

**History of CAMPA –  
as recorded in a Supreme Court  
Judgment S S Nijjar, J. and  
Infrastructure Growth Vs Compensatory  
Afforestation in Uttarakhand -  
a-trade-off under the CAMPA**

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Vishal Massey, Jeet Singh & Vijay Mahajan





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## History of CAMPA

1. Supreme Court of India: T.N. Godavarman Thirumulpad vs Union Of India & Ors on 12 March, 1997 Author: S S Nijjar, J.<sup>1</sup>
2. Writ Petition (C) No. 202 of 1995 was filed as a PIL under [Article 32](#) of the Constitution of India for and on behalf of the people living in and around the Nilgiri Forest on the Western Ghats. The petitioner sought to challenge the legality and the validity of the actions of the State of Tamil Nadu, the Collector, Nilgiris District and the District Forest Officer, Gudalur and the Timber Committee represented through the Collector, Nilgiris (Respondent Nos. 2 to 5 respectively), in destroying the tropical rain forest in the Gudalur and Nilgiri areas in violation of the [Forest Act, 1927](#), [Forest \(Conservation\) Act, 1980](#) and Tamil Nadu Hill Stations Preservation of Trees Act and the [Environment \(Protection\) Act, 1986](#). This, according to the petitioner, has resulted in serious ecological imbalances affecting lives and livelihood of the people living in the State of Tamil Nadu.
3. The petitioner has highlighted that the respondents have in collusion with certain vested interests allowed trespassers to encroach and enter upon the forest land for the purpose of felling trees and conversion of forest land into plantations. It was pointed out that the encroachers on the forest land have been indiscriminately cutting and removing valuable Rosewood trees, Teak trees and Ayni trees, which are immensely valuable and are found exclusively in the aforesaid forest. It was pointed out that loss of such trees would be permanent and irreparable to the present and future generations to come. The petitioner has clearly pleaded that the value attached to Rosewood and Teak wood has resulted in a mad rush by timber contractors in collusion with Government agencies, for making quick profits without any regard to the permanent damage and destruction caused to the rain forest and to the eco-system of the region. The petitioner also pointed out that cutting and removing of trees is not limited only to the mature trees. In their anxiety to make huge profits the entire forest areas are being cleared, by indiscriminate felling of trees. The petitioner also pointed out that the national policy adopted in the year 1952 provided for the protection and preservation of forests. The existence of large areas of land covered under forest is recognized as a valuable segment of the national heritage. The petitioner also pointed out that the protection from exploitation of forests, in particular natural forests, is imperative as such forests once destroyed

<sup>1</sup> <https://indiankanoon.org/doc/187366700/>

cannot be regenerated to their natural state. The petitioner has pleaded that the destruction of rain forests would adversely affect the environment, eco-system, the plants and animals living within the forests. This would result in such destruction, which would ultimately result in drastic changes in the environment and the quality of life of people living in and around the forests. The petitioner also highlighted that although the national policy has provided that 33% of the land mass of India shall be covered with forests, the present extent of the forest covered areas was below 15%. The natural rain forest cover was only around 5%. Such meager forest cover had led to the enactment of the [Forest \(Conservation\) Act, 1980](#). Statement of objects and reasons of the aforesaid Act is as follows:-

- (1) Deforestation causes ecological imbalance and leads to environmental deterioration. Deforestation had been taking place on a large scale in the country and it had caused widespread concern.
- (2) With a view to checking further deforestation, the President promulgated on the 25th October, 1980, the Forest (Conservation) Ordinance, 1980. The Ordinance made the prior approval of the Central government necessary for de- reservation of reserved forests and for use of forest-land for non-forest purposes. The Ordinance also provided for the constitution of an advisory committee to advise the Central Government with regard to grant of such approval.



Image Courtesy: [https://in.indiatimes.in/content/2019/Jul/government\\_gave\\_orders\\_to\\_cut\\_10976844\\_trees\\_in\\_last\\_5\\_years\\_for\\_development\\_1564226048.jpg?w=2184&h=1116&cc=1](https://in.indiatimes.in/content/2019/Jul/government_gave_orders_to_cut_10976844_trees_in_last_5_years_for_development_1564226048.jpg?w=2184&h=1116&cc=1)

4. Apart from pointing out the provisions of the aforesaid Act, the petitioner also protested that the population living in the areas mentioned above is

being deprived of the right to live in a clean and pollution free environment and, therefore, their fundamental rights protected under [Article 21](#) of the Constitution of India are being violated. The petitioner pointed out that the preservation and protection of forests is recognized as essential for maintaining a clean and pollution free environment. He further pointed out that the rain forests, which are found only in the southern part of the Western Ghats contain several rarest species of plants and animals and also the main source of water supply to the rivers flowing from the Ghats. The large scale denuding of the green cover on the Western Ghats has resulted in shortage of water in the rivers and has adversely affected the people living on the water flowing from the rivers.

5. This apart, it was pointed out that forests are the main source of livelihood for a large number of people, who live within and around the forests. It was also pointed out that the rain forests are the source of life and the plants and animals contained within it are useful for enhanced quality of life enjoyed by mankind. The bio-diversity of the rain forest, it was emphasized, has to be preserved for the welfare and well-being of future generations of mankind. The petitioner was constrained to move this Court in the present writ petition being so perturbed by the large scale destruction of the forests and other natural resources found in the three States namely Tamil Nadu, Karnataka and Kerala. It was lamented that all the protective legislation enacted by Union of India are nothing more than statements in the statute books, in as much as the forest land and its wealth are being plundered every day. He pointed out that it can no longer be denied that well organized rackets exist between the forests authorities, timber contractors and the local authorities which are facilitating the cutting and removal of trees and timber in gross violation of Forests Conservation Act. The petitioner has given details of the manner in which individuals, contractors and firms were clandestinely permitted to trespass and plunder the forest area for the invaluable Rosewood trees. It was stated that each tree commands a price of Rs.15 to 20 Lakhs in the market. When all the efforts of all the concerned individuals, NGOs and other social activists failed, the petitioners were constrained to knock on the doors of this Court by way of writ petition under [Article 32](#) of the Constitution of India. The prayers made in the aforesaid writ petitions are as under:-

- (a) issue an appropriate writ, order or direction directing the State of Tamil Nadu to take steps to stop all felling and clearing activities in the forests of Nilgiris District in the State of Tamil Nadu.

- (b) issue an appropriate writ, order or direction directing the respondents 2 to 5 to stop conversion of forest lands to plantation or other purposes.
  - (c) issue an appropriate writ, or direction directing respondents 2 to 5 to take steps to remove all unauthorised and illegal occupants of forest land in the Nilgiri District of Tamil Nadu.
  - (d) issue an appropriate writ, order direction directing respondent 2 to 5 to stop the transport and removal of timber from the forests in the Nilgiri District.
  - (e) issue an appropriate writ, order direction to appoint a committee for assessing the damage caused to the forest in the western ghats in the State of Tamil Nadu, Karnataka and Kerala and in particular the hills of the Nilgiris mountain.
  - (f) Pass such other and further orders.
6. Understandably disturbed by the horrendous fact situation narrated in the writ petition, this Court issued notice to not only the concerned States but also to other States. Thereafter, the writ petition is pending.
7. In this writ petition, Interlocutory Applications have been filed seeking either general or specific directions in relation to various issues concerning the protection and improvement of environment. The subjects covered by Interlocutory Applications at various stages ranged from protection of existing forest cover; improvement in the forest cover; protection of lakes, rivers and wild life; and protection of flora and fauna and the ecological system of the country. This Court has been continuously monitoring the enforcement of the protected measures directed to be taken by the various Central/State authorities on the basis of the recommendations made by the relevant expert bodies.
8. On 29th October, 2002, this Court considered I.A. No. 566, in which this Court had taken suo-moto notice on the Statement of Mr. K.N. Rawal, Additional Solicitor General to the effect that the amount collected by various States from the user agencies to whom permissions were granted for using forest land for non-forest purposes, was not being utilized for such compensatory afforestation. It was pointed out that moneys paid by user agencies to State Governments for compensatory afforestation were utilized for such afforestation only to the extent of 63% of the funds actually realized by the State Governments. The shortfall even at that time was nearly Rs. 200 crores.

