

**Bill No. 131 of 2022**

THE COMPENSATORY AFFORESTATION FUND  
(AMENDMENT) BILL, 2022

By

DR. HEENA VIJAYKUMAR GAVIT, M.P.

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BILL

*to amend the Compensatory Afforestation Fund Act, 2016.*

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Compensatory Afforestation Fund (Amendment) Act, 2022.

Short title and  
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

38 of 2016

**2.** In section 6 of the Compensatory Afforestation Fund Act, 2016 (hereinafter referred to as the principal Act), after clause (h) the following clauses shall be inserted, namely:—

Amendment of  
section 6.

10 “(i) State authority shall prioritise the native plants and flora over artificial afforestation for fulfilling purposes mentioned under clauses (a), (b), (c) and (d);

(j) State authority shall exhaust all but twenty per cent of the funds before the end of each financial year;

(k) State authority shall use the funds only for the purposes mentioned under this section and any use of fund for purposes other than the purposes mentioned under this section shall lead to legal action against the State Authority.”.

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Amendment of  
section 16.

**3.** In section 16 of the principal Act, in sub-section (1),—

(i) after clause (iii), the following clauses shall be inserted, namely:—

“(iv) ensure that the State Authorities may not trample upon the rights conferred under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act, 2006) (Act No. 2 of 2007) and the Panchayat (Extension to the Scheduled Areas) Act, 1996 (Act No. 40 of 1996 ); and

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(v) inspect and undertake social audits of works executed by State Authorities twice in every six months.”.

## STATEMENT OF OBJECTS AND REASONS

India faces the combined challenges of the COVID-19 and the climate change crisis. India continues to fight the pandemic and global climate change, as demonstrated by heroic efforts by public health officers and powerful climate commitments. Given these commitments, 2022 may be a critical year for implementation in India and around the world. India is rapidly developing, the alternative modes in terms of energy sources will have profound impact on the planet. Communities are already seeing the catastrophic impacts of global climate change from unprecedented flooding to record-breaking heatwaves across India. The 2021 Inter-governmental Panel on Global Climate Change (IPCC) report finds that if we don't transform course, there will be dire climate change-induced consequences for the planet. India, a developing economy where an outsized portion of the infrastructure needed for the long term is yet to be built, is critical during this equation.

With dangerously high pollution levels and continued respiratory threats from COVID-19, the necessity to guard public health in India is urgent. For reducing pollution, India recently announced plans to scale clean air programs to a national mission, "Clean Air for All". Elevating India's clean air programs to "mission-mode" is critical, as demonstrated in the past by the National Solar Mission and other missions. The new mission combined with the National Clean Air Program (NCAP) is active in 132 Indian cities with city-level Clean Air Plans (CAPs) aimed to scale back ambient particulate (PM) concentrations. Ambitious actions to implement pollution control strategies that stop pollution under the CAPs can help deliver transformative and lasting improvements for public health in India's fight against dangerous pollution and global climate change.

Air conditioning used in India is additionally expected to rise dramatically within the next decade because the subcontinent continues to experience dangerously high temperatures. Expanding cooling strategies starting from cool roofs to improved air conditioners is significant in India. The India Cooling Action Plan (