1. The Principal Secretaries (Forests)
All State Governments/ Union Territories.
2. The Principal Chief Conservators of Forests/ HoFF
All State Governments/ Union Territories.

आवक क्रमांक 37393

Sub.: CAMPA – utilization of funds – proceedings of the 5th meeting of the
National CAMPA Advisory Council – implementation of decisions –
instructions, regarding.

Sir,

The 5th meeting of the National CAMPA Advisory Council (NCAC), which has
been constituted in terms of the State CAMPA Guidelines approved by the Hon'ble
Supreme Court of India vide their Order dated 10th July 2009 in Writ Petition (Civil) No.202
of 1995 : T N Godavarman Thirumalpad Vs UOI etc., was held under the Chairmanship of
the Hon'ble Union Minister of State (Independent charge) for Environment Forests and
Climate Change on the 24th November 2014. The minutes of the meeting have been
circulated vide this Office letter No.13-16/2012-CAMPA dated the 9th January 2015.

2. In order to give effect to such of the decisions taken in the above meeting
of the NCAC which are to be implemented by the State Governments/ Union Territories
participating in the CAMPA, the following directions are hereby conveyed for
implementation, viz. :

- (1) normal forest activity in a State should be undertaken from the States' own plan
funds and there should be no attempt to shift the obligation in respect of such
items of works to the CAMPA. The CAMPA funds must be treated as an
additionality. Nevertheless, considering the inadequacy of plan and non-plan
funds, the funds collected as compensatory levies on account of diversion of forest
land, which belonged to the respective states, need to be utilized for enhancing
infrastructure, and for capacity building for enabling more effective management
of the forests and wildlife, by the States keeping the overall objectives of
establishment of the CAMPA in view ;
- (2) community participation of villages in forest protection, conservation &
management and regeneration activities may be undertaken with appropriate

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- programmes of awareness and capacity building. For awareness campaigns, the model of the National Environmental Awareness Campaign (NEAC) being undertaken by the Ministry of Environment Forests and Climate Change could be adopted with required changes which the State CAMPAs may deem appropriate ;
- (3) adequate and abundant supply of water and grass should be provided within areas inhabited by wildlife, so as to minimize the instances of man – animal conflict situations.

2. In relation to the recommendations made by the High Level Committee constituted following the recommendations made by the 4th meeting of the National CAMPA Advisory Council to consider some issues which were placed before them for consideration, the following decisions were taken in the 5th meeting of the NCAC, viz. :

- (A) that the practice of levy of cost of trees from User Agencies should be stopped forthwith and that, nevertheless, the standing trees in the diverted forest land shall be the property of the State, and not the User Agency. The cost of harvesting the trees (which would only be a fraction of the sale value of trees) is to be realised from the User Agency and kept with the Divisional Forest Officer and utilized for the purpose of harvesting ; the above practice is to be followed uniformly across the States, and wherever funds are available as a result of harvest of trees, the same should also be adjusted in the manner indicated above. The cost of trees realized by the State Government, if any, transferred to the Ad-hoc CAMPA in the past shall be released back to the concerned State/ Union Territory Government but only the principal amount will be refunded, without the interest accrued thereon ;
- (B) the charges for felling, logging and transportation of project affected trees should be collected from User Agencies at the rates approved by the State Government and deposited with the DFO concerned for utilization immediately following the diversion of forest land ;
- (C) in relation to the items of expenditure like boundary walls, stone pillars, demarcation charges, departmental charges, cost of damage of trees the funds on these accounts should, be deposited with the DFOs concerned and the work should be undertaken departmentally in order to ensure that the task of erection of boundary walls, stone pillars, demarcation charges etc are undertaken faithfully and in the best interests of the forests before the diversion and handing over of forest land takes place. The work on these items should be completed within 6 months from the grant of final approval to diversion of forest land ;
- (D) on the items of work on which the States have been dissuaded from incurring expenditure from out of the CAMPA funds (as in Annexure 'A') following is the decision :
- (a) funds meant for Compensatory Afforestation [including Addl CA, Penal CA] should be used for CA alone, and cannot be diverted for any other use ;
- (b) the same applies to funds for Catchment Area Treatment and Safety zone afforestation funds which should be used for these specific works, only;

- (c) The orders of the Hon'ble Supreme Court of India are very clear on restriction of the funds obtained in compensation for areas falling in wildlife and protected areas. Therefore, the only funds that could, if at all, be used for administrative, recurring and staff expenditure are the funds realized as Net Present Value.