This Court, therefore, recorded that on the next date, it would consider as to how this shortfall was to be made good. It was directed that the Ministry of Environment and Forest should formulate a Scheme whereby, whenever any permission is granted for change of user of forest land for non-forest purposes, and one of the conditions of the permission is that, there should be compensatory afforestation, then the responsibility for the same is that of the user-agency and should be required to set apart a sum of money for doing the needful. It was further provided that in such a case, the State Governments concerned will have to provide or make available land on which forestation can take place. 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. It was further directed that the scheme which is framed by the MoEF should be such as to ensure that afforestation takes place as per the permissions which are granted and there should be no shortfall in respect thereto.

9. It was also brought to the notice of this Court on the basis of the statement placed on record in I.A.Nos.419 and 420 that the funds accumulated for diverting forest area for non-forest purposes, compensatory afforestation, although actually received, had not been appropriately utilized. The CEC examined this question. The report, inter alia, provided that there should be a change in the manner in which the funds are released by the State Governments relating to Compensatory Afforestation. The CEC recommended that it would be desirable to create a separate fund for Compensatory Afforestation, wherein all the money received from the user-agencies are to be deposited and subsequently released directly to the implementing agencies as and when required. The funds received from a particular State would be utilized in the same State.
10. There was a consensus among the States and the Union Territories that such a fund be created. It was also recommended that the funds should not be a part of general revenues of the Union or all the States or of the Consolidated Funds of India. The CEC Report also contemplated the involvement of user-agencies for Compensatory Afforestation.
11. The CEC in its report dated 5th September, 2002 made eight recommendations which were accepted by the Union of India in an affidavit filed in response to the aforesaid report. The Union of India further stated, in the affidavit, that major institutional reorganization of the present mechanism has to be undertaken. It was proposed that comprehensive rules will be framed which will inter alia relate to the procedure and compensation. It was

also proposed that there shall be a body for the management of the Compensatory Afforestation Fund (CAF). The suggestion of the Union of India was that CAF would be composed of a Director General of Forest; Special Secretary, who would be the ex-officio Chairman and Inspector General of Forest, who would be the ex-officio Member Secretary. The report of the CEC was accepted and this Court made the following recommendations :-

- “(a) The Union of India shall within eight weeks from today frame comprehensive rules with regard to the constitution of a body and management of the Compensatory Afforestation funds in concurrence with the Central Empowered Committee. These rules shall be filed in this Court within eight weeks from today. Necessary notification constituting this body will be issued simultaneously.
- (b) Compensatory Afforestation Funds which have not yet been realised as well as the unspent funds already realised by the States shall be transferred to the said body within six months of its constitution by the respective states and the user- agencies.



Image Courtesy: <https://www.thehindu.com/news/cities/Coimbatore/loophole-being-exploited-to-illegally-cut-down-trees-in-kil-kotagiri/article34633218.ece>

- (c) In addition to above, while according transfer under [Forest Conservation Act](#), 1980 for change in user-agency from all non- forest purposes, the user agency shall also pay into the said fund the net value of the forest land diverted for non-forest purposes. The present value is to be recovered at the rate of Rs. 5.80 lakhs per hectare to Rs. 9.20 lakhs per hectare of forest land depending upon the quantity and density of the land in question converted for non-forest use. This will be subject to upward revision by the Ministry of Environment & Forests in consultation with Central Empowered Committee as and when necessary.
- (d) 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 rules, procedure and composition of the body for management of the Compensatory Afforestation Fund shall be finalised by the Ministry of Environment & Forests with the concurrence of Central Empowered Committee within one month.
- (e) The funds received from the user-agencies in cases where forest land diverted falls within Protected Areas i.e. area notified under [Section 18, 26A](#) or 35 of the [Wild Life \(Protection\) Act](#), 1972, for undertaking activities related to protection of bio-diversity, wildlife, etc., shall also be deposited in this Fund. Such monies shall be used exclusively for undertaking protection and conservation activities in protected areas of the respective States/Union Territories.
- (f) The amount received on account of compensatory afforestation but not spent or any balance amount lying with the States/Union Territories or any amount that is yet to be recovered from the use-agency shall also be deposited in this Fund.
- (g) Besides artificial regeneration (plantations), the fund shall also be utilised for undertaking assisted natural regeneration, protection of forests and other related activities. For this purpose, site .specific plans should be prepared and implemented in a time bound manner.
- (h) The user agencies especially the large public sector undertaking such as Power Grid Corporation, N.T.P.C., etc. which frequently require forest land for their projects should also be involved in undertaking

compensatory afforestation by establishing Special Purpose Vehicle. Whereas the private sector user agencies may be involved in monitoring and most importantly, in protection of compensatory afforestation. Necessary procedure for this purpose would be laid down by the Ministry of Environment & Forests with the concurrence of the Central Empowered Committee.

- (i) Plantations must use local and indigenous species since exotics have long term negative impacts on the environment.
- (j) An independent system of concurrent monitoring and evaluation shall be evolved and implemented through the Compensatory Afforestation Fund to ensure effective and proper utilisation of funds.”

12. Keeping in view the aforesaid representation, the MoEF issued a notification on 23rd April, 2004 constituting a “Compensatory Afforestation Funds Management and Planning Authority (CAMPA)” as an authority under [Section 3\(3\)](#) of the Environment (Protection) Act, 1986. This notification provides that there shall be a governing body. Minister of Environment and Forests, Government of India is the Chairman. Apart from the members who are taken from the level of Secretary, MoEF to the level of Inspector General of Forest, the governing body also includes an eminent professional ecologist, not being from the Central and the State Government for a period of 2 years of time, but for two consecutive terms. The notification also provides for an executive body having seven members with Director General of Forests and Special Secretary, MoEF, Government of India as the Chairman. The notification elaborately provides the power and functions of the Governing Body; power and functions of the Executive Body; Management of the Funds; Disbursement of funds; monitoring and evaluation of works. It also provides that every State or the Union Territory shall have a Steering Committee and a Management Committee. It also provides the powers and functions of the State Steering Committee and the State Management Committee. The jurisdiction of the CAMPA is throughout India. Unfortunately, the aforesaid notification has only remained on paper and it has not been made functional till date by the MoEF.
13. This Court again examined the entire issue in relation to the decline in environment quality due to increasing pollution, loss of vegetation cover and biological diversity, excessive concentrations of harmful chemicals in the ambient atmosphere and in food chains, growing risk of environmental accidents, and threats to life support system, for the protection of which the [Environment \(Protection\) Act](#), 1986 had been enacted. A comprehensive

judgment was given in I.A.No.826 in I.A.No.566 in W.P. (C) No.202 1995 on 26th September, 2005. The Court noticed the statutory provisions contained in the [Forest Conservation Act, 1980](#), [Environment \(Protection\) Act, 1986](#), and Water Prevention and [Control of Pollution Act, 1974](#). It also noticed that large sums of money which had been payable by user-agencies in cases where approval had been granted for diverting forest land that stipulated for compensatory afforestation were not being used. It is further noticed by this Court that certain rates had been fixed per hectare of forest land depending on the quality and density of the land in question converted for non-forestry use. After detailed examination of the issues related to the payment of Net Present Value (NPV) and Compensatory Afforestation Fund, the Court upheld the constitutional validity of the payment to CAMPA under the notification dated 23rd April, 2004. It was held that the payment of NPV is for the protection of environment. It was further held that the natural resources are not the ownership of any one State or individual, public at large is its beneficiary. Therefore, the contention that the amount of NPV shall be made over to the State Government was rejected.



