

**GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA**

STARRED QUESTION NO:152
ANSWERED ON:16.12.2013
USE OF FOREST LAND .
Ramasubbu Shri S.

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

- (a) whether the Union Government has issued any directions to the States for the judicious use of forest land and to protect the forest coverage in the country;
- (b) if so, the details thereof and the action taken by the States in this regard;
- (c) whether a number of State Governments have not carried out compensatory afforestation programmes in their States;
- (d) if so, the details thereof; and
- (e) the action taken/ being taken by the Union Government in this regard?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT AND FORESTS (SHRIMATI JAYANTHI NATARAJAN)

(a) to (e) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF THE LOK SABHA STARRED QUESTION NO. 152 BY SHRI S.S. RAMASUBBU REGARDING 'USE OF FOREST LAND' DUE FOR REPLY ON 16.12.2013.

(a) and (b) Section 2 of the Forest (Conservation) Act, 1980 inter-alia provides that notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing that any forest land or any portion thereof may be used for any non-forest purpose. Accordingly, State Governments and the Union Territory Administrations submit proposals to the Ministry of Environment and Forests (MoEF) to obtain prior approval of Central Government for use of forest land for non-forest purpose. Approval to such proposals is accorded by the MoEF, only after ascertaining that requirement of forest land for non-forest purpose is unavoidable and bare minimum. To compensate the loss in forest cover, MoEF while according approvals under the Forest (Conservation) Act, 1980 for diversion of forest land for non-forest purpose inter alia stipulates a condition that the State/Union Territory Government concerned shall realize funds from the user agency for creation and maintenance of compensatory afforestation.

(c) to (e) The Hon'ble Supreme Court vide their Order dated 29th October 2002 in Interlocutory Application (IA) No. 566 in Writ Petition (Civil) No.202 of 1995 in the matter of T. N. Godavarman Thirumulpad versus Union of India and others directed inter-alia that a 'Compensatory Afforestation Fund' shall be created in which all the monies received from the user-agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value of forest land, Catchment Area Treatment Plan Funds, etc. shall be deposited.

The Hon'ble Supreme Court in their said order also directed that Union of India shall frame comprehensive rules with regard to the constitution of a body and management of the compensatory afforestation fund. Accordingly, the Central Government in exercise of the powers conferred by Sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 and in pursuance of the Hon'ble Supreme Court of India's said order dated 29th October 2002 constituted Compensatory Afforestation Fund Management and Planning Authority (CAMPA) vide order dated 23rd April, 2004.

Taking note that the CAMPA had still not become operational, the Supreme Court of India, vide their Order dated 5th May, 2006 in IA No.1337 with IA Nos. 827, 1122, 1216, 1473 in the above writ petition, ordered, inter-alia, the constitution of the ad-hoc body, viz., the ad-hoc CAMPA till CAMPA becomes operational, and directed that all the State Governments/ Union Territories shall account for and pay the amount collected with effect from 30th October, 2002, in conformity with the order dated 29th October 2002 to the said ad-hoc body.

Following persistent requests from State/ Union Territory Governments and public representatives for release of funds from ad-hoc CAMPA for carrying out compensatory afforestation activities, MoEF in consultation with the State/ UT Governments formulated Guidelines on State CAMPA.

The Hon'ble Supreme Court in their order dated 10th July 2009 in I.A. No. 2143 in the above writ petition inter alia directed that the guidelines and the structures of the State CAMPA as prepared by the MoEF may be notified/ implemented. The Hon'ble Supreme

Court in their said order also permitted the ad-hoc CAMPA to release, a sum of about Rs.1,000 crore per year, for the next 5 years, in proportion of 10% of the principal amount pertaining to the respective States/UTs. Accordingly, State CAMPAs have been constituted in all concerned State/ Union Territories. Funds are therefore, being released to State CAMPAs in accordance with the said order of the Hon'ble Supreme Court for implementation of the Annual Plan of Operations (APO) approved by the respective State CAMPA Steering Committee, containing provisions for creation of compensatory afforestation and other activities for conservation and development of forest and wildlife resources. State/ UT-wise details of funds released to State CAMPAs during the last four financial years and the current financial year is annexed.

To ensure expeditious utilization of accumulated funds, the MoEF is taking measures for constitution of Regular CAMPA.