Out of the total allocation under the head 'NPV' in any Annual Plan of Operation, sub allocation will be in the following manner :

- (i) a cumulative not less than 70% should be earmarked for the 'core activities' which include assisted natural regeneration (ANR), plantations, implementation of Working Plan prescriptions, forest protection and conservation measures, and management of notified forest/ Protected Areas;
- (ii) upto 5% may be used for applied and need based research;
- (iii) upto 10% may be used for communication/ ICT and capacity building and training programmes.

The allocation for the 'core activities' should be non-transferable and any unspent funds out of the allocation for research, communication/ ICT/ capacity building activities shall have to be used for the core activities.

- (iv) not more than 15% of the allocation to the State out of the NPV component may be allowed to be used for items hitherto placed in the category of items of work on which States are dissuaded from incurring expenditure.

No expenditure out of CAMPA funds shall, under any circumstances, be permissible for foreign study tours.

Consequently, it has been decided that in all Annual Plans of Operation put up for approval by the Executive Committee/ Steering Committee at the State level the break up for the individual components, including *inter-alia*, for the activities proposed to be funded out of the NPV component of CAMPA funds shall be clearly indicated. For this purpose, a separate statement indicating the break up of these components shall be attached with the Annual Plan of Operation. Failing this, it will not be possible to entertain the Annual Plans of Operation for release of funds.

- (v) the contractual engagement of personnel for strengthening the protection infrastructure shall be programme based, for which State specific internal guidelines will be evolved by the Executive Committee which shall appropriately include limits on expenditure under the head, and approved by the Steering Committee, and the Governing Body of the State CAMPA.

A copy of the Guidelines so framed/ evolved shall be forwarded to the Ad-hoc CAMPA for information and record.

The provisions for such programme based contractual engagement of personnel shall be done with the utmost care so as not to be in the nature of regular employment, as is prohibited in the State CAMPA Guidelines, and shall form part of the core activities, viz., for forest protection and conservation measures ;

- (vi) Safety zone charges @ 1.5 times the diverted area, to be undertaken as precedent to the commencement of mining operations may be deposited with the Divisional Forest Officer concerned for taking up the treatment immediately on diversion of forest land. The safety zone charges, if any, deposited with the Ad-hoc CAMPA in

the past will be refunded to the State Governments, but the interest accrued will not be refunded ;

- (vii) it is agreed in principle that the compensatory levies obtained from User Agencies for catchment area treatment qua diversion of forest land be retained in the Forest Department. It has, however, been considered necessary, keeping in view the Order dated 29th / 30th October 2002 of the hon'ble Supreme Court of India in IA No.566 in Writ Petition (Civil) No.202/1995 titled T N Godavarman Thirumalpad Vs UOI & Ors, in terms of which the funds that are to be deposited in the Compensatory Afforestation Fund include, *inter-alia*, the funds received in respect of catchment area treatment, an appropriate application be filed before the Hon'ble Court explaining the position and detailing the circumstances in which the CAT Plan funds are to be held outside the Compensatory Afforestation Fund; the transfer of funds to the respective Divisional Forest Officers can only be undertaken upon the Hon'ble Court permitting such transfers; appropriate applications ought to be filed also in the various other Courts/ Tribunals where the issue of non implementation of Catchment Area Treatment plans in time have come up for adjudication.

An application is, accordingly being moved before the Hon'ble Supreme Court of India to permit the deposit of Catchment Area Treatment charges collected from the User Agencies with the Divisional Forest Officers concerned.

In case any litigations are pending before lower Courts the above position may kindly be reported appropriately before them. The decision of the Hon'ble Supreme Court of India will be conveyed as soon as the same is available.

In the meanwhile, the State Government are advised to collect information on the charges for CAT already deposited in the State accounts maintained by the Ad-hoc CAMPA so that action is taken, as appropriate, to transfer the funds to the States for placement with the Divisional Forest Officers concerned, as and when approval of the Hon'ble Supreme Court of India in this behalf becomes available ;

- (viii) It has been agreed/ accepted that there was scope for interpretation of the Order dated 10th July 2009 of the Supreme Court of India in IA No.2143, Writ Petition (Civil) No.202 of 1995 titled T N Godavarman Thirumalpad Vs UOI etc. in such a manner that the amounts towards the site specific works such as CA, ACA,, PCA, CAT etc are to be released immediately; perhaps these items of work are not to be subject to the provisions of, or inclusion in, the Annual Plan of Operation. Therefore, an appropriate IA will be filed before the Hon'ble Supreme Court of India for clarifications in the matter and the State Government will be informed of the result of the application ;