Image Courtesy: [https://natureconservancy-h.assetsadobe.com/is/image/content/dam/tnc/nature/en/photos/tnc\\_98591357.jpg?crop=0,467,4000,2200&wid=2000&hei=1100&scl=2.0](https://natureconservancy-h.assetsadobe.com/is/image/content/dam/tnc/nature/en/photos/tnc_98591357.jpg?crop=0,467,4000,2200&wid=2000&hei=1100&scl=2.0)

14. The Court also constituted a Committee of Experts (Kanchan Chopra Committee) to formulate a practical methodology for determining NPV payable for various categories of forest and the project which deserves to be exempted from payment of NPV.

15. As noticed earlier, huge amount of money received from the user- agencies towards the NPV, Compensatory Afforestation etc. were lying with various authorities without any effective control and monitoring as the CAMPA notification had not been made operational by the MoEF.
16. The Court reiterated the ratio of M.C.Mehta Vs. Kamal Nath & Ors.[1] that it is the duty of the State to preserve the natural resources in their pristine purity. The Doctrine of Public Trust was re-enforced. It was emphasized that the Doctrine of Public Trust is founded on the idea that certain common properties such as rivers, seashore, forest and the air were held by the Government trusteeship for the free and unimpeded use of the general public. It was reiterated that our legal system based on English Common Law which includes the Doctrine of Public Trust as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment.
17. Therefore, this Court recognized the need to take all precautionary measures when forests land are sought to be diverted for non-forestry use, the creation of CAF was approved. In coming to the aforesaid conclusions, the Court took into consideration intergenerational equity. The State was required to undertake short term as well as long term measures for the protection of the environment.
18. As noticed earlier, this Court by order dated 28th March, 2008 had fixed the rates at which NPV is payable for the non-forestry uses of forest land falling in different Eco-classes and density sub-classes. The rates vary from Rs.10.43 lakh per hectare to Rs.4.38 lakh per hectare. For the use of forest land falling in the National Parks and Wildlife Sanctuaries, the NPV is payable at 10 times and 5 times respectively of the normal rates of NPV. By order dated 9th May, 2008, this Court has exempted the payment of NPV for non-forestry use of forest land (a) upto one hectare for construction of schools, hospitals, village tanks, laying of underground pipe lines and electricity distribution lines up to 22 KV, (b) for relocation of villages from National Parks/Wildlife Sanctuaries, (c) for collection of boulders/silts from river beds, (d) for laying of underground optical fibre cables and (e) for pre-1980 regularization of encroachments and has granted 50% exemption for underground mining projects.
19. Although huge sums of money had been received from user-agencies but there were no effective checks and balances for its utilization. Therefore, by order dated 5th May, 2006, this Court accepted a suggestion made

by the CEC submitted in I.A. No.1473 for constitution of an Ad-hoc body till CAMPA becomes operational. All State Governments/Union Territories were directed to account for and pay the amount collected with effect from 30th October, 2002 in conformity with the order dated 29th October, 2002 to the aforesaid Ad-hoc body (Ad-hoc CAMPA). The following two suggestions made by the CEC were accepted:-

- “(a) ensure that all the monies recovered on behalf of the ‘CAMPA’ and which are presently lying with the various officials of the State Government are transferred to the bank account(s) to be operated by this body.
- (b) get audited all the monies received from the user agencies on behalf of the ‘CAMPA’ and the income earned thereon by the various State Government officials. The auditors may be appointed by the CAG. The audit may also examine whether proper financial procedure has been following in investing the funds.”

20. The Chief Secretaries of the State Governments/Administrators of Union Territories were directed to cooperate with the Ad-hoc CAMPA as well as the Comptroller and Auditor General. The Ad-hoc CAMPA under the Chairmanship of the Director General of Forests and Special Secretary, MoEF and has (a) Inspector General of Forest (FC), MoEF (b) representative of Comptroller and Auditor General of India (c) nominee of the Chairman of the CEC as its Members. In accordance with the directions of this Court, the money already received as well as the money being received towards the NPV etc. have been transferred to the Ad-hoc CAMPA and invested in the fixed deposit with National Banks. The money lying with the Ad-hoc CAMPA towards the NPV etc. received from the States (principal amount) and the interest received on the fixed deposit (cumulative interest) has substantially increased over a period of time and is presently about Rs. 30,000 crores.
21. On 2nd April, 2009, MoEF has issued “the guidelines of State Compensatory Afforestation Fund Management and Planning Authority (State CAMPA)”. These guidelines have been prepared on the basis of the discussions held in the meeting of the Chief Secretaries that the objective to assist the States/Union Territories for setting up the requisite mechanism in consonance with the directions issued from time to time by this Court. The guidelines are general in nature and can be moulded keeping in view the specific needs of any particular State/Union Territory. The State CAMPA

has been set up as an instrument to accelerate activities for preservation of natural forests, management of wildlife, infrastructure development in the sector and other allied works. By order dated 10th July, 2009 this Court directed that the guidelines and structure of the State CAMPA as prepared by MoEF may be notified and implemented. The Court also permitted the Ad-hoc CAMPA to release about Rs.1000 crore per year for the next five years, in proportion of 10% of the principal amount pertaining to the respective States/Union Territories, inter alia, subject to the condition that the State Accountant General shall carry out, on annual basis, the audit of the expenditure incurred every year out of the State CAMPA funds. It was further directed that an amount upto 5% of the amount released to the State CAMPA, i.e., upto Rs.50 crore per annum, may also be released and utilized by the National CAMPA Advisory Council constituted under the Chairmanship of Ministry of Environment and Forest for monitoring and evaluation and for the implementation of the various schemes as given in the State CAMPA guidelines.

22. The State CAMPA has been constituted for each State/Union Territory. It has a three-tier structure. The Executive Committee functions under the Chairmanship of the Principal Chief Conservator of Forests is responsible for the Annual Plan of Operation (APO) for various works planned to be undertaken during each year. The Steering Committee under the Chairmanship of Chief Secretary is responsible for approving the APO for each year. The Chief Minister is the Chairman of the Governing Body which is responsible for overall guidance and policy issues. The Ad-hoc CAMPA releases the funds to each of the State CAMPAs as per the approved APO. At present, a total sum of Rs.1000 crore is permitted to be released to the State per year. The State- wise accounts of the principal amounts and cumulative interest be maintained by the Ad-hoc CAMPA. The funds are not permitted to be utilized for any purpose other than those authorized by the Court. The administrative expenses of CAMPA are incurred by the CEC.
23. With the establishment of the Ad-hoc CAMPA, huge sums of money have accumulated which can be released to the State CAMPA for utilization, for protection and for the improvement of the national environment. Now the aforesaid applications have been filed by different States seeking release of some funds for completing the task of compulsory afforestation, as directed by this Court from time to time. The relief claimed in all the applications is almost identical. We shall make a reference to the averments made in I.A.No.3618 of 2013 for the purpose of deciding all the applications.

24. I.A. No. 3618 of 2013 in Writ Petition (C) No. 202 of 1995 has been filed by the State of Gujarat with the following prayer:-

“i. To direct the Ad-hoc CAMPA to release minimum of 10% of principal amount deposited by the States/UTs with Ad-hoc CAMPA and the total amount accrued as interest on such deposits to the respective State/UT’s including to the State of Gujarat without the ceiling of Rs.1,000 crore, in order to ensure effective and timely implementation of Compensatory Afforestation Scheme, Wildlife Conservation and other Forest conservation and Protection Measures as envisaged in the CAMPA guidelines;

ii. Pass any other directions deemed fit by the Hon’ble Court.” Prayers made in other applications are similar, if not identical.

25. The aforesaid relief is claimed on the basis that the amount available with CAMPA is substantially higher than Rs.1,000/- crores, wherein the annual release from the Ad-hoc CAMPA has been restricted to Rs.1,000/- crores p.a. by the orders of this Court. It is further pointed out that only during the year 2009- 10, 10% of the principal amount, i.e., Rs.24.96 crores has been released by the Ad-hoc CAMPA to Gujarat State. During subsequent years, i.e., 2010-11 and 2011-12, the annual release from ad-hoc CAMPA to Gujarat State had come down from 10% to 8% and then to 7%, respectively. For the year 2012-13, the amount released is only 6.5% of the principal amount. It is also submitted by the learned counsel appearing for the State of Gujarat that at the time when these applications were filed in April, 2013, the total funds available with the Ad-hoc CAMPA were as follows:-

- a. The Principal amount at the disposal of ad-hoc CAMPA is around Rs.28000 crores.
- b. The accrued interest on it is of the order of over Rs.4,000 crores.
- c. The annual accrual of interest on the deposits is of the order of Rs. 2200 crores.

26. Relying on the aforesaid facts and figures, it is submitted by the learned counsel for all the States that the funds released to the State CAMPAs are only a fraction of the interest accruing in the Ad-hoc CAMPA accounts. It is further submitted that the value of the compensatory levies, which have been obtained against the diversion of forest land over a period of



many years has eroded substantially. This is added to by the continuous inflationary trends, which has made the task of undertaking Compensatory Afforestation very cost intensive. Therefore, it is imperative that the funds are made available to State CAMPAs in a substantial ratio to the amounts collected from the State/Union Territories. To illustrate this dilemma, the applicant has relied on a chart, which is as under:-

(Rs. In Crores)	Year	Amount required	Amount released	Shortfall	as per APO to Gujarat State	CAMPA	1	2	3	4	
2009-10	43.16	24.96	18.20	2010-11	43.78	29.16	14.62	2011-12	55.08	26.30	28.78
2012-13	40.61	32.41	8.20	Total	182.63	112.83	69.80				

27. Relying on the aforesaid chart, it is submitted that due to release of insufficient CAMPA funds, all the NPV Projects approved by the Steering Committee could not be started. In the year 2009-10, out of 24 NPV Projects only 4 projects could be implemented. In the year 2011-12, out of 14 NPV Projects only 12 Projects could be implemented. In the year 2012-13, out of 15 NPV Projects only 14 Projects could be implemented. It is pointed out that even in relation to the projects, which have been implemented; all the activities in support of the projects could not be taken

up due to want of funds. This has resulted in an overall shortfall in the Forest and Wildlife Conservation, which is the prime objective of CAMPA funds. Therefore, several State/Union Territory Governments including State of Gujarat have requested the Ministry of Environment & Forests to increase the annual release from the Ad-hoc CAMPA funds to a minimum 10% of the principal amount available with Ad-hoc CAMPA, without any ceiling of about Rs.1,000/- crores per annum. However, since no response was received from the MoEF, the State of Gujarat and other applicant States/ Union Governments were constrained to file the IAs.

28. These applications came up for hearing on 26th August, 2013, 20th September, 2013 and 4th October, 2013. Upon examination of the entire matter, a direction was issued on 9th December, 2013 to the Central Empowered Committee (hereinafter referred to as "CEC") to submit its report on the applications and the prayers made by the applicant. CEC has submitted its report dated 6th January, 2014.
29. In response to the application filed by the State of Gujarat, this Court by order dated 9th December, 2013 had directed the CEC to submit its report.
30. In its report dated 6th January, 2014, CEC has recommended that the prayer made in the application ought to be accepted. The relevant extract of the CEC Report is as under: "11. The CEC, in the above background, recommends that this Hon'ble Court may in partial modification of its earlier order dated 10th July, 2009 consider permitting the Ad-hoc CAMPA to annually release from the financial year 2014-2015 onwards, out of the interest received / receivable by it, an amount equal to 10% of the principle (sic) amount lying to the credit of each of the State / UT at beginning of the year to the respective State CAMPA subject to the following conditions:
  - i) the funds will be released by utilizing interest received / being received by the Ad-hoc CAMPA. The principle (sic) amount lying with the Ad-hoc CAMPA will not be released or transferred or utilized;
  - ii) the funds will be released after receipt of the "Annual Plan of Operation" containing details of the afforestation and other works for the conservation, protection and development of the forests and wildlife and approved by the Steering Committee of the respective State CAMPA;
  - iii) the Ad-hoc CAMPA will be at liberty to release the funds to the State CAMPAs in one or more instalments after considering the utilization of funds earlier released;

- iv) the National CAMPA Advisory Council (NCAC) will finalize and issue guidelines before 31st March, 2014 regarding the activities for which the use of the CAMPA funds will not be permissible (such as foreign study tours) and the activities for which a ceiling on the use of the CAMPA funds will apply (such as purchase of vehicles and construction of residential / office buildings). These guidelines will be strictly followed by the State CAMPA;
- v) the State CAMPAs and the MoEF will expeditiously take necessary follow up action on the observations made in the “Report of the Comptroller and Auditor General of India on Compensatory Afforestation in India”.
- vi) the back log of Compensatory Afforestation, if any, will be tackled on priority basis and for which adequate provision will be made in the Annual Plan of Operation (APO) by the respective State CAMPAs; and
- vii) the annual release of funds to the National CAMPA Advisory Council (NCAC) will continue to be upto Rs. 50 crore and provided the amounts earlier released are found to have been substantial utilized.” The aforesaid recommendations have been given by the CEC after setting out the background in which the CAMPA was set up.

31. Mr. Salve learned Amicus Curiae on the basis of the record has submitted that on the directions issued by this Court about Rs.6000 crores are being received by CAMPA annually. This amount represents the total amount collected for compensatory afforestation fund (principal amount Rs.3000 crores annually) and approximately Rs.3000 crores by way of interest on fixed deposits annually. This is in addition to the accumulative principal amount which is already invested in fixed deposits. He submits that keeping in view the directions issued by this Court from time to time for ensuring afforestation it would be appropriate to accept the recommendation of the CEC. He submits that the scheme proposed by the CEC will gradually increase in the release of funds to the State/Union Territory over a period of time and on a sustainable basis. The learned Amicus Curiae has, however, suggested that certain other safeguards ought to be incorporated to ensure efficient management of the funds released. Upon consideration of the entire matter at length, we accept the recommendations made by the CEC reproduced above. We, however, modify the direction 11(iv) as under:- The National CAMPA Advisory Council (NCAC) will finalize and issue guidelines before 1st May, 2014 regarding the activities for which the use of the CAMPA funds will not be permissible (such as foreign study

tours) and the activities for which a ceiling on the use of the CAMPA funds will apply (such as purchase of vehicles and construction of residential / office buildings).

These guidelines will be strictly followed by the State CAMPA. The same shall be treated as directions of this Court. The order dated 10th July, 2009 is modified accordingly.

32. The Ad-hoc CAMPA is permitted 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 2014-2015 onwards. The release of the aforesaid funds shall be subjected to the conditions enumerated above.
33. It is further directed that no money out of the amounts available with Ad-hoc CAMPA will be transferred or utilized without the leave of this Court. It is further directed that the National CAMPA Advisory Council will file a Status Report within a period of three months regarding the monitoring and evaluation of the works being undertaken, by utilizing the funds released by CAMPA.
34. The Interlocutory Applications are disposed of with the aforesaid directions.

.....J.

[A.K.Patnaik] .....J.

[Surinder Singh Nijjar] .....J.

[Fakkir Mohamed Ibrahim Kalifulla] New Delhi;

March 12, 2014.