- (ix) Keeping in view that the JFM has over the years been promoted and nurtured by the MoEF&CC with active policy, administrative and financial support, complete exclusion of the Joint Forest Management (JFM) institutions for utilization of CAMPA funds needs relook. It has been decided that while complete exclusion of JFM institutions from the CAMPA funds may not be possible, at the same time the JFM Committees/ Van Suraksha Samitis/ Van Panchayats may be associated with the various forest protection/ development, conservation & management activities, within the overarching objectives & broad framework stated in the State

CAMPA Guidelines. These institutions shall act as an additional tool in undertaking forest activities and

- (x) The proposals in forest deficient States may be considered for funding on project to project basis, and not through creation of a corpus for the purpose

3. On a proposal from the Project Tiger Division of the Ministry of Environment Forests and Climate Change, the NCAC approved that an IA be filed before the Hon'ble Supreme Court of India for permission to use the interest accumulated on CAMPA funds, subject to an upper limit of Rs.1,000 crores annually for the next five years, for relocation of villages from protected areas. While action is being taken to file an IA accordingly before the Apex Court and the result of the application will be informed to all State Governments/ UTs, separately, taking into account that relocation of villages from protected areas is one of the important steps to ensure effective conservation and management of the forests and wildlife and therefore is one of the core activities defined by the High Level Committee in its Report it has been decided that States should be permitted to include proposals for relocation of villages from protected areas in their Annual Plans of Operation which shall be funded as core activity to be funded from the NPV. However, state should appropriately prioritise the items to be included in their Annual plans of Operation so that all items of work get due attention to achieve the objectives of the State CAMPA guidelines.

4. The receipt of these instructions may kindly be acknowledged.

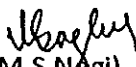
Yours faithfully,


(M S Negi)

Inspector General of Forests (FC) and
Chief Executive Officer, Ad-hoc CAMPA

Copy to :

1. Nodal Officers (FCA)/ Addl PCCFs or CCFs (CAMPA), Office of the Principal Chief Conservators of Forests, all State Governments/ Union Territories ;
2. Additional PCCFs, all Regional Offices of the Ministry of Environment Forests & Climate Change;
3. Member Secretary, Central Empowered Committee, 2nd floor, Chanakya Bhavan, Chanakya Puri, New Delhi 110021;
4. Principal Director of Audit – Northern Railways (Dr Abhishek Gupta), Baroda House, New Delhi 110001 ;
5. PS to MOS(I/C)EF&CC/ Secretary (EF&CC)/ Special Secretary (SS)/ All Additional Secretaries and Joint Secretaries, MoEF&CC ;
6. All officers in the Forest Division, MoEF&CC.


(M S Negi)

Inspector General of Forests (FC) and
Chief Executive Officer, Ad-hoc CAMPA

Annexure 'A'

A compilation of items of work in which States have been advised that such expenditure is not permissible out of the CAMPA funds

1. Administrative expenditure like traveling allowance to regular forest staff, expenditure on telephones, electricity, furniture, computer, Laptop, printers, Xerox Machine, AMC charges for office equipment, POL, stationery, electronic security/ surveillance systems for offices, etc. ;
2. Expenditure on eco-tourism, which is not permissible on two counts, viz.,
 - (i) not covered by Guidelines ;
 - (ii) as pointed out by the Regional CCF Bangalore in meeting of the Andhra Pradesh State Steering Committee, at Hyderabad, this amounts to non forest activity and therefore requires clearance under FCA ;
3. POL expenditure on vehicles, even if purchased under CAMPA funds in the past ;
4. Expenditure on strengthening of infrastructure at hqrs.;
5. Construction/ repairs/ renovation of office/ residential building/ forest rest house / ministerial staff quarters/ public parks forest inspection Bungalow above RFO level (the Guidelines permit such facilities to staff at forest range and below level, alone)
6. Purchase of vehicles – particularly for use by officers. Purchase of vehicles for patrol duty is, however, permitted ;
7. Participation of forest officers in all-India Forest Sports Meet
8. Expenditure on honorarium/salary to officials / wages (which are of recurring nature);
9. Field excursion visits ;
10. International trainings or visits ;
11. Publications / Cultural operations / exposure visits of Foresters ;
12. Remuneration charges for non official members of Executive, Steering Committees ;
13. Expenditure on GPS equipment/ satellite maps [which are to be provided Centrally by the Forest Survey of India, who have been provided with funds for the purpose].