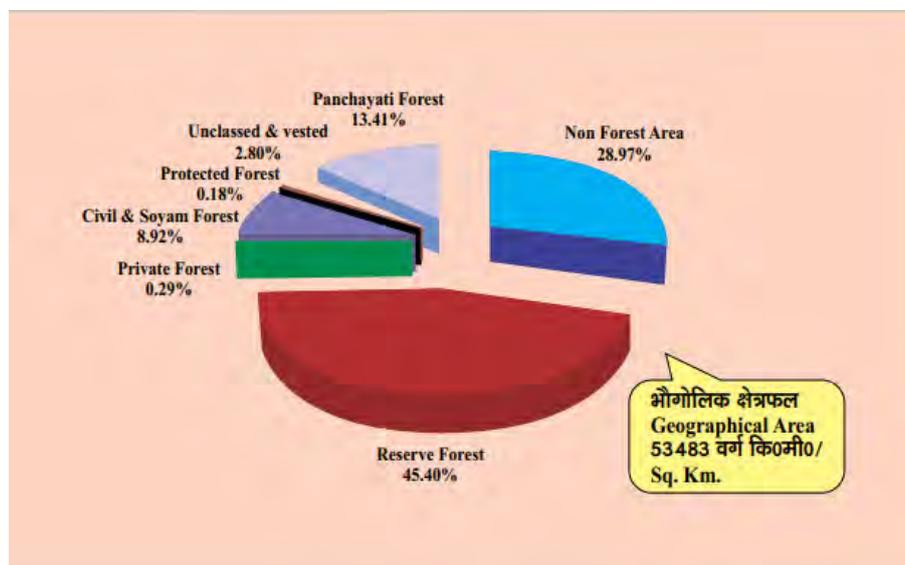


# Infrastructure Growth Vs Compensatory Afforestation in Uttarakhand - a trade-off under the CAMPA

## Uttarakhand and its Forests

The State of Uttarakhand has a broad variety of natural habitats, ecosystems and species along with a proud legacy of forestry initiatives. Himalayan ecosystems are seen as an extensive reservoir of important water, energy and biodiversity resources- variety of forests, lakes, glaciers, cold desert habitats and houses unique and endangered plant and animal species with essential roles as ecosystems. A diversity of civilizations with their distinct tradition, architecture and ethnic customs are also housed here. The varied Himalayan ecosystems offer significant advantages for many stakeholders and it cover 45.44% for forests.

### Forest Area According to Legal Status



Source: [http://www.uafdc.in/Acts&Rules/Forest\\_Statistical\\_2014-15.pdf](http://www.uafdc.in/Acts&Rules/Forest_Statistical_2014-15.pdf)

It's vital to mention that the broad and diverse forest cover benefits for a large number of people in the entire Northern Indian plains who depend on water resources created here for their agricultural economy. Uttarakhand has a rich floral richness which consists mostly of a variety of flowers. Here, flora comprises alpine wilderness, which every spring blossom with varied colours. In addition, as statistics show, 343 species compose the flora of Uttarakhand,

which is 256 in 107 families. Uttarakhand is a floristically super-diversity, with around 4,700 flora plant species, accounting for approximately 25% of Indian angiosperm, as per scientific research conducted by the Indian Botanical Survey (BSI).

This great diversity may be enjoyed in a range of vegetations from the sub-tropical forests of the Gangetic Upper Plains and the Shivalik zone to the northern trans-Himalayan Cold Desert in the southern Arctic Alpine. Mountains have always been covered with wet leaf forest in the Lower Uttarakhand areas. The great natural plants of Pine, Oak, Rhododendron, Walnut and Larch are situated between 1,500-3,000 m altitudes. Below the snow line, it consists of the forest of Spruce, Fir, Cypress, Juniper and Birch, and above the snow line of Mosses, Lichen and a wide variety of fresh wildflowers, such as Blue Poppies and Edelweiss (It is a traditional medicine for abdominal and respiratory diseases too).

The deforestation of much of the Himalayan indigenous wildlife is limited to protected areas and sanctuaries. Himalayan Bear, Musk Deer, Wild Goat Ghoral, Bharal or Blue Goat, Wolves, Snow Leopard and deer species such as Barking Deer, are the region's main animals. Avifauna is considered among the richest in the area with more than 500 kinds of birds on the subcontinent.

### Type and Forest Land Ownership in Uttarakhand

S. No.	Type of Forests	Area (in Sq. Km.)
<b>1</b>	<b>Forests under Forest Department</b>	
i	Reserved Forest	24264.65
ii	Protected Forest	98.614
iii	Unclassed and Vested Forest (which have legal status of protected forests)	1499.917
	<b>Total (Under Forest Department)</b>	<b>25863.18</b>
<b>2</b>	<b>Forest Under Revenue Forest</b>	
i	Civil and Soyam Forests	4768.704
<b>3</b>	<b>Forest under Van Panchyats</b>	
i	Reserved Forests - completely recorded in Van Panchayats	2248.338
ii	Protected/Civil and Soyam Forests	4961.851
<b>4</b>	<b>Total forests under Van Panchayats</b>	<b>7210.189</b>
i	Private/Other Agencies (Municipal, Cantonment, Central Govt etc.)	157.517
<b>5</b>	<b>Total Forest Land</b>	<b>37999.60</b>

More than 70% of land in Uttarakhand is classified as forest. It makes the state forest department the largest land owning agency in Uttarakhand. The department owns little more than 48% of the total landmass of the state. However, a large part of forest area is owned by other agencies in the state. According to forest statistics of Uttarakhand in 2014, the department owns only about 68% of the total forest land. Around 32% of the forest land is owned by other agencies. Van Panchayats are collectively second largest forest land owners in the state. More than twelve thousands Van Panchayats owns more than 13% of the forest land. The revenue department is third largest owner of the forest in the state that owns about nine per cent of the total forest in the state.

District	Geo-graphical Area	2019 Assessment				% of GA	Change wrt 2017 assessment	Scrub
		Very Dense Forest	Mod. Dense Forest	Open Forest	Total			
Almora	3,144	199.00	837.00	683.14	1,719.14	54.68	1.14	6.00
Bageshwar	2,241	162.39	761.61	338.69	1,262.69	56.34	1.69	1.00
Chamoli	8,030	443.00	1,580.00	686.43	2,709.43	33.74	0.43	1.00
Champawat	1,766	367.00	593.00	265.55	1,225.55	69.40	1.55	7.00
Dehradun	3,088	659.77	601.56	347.36	1,608.69	52.09	3.69	86.28
Garhwal	5,329	574.26	1,902.03	918.70	3,394.99	63.71	0.99	95.97
Haridwar	2,360	74.74	276.42	234.09	585.25	24.80	-2.75	6.00
Nainital	4,251	773.06	1,728.93	539.57	3,041.56	71.55	-6.44	9.63
Pithoragarh	7,090	505.00	965.00	609.80	2,079.80	29.33	1.80	39.00
Rudraprayag	1,984	252.00	580.00	310.17	1,142.17	57.57	1.17	9.00
TehriGarhwal	3,642	272.71	1,084.08	709.19	2,065.98	56.73	0.98	97.44
Udham Singh Nagar	2,542	149.16	188.75	93.88	431.79	16.99	-4.21	3.85
Uttarkash	8,016	614.67	1,706.86	714.47	3,036.00	37.87	8.00	21.00
<b>GrandTotal</b>	<b>53,483</b>	<b>5,046.76</b>	<b>12,805.24</b>	<b>6,451.04</b>	<b>24,303.04</b>	<b>45.44</b>	<b>8.04</b>	<b>383.17</b>

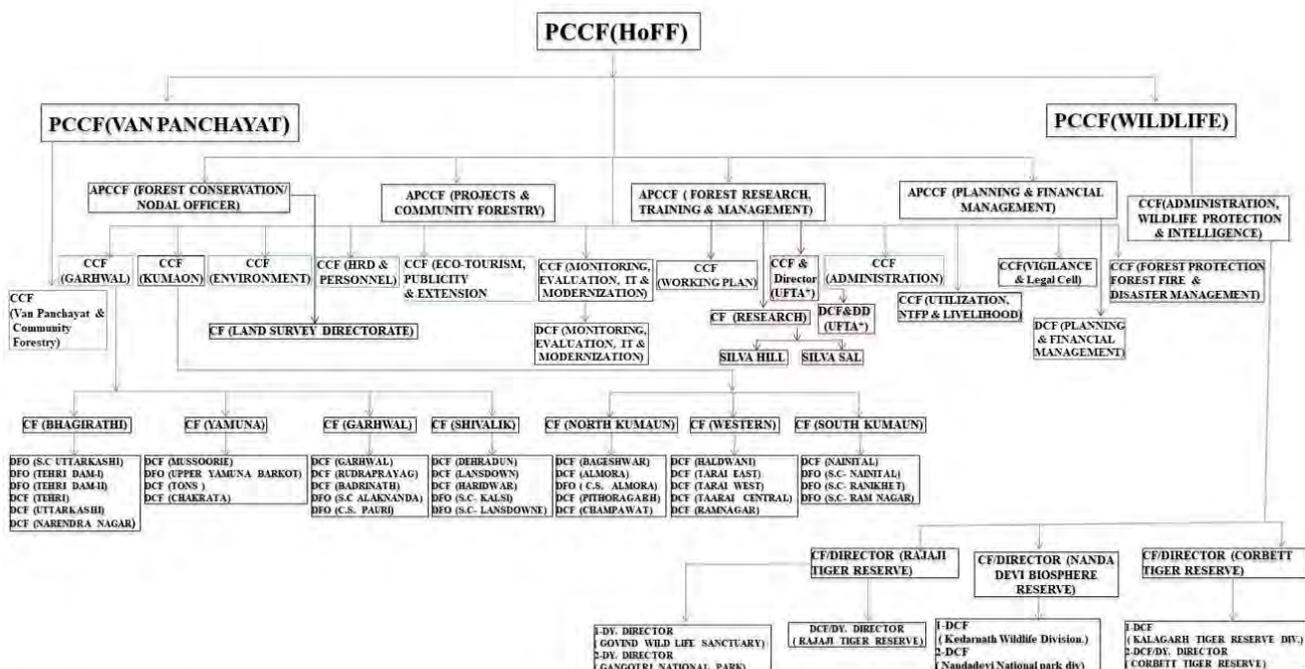
Source: <https://fsi.nic.in/>

Various studies show that these natural resources are rapidly degrading in the region. According to the Uttarakhand State of Forest Report for 2001 and 2019 the area of dense and moderately dense forest has decreased from 19,023 sq. km in 2001 to 17,851 sq. km in 2019<sup>1</sup>. On the other hand the open forest

with less than 10 % canopy density increased from 4,915 sq. km in 2001 to 6,415 sq. km. in 2019 in the state. The Land Degradation/Desertification atlas prepared by Space Application Centre, Ahmadabad found that the rate of land degradation in Uttarakhand is higher compared to the national average. According to the atlas, around 6.48 lakh hectare land in the state is under degradation. The most significant process of degradation observed in the report is vegetation degradation (ISRO, 2016). The vegetation degradation largely refers to the process of deforestation.

## Forest Department of Uttarakhand

The forests of Uttarakhand are a huge area of the state and hence need to be overviewed effectively and proper management is inevitable. The footsteps of Uttarakhand Forest Department may be observed in British times. This department is one of India's oldest. The 42nd Constitutional Amendment Act, 1976 transferred the subject of forests from state to concurrent list, which implies that both Central and State are governed by this issue. The Department focuses on the management, conservation and development of the forest areas notified by the State. It is also responsible for successful implementation Central, State policies, schemes and programmes that also promote sustainable development planning in connection with forest, wildlife and the environment.



UFTA-Uttarakhand Forestry Training Academy

Source: Department of Forest, Uttarakhand

Department operates through 11 circles, 44 divisions, 284 ranges, and 1569 beats. In view of the significance of public involvement and protection of wildlife, officials at PCCF levels have been appointed to Van Panchayat and Wildlife inclusively. Van Panchayats in Uttarakhand are unique institutions of community forest management which came into existence in 1921. At present there are 12,167 Van Panchayats in the State which manage an area of 7,32,688 hectares of forest.



## Van Panchayats in Uttarakhand

Village Forest Councils, or Van Panchayats, one-of-a-kind community-managed forest institutions. The British Raj forcibly seized all non-private land and forests in what was then known as the “United Provinces,” a portion of which is now known as Uttarakhand, in the 1890s. This resulted in the mountain villages losing access to forest areas on which they relied greatly. This marginalisation sparked significant demonstrations, with residents even setting fire to huge areas of forest. To settle the issue, the British government established the Kumaon Grievances Committee, which issued the first “Kumaon Panchayat Forest Rules” in 1931, allowing mountain communities to own and manage their own forests. It is regulated by India’s unique Forest Panchayat Rules.

The regulations were changed in 1971, 1976, 2001, 2005, and 2012. Women were given 50% reservation in Sarpanch posts under the Van Panchayat Amendment Rule of 2012.

Each Van Panchayat covers an area ranging from a quarter of a hectare to more than 2,000 hectares. Community forests maintained under the Van Panchayat Act are a combination of governmental ownership and community responsibility, it should be noted. Forest committees are directed by Revenue Department rules and guidelines as well as the Forest Department's technical advice in their efforts to manage and control community forest use. Community forests, also known as Panchayati forests, differ from open forests in that they are not available to the public. The communities' intricately devised and enforced laws govern access to and use of the forests.

In actuality, there are four distinct operational rules for Use, Monitor, Sanctions, and Arbitration. Community forests are in a very real sense common property with an identified user group, have finite subtractive advantages, and are prone to degradation when exploited beyond a sustainable limit, even if they are merely notionally or nominally held by the communities.

Issues: Through Van Panchayat, people's rights to use and manage their forest rights are dwindling. People are concerned about the forest department's management of their local forest, which they believe is alienating local communities. They've noticed that the forest department has implemented limits in recent years, making it difficult for people to enjoy their traditional forest rights, such as grazing, cattle camping, timber, and non-timber wood. Community members believe that the forest department's conservation/development operations do not meet the demands/requirements of the community. Conservation and development efforts simply serve to provide wage employment during construction, while unplanned and non-cooperative structures have little conservation or regeneration value.

## **Development at the Cost of Forests**

Deforestation is a global concern and it started growing from early 20th century. While the forest is home of almost all terrestrial wildlife, rapid deforestation has changed or destroyed their habitat substantially. As per an estimate around 420 million hectares of forest land have been converted for other uses since 1990s (FAO, 2016). According to the state of world forest report- 2016, 20,334 tree species had been included in the IUCN Red list of threatened species. The expansion of commercial agriculture has been identified as largest factors associated with deforestation of tropical forest.

Consequences of deforestation are highly harmful both to wildlife and human. While the deforestation for various purposes across the world has helped us to increase the industrial production, it also threatened life of tree and wildlife species. It further led to loss of life and/or livelihood of millions of people in many ways. Deforestation for number of anthropogenic activities such as construction of road, dam, mining and agriculture land modifies the environment by fragmenting habitat. It further leads to increase human interaction with pathogens, vectors and hosts, which is called ‘edge effect’ (Patz A Jonathan et al 2004).

In India, deforestation largely occurred during British period, which include time from 1880 to 1960. The rate of deforestation decreased from 1960-1980. From 1980s onward various policies were introduced for the protection of forest and regeneration of deforested land through various schemes. A recent study reveals that the forest land in India reduced from 89.7 million hectare in 1880 to 63.4 million hectare in 2010. On the other hand the crop land increased from 92.6 million hectare to 140.1 million hectare during the same period (Tian H et al, 2014). The urbanization is also rapidly increasing in India. The share of urban population has increased from 18% in 1951 to more than 31% in 2011 (MoHUA). Correspondingly the built-up area has also increased tremendously. The built-up area of India has increased from 0.45 million hectare in 1880 to 2.04 million hectare in 2010 (Tian H. et al, 2014).

Not only the urbanization but the various industrial projects and encroachment have also led to deforestation in India. According to the official data of the Government of India, from 1980 to till date 3.11 lakh forest land has been diverted for 27559 project required clearance under the Forest Conservation Act, 1980 (MoEFCC). These projects include mining, quarry, irrigation, hydro power projects, defence and gas pipelines.

### Deforestation for Development Projects in Uttarakhand

Time Period	Number of Projects	Total Forest land diverted (in Ha)
1980-1990	736	16,234.76
1991-2000	1106	11,859.26
2001-2010	2327	11,846.41
2011-2020	526	4,653.08
<b>Total</b>	<b>4695</b>	<b>4695</b>

Source: [http://forestsclearance.nic.in/Online\\_Status.aspx](http://forestsclearance.nic.in/Online_Status.aspx)  
Data up to Nov. 2020

As in many other parts of the country the speed of deforestation in Uttarakhand for developmental projects also decreased. Yet, according to the data available on the website of union ministry of Environment, Forest and Climate Change (MoEFCC) as many as 4695 projects were allowed on the forest land in the state. These projects led to diversion of 44,593.51 hectare forest land. This diverted forest land accounts for 1.17% of the total recorded forest land in the state and 1.72% of the forest land owned by the state forest department.

The data on diversion of forest land for the state presented in above table shows that the Forest Conservation Act, 1980 effectively curved speed of deforestation in the state. The decade wise analysis of deforestation for development has significantly decreases. In the first decade after enactment of the Forest Conservation Act 16,234 hectare forest land was diverted. It reduced to diversion of just 4,653 hectare forest land in the decade 2011 to 2020.

#### Developmental Projects on Forest Land in Uttarakhand

Project Category	No of Project	Forest Land diverted (in Ha)
Hospital/Dispensary	16	45.83
Drinking Water	1020	223.43
Hydel	99	5,408.72
Irrigation	271	792.84
Mining	18	1,134.97
Other	729	18,367.35
Rehabilitation	7	3,725.43
Road	2323	10,232.38
School	50	255.68
Transmission Line	138	3,666.38
Village Electricity	16	45.78
Railway	4	688.28
Thermal	3	6.45
Total	4695	44593.52

Source: [http://forestsclearance.nic.in/Online\\_Status.aspx](http://forestsclearance.nic.in/Online_Status.aspx) Data up to Nov. 2020

Forest land for as many as 4695 developmental projects has been diverted ever since the Forest Conservation Act came into force. Road projects top the list with 2323 units followed by projects related to drinking water. 729 projects were approved on forest land in 'other' category. Most of these projects are related to construction of governmental buildings, offices and other public facilities. Project in this category received more than 41% of diverted forest land in the state. A significant are of forest land was diverted for projects related to hydel, road, transmission line and rehabilitation.

On an average 9.5 hectare forest land per project was diverted since 1980. However, 2603 developmental projects out of total 4695 (more than 50%) acquired less than one hectare forest land. This data reveals that the land requirement for most of developmental projects in this newly formed Himalayan state is very less. On the other hand in these four decades only 53 projects had acquired more than 100 hectares forest land.



## Compensatory Afforestation in the State

The Indian Union government stated the Compensatory Afforestation (CA), which it intended to realize when the Forest Conservation Act 1980 was approved. However, in the absence of appropriate institutional mechanism and

implementation guidelines, the fund collected for compensatory afforestation could not be utilized properly. Moreover, the Supreme Court and C&AG of India observed inappropriate use of the fund by several states.

On 30 October 2002 the Supreme Court ordered the creation of a 'Compensatory Afforestation Fund' which deposits CA, Addl. CA, penal CA, forest land NPV and CAT-Plan funding from the user agencies. For the management of the fund a temporary authority called Compensatory Afforestation Management and Planning Authority (CAMPA) was created by the union government on the direction of the Supreme Court. The Government of India was also directed to make comprehensive rules for the establishment of the CA Fund management body. The Fund available in the States was to be transferred to that body together with the appropriate forest land NPV, which was diverted from its user agency to non-forest purposes. The money obtained from the diversion of forest land into protected areas was also directed to be placed in this fund. These types of funding were guaranteed to safeguard and preserve the relevant States/UT protected areas. In 2016 the government of India replaced the adhoc CAMPA with full-fledged CAMPA instituted through the Compensatory Afforestation Fund Act, 2016.

The goal of compensatory afforestation (CA) is to compensate for the loss of 'land by land' and 'trees by trees'. Any proposal submitted by the State/UT Government to the Central Government for prior approval under the FCA must include a comprehensive scheme for compensatory afforestation that has been approved by the competent Authority of the concerned State/UT administration. CA is often raised on suitable non-forest land, equivalent to the diversion area planned, at the expense of the User Agency. CA could be carried out over degraded forest twice the area being diverted or the difference between the forest land being diverted and the available non-forest land, as the case may be, where non-forest land is available but smaller in size than the forest area being diverted. Major CAMPA activities are as follows:

### ***Compensatory Afforestation***

- 1) Advance Soil Work
- 2) Plantations
- 3) Plantation Maintenance
- 4) Nursery Raising and Maintenance

### ***CAT Plans***

Catchment Area Treatment (CAT) implementation with respect to Different Hydro Electric Projects.

### **Other Site Specific Works**

- 1) Roadside Plantation
- 2) Gap Filling Plantation
- 3) Dwarf Species Plantation
- 4) River Training

### **Net Present Value (NPV)**

- 1) Forest Protection, Infrastructure & Human Resource Development.
- 2) Strengthening of Wildlife Management
- 3) Soil and Moisture Conservation
- 4) Strengthening of Van Panchayats
- 5) Allied Activities including Forestry Research.
- 6) Monitoring and Evaluation



CAMPA is a key player in the conservation of forest biodiversity. While the direct costs of sustaining this biological environment are significant, it is apparent that the indirect costs are harder to assess. They include missed investment possibilities and, therefore, economic growth. The absence of industrial expansion means immediately that there are no appealing jobs in the region. The constraints on the development of infrastructure are another important indirect cost of environmental rules for the Himalayan forest-rich state such as Uttarakhand.

It also brings forward crucial concerns such as managing conflicts between human and animals, forest recovery and creation of habitat in vital places, and improving forest protection with assistance from local communities. The state of Uttarakhand, a forest-rich state, should pay a very considerable price to the CAMPA, directly affected by the huge covering of the state forest. The State's environmental services should not only be recognized but they should be encouraged in their development and expansion. As such, CAMPA is anticipated to prioritize different efforts in the fields of ecosystem and biodiversity conservation in Uttarakhand.

The Central Government would only accept a certificate from the State's Chief Secretary if appropriate non-forest land for CA was not available in the state. In the prescribed format, this effect applies to States with a forest area of more than 33% of their total geographical area. If non-forest land for CA is not available in the same district, it should be selected somewhere else in the concerned/State/Union Territory as close to the diversion site as practicable, to reduce negative influence on the area's microecology. Land for CA can be sought in any other state, ideally in a nearby state, in extreme circumstances where non-forest land for CA is not accessible in the same State where forest land diversion is suggested. The amount required to carry out CA must be deposited in the CAMPA account of the State in which CA is proposed. These kinds of provisions are too risky for a state like Uttarakhand.

The Uttarakhand government is looking for space in neighbouring states for afforestation or tree plantation since it has run out of land for the compulsory afforestation programme, in place of the trees that will be cut down for the construction of the 5,040 megawatt Pancheshwar Dam project between India and Nepal. The Uttarakhand government has requested the governments of Uttar Pradesh and Karnataka to permit compensatory afforestation to take place. The Uttar Pradesh government may agree because it stands to gain the most from the dam project. The PWD has identified 5,000 trees that will be removed as part of the current construction and widening of the Char Dham road project as well.

Local governments look after the plants for ten years after an afforestation push, until they are strong enough to live. Until now, Uttarakhand has relied on compensatory afforestation within the state, which is relatively uncomplicated to manage. However, if it were to carry out a plantation drive in another state, monitoring the growth of the plants would require coordination with local authorities, which would provide a new challenge for Uttarakhand.

As a matter of pragmatism, the revenue lands/zudpi jungle/chhote/bade jharka jungle/jungle- jhari land/civil-soyam/orange lands and all other such categories of forest lands not under management and/or administrative control of the State/UT Forest Department, on which the provisions of FC Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation. Such lands on which compensatory afforestation is proposed shall be provided double in extent to the area proposed for diversion and shall be transferred and mutated in the name of the State Forest Department. It shall be notified as Reserve Forest (RF)/Protected Forests (PF) under the Indian Forest Act, 1927 prior to Stage-II approval.

In 2009 the state government of Uttarakhand constituted the adhoc state CAMPA to utilize the fund collected for the compensatory afforestation. The state CAMPA received 10% of the fund collected in the state from national CAMPA. Following the CAF Act, 2016 a permanent state CAMPA was constituted in the state.

### **Status of Fund with CAMPA Uttarakhand**

<b>Details of Fund</b>	<b>Date wise status</b>	<b>Amount (Rs. in Lakhs)</b>
Fund transferred by National CAMPA to Uttarakhand State CAMPA	As on 29 August 2019	267,509.03
Total unspent fund available with Uttarakhand State CAMPA	As on 1 April 2020	23,236.21
Total bank interest incurred so far on CAMPA fund	As on 1 April 2020	12,949.00
<b>Total Available fund with Uttarakhand State CAMPA (including bank interest)</b>	<b>As on 1 April 2020</b>	<b>303,694.24</b>

Source: [http://www.ukcampa.org.in/document/minutes%20of%20gb%20first\\_15-06-2020.pdf](http://www.ukcampa.org.in/document/minutes%20of%20gb%20first_15-06-2020.pdf)

As of April 2020 the state CAMPA in the Uttarakhand was having Rs. 3036.94 crore rupees under various heads of compensatory afforestation in the state. The formation of the state CAMPA and issuance of guidelines by the central government for the management of the fund helped in accelerating the fund utilization by the state. In last few years, the state has increased its capacity tremendously to invest the fund.

Since the establishment of Uttarakhand CAMPA, a year-by-year report of the size of the Annual Plan of Operation (APO) and financial achievement against each plan up to the year 2019-20 is provided below.

Year	Amount Released to IAs in Lakh (INR)	Expenditure in Lakh (INR)	Compensatory Afforestation (in Ha)
2009/2010-11	9000	3331.4	
2011-12	7100	6323.85	3843.43
2012-13	4846.5	4420.43	438.77
2013-14	7300	6262.54	2696.25
2014-15	12793	12382.52	2077.91
2015-16	18511.78	15900.78	1245.24
2016-17	12223.87	10445.15	2886.00
2017-18	11072.45	9016.05	3474.21
2018-19	13162.28	11909.11	2714.79
2019-20	15384.57	12328.20	2881.00
<b>Total</b>	<b>111394.45</b>	<b>92320.03</b>	<b>22257.6</b>

Major activities carried out by Uttarakhand has CAMPA in last few years:

- Rain water harvesting nearly capacity of 7cr litre water harvesting structure were created in last financial year, it is estimated to create another 9cr litre water harvesting structures in this financial years.
- Meadow (Bugyal)restoration in Uttarakashi where water diversion and tracking routes were created.
- River rejuvenation work for Shipra, Gandak, Kho and Kosi river.
- Pasture land development specially in Jim Corbett park.
- Lantana removal program in different divisions.

Compensatory afforestation is the major activity of CAMPA in the state. However, the state has huge backlog. As of 2019-20, Uttarakhand needs to meet backlog of compensatory afforestation on 9035.62 hectare land. Meeting this backlog is a big challenge due to many reasons. A letter issued by the state CAMPA to all forest divisions in the state on December 10, 2019 forest divisions are struggling to meet their respective backlogs.

Compensatory Afforestation Target against forest land diversion	33944.19 Hectare
Compensatory Afforestation completed as of 2019-2020	24908.57 Hectare
Total Compensatory Afforestation Backlog as of 2019-20	9035.62 Hectare

Source: [http://www.ukcampa.org.in/document/minutes%20of%20gb%20first\\_15-06-2020.pdf](http://www.ukcampa.org.in/document/minutes%20of%20gb%20first_15-06-2020.pdf)

An official in the state CAMPA informed us that forest divisions are helpless in finding land for backlog afforestation. According to him, land allocated for diverted forest in the past has changed tremendously due to disaster. At time, the allotted land is missing because landslides and erosion. He also observed that faulty surveys carried out for the selection land for forestation is also a reason for non-availability of land for forestation in the state.



## Observations and Conclusion

A number of administrative concerns arise in Implementation of CAMPA: Uttarakhand has a large backlog of compensatory afforestation under the CAMPA, which the department has been working to clear over the last few years. However, due to a number of technical challenges, the backlog cannot be cleared without modifying the CA guidelines, which of course not possible at state level. Plantations, for example, must be done on degraded forest area that is double the size of diverted land. Furthermore, these forest lands were identified throughout the land diversion process. Land identified for CA in the

1980s no longer exists in the same form as it did then. Because Uttarakhand is prone to natural disasters, changes in land size and shape are unavoidable over time. Furthermore, many forest range areas have exhausted their forest land supply for the CA programme. If no land is available, the Indian government has asked us to conduct CA outside of the state.

**Role of CAMPA Authority:** The range officer presents their plan to Divisional Forest Officer (DFO), who collects it and sends it to the 'Conservator of Forest', who then sends it to state headquarter. The CAMPA authority has no responsibility over activity planning; the Forest department is in charge of CAMPA fund activities. The CAMPA is merely a funding agency with no system in place to supervise the work of various range offices, by their own as an authority. For this they are fully dependent on Forest Department.

The CAMPA Act of 2016 has given the CEO of the state CAMPA complete authority. However, he or she does not have the financial means to buy even a pencil in practise. The forest department is responsible for all purchasing, as well as other administrative and financial activities.

The state of Uttarakhand received INR 2675 crore as its share of the ad hoc CAMPA fund. It aided state authorities in expanding their activities and increasing their spending. The CA backlog can also be traced to earlier delays in the release of funds from the central government. With the financing in hand, the authority may now spend significantly more money per year and speed up the critical process of forest regeneration.

**Administrative Difficulties:** The state government has asked to CAMPA authority functions on the basis of annual budget, however, it has been expected to produce audited balance sheet every year. The CEO of the CAMPA is not a member secretary of governing council, instead principal secretary- forest is the member secretary. CEO of the CAMPA being aware and decision maker on the daily basis needs to be the member secretary of the governing council.

**Procedural Issues:** The funds transferred by the user agency are still placed in the ad hoc CAMPA account, even after the CAMPA Act was enacted. This is in violation of the CAMPA Act, which states that 90% of the funds will be placed in state CAMPA accounts and 10% in national CAMPA account.

**Interest on the CAMPA Fund is ambiguous:** The state's CAMPA authority has no idea how much interest has been earned on the fund or what the rate of interest is. In this regard, the state government has to interact with the authority; little progress has been made thus far.

Financial Transparency is anticipated to improve the efficiency of fund transactions, and a proposal has been made to integrate three main portals: the 'RBI's Kuber site', the MoEFCC's Parivesh portal', and the 'Treasury's portal'. However, because no progress has been made in this area, CAMPA-UK is having difficulty in the tracking fund transactions.

MIS and transparency: The FSI-developed portal (e-green watch) is exclusively for CA. It was created for the entire country to keep plantation MIS. It does not allow for other types of afforestation under CAMPA that we conduct, such as gap filling, roadside planting, and so on. As a result, the data on e-green watch is lacking. Data is not released on any other public platform.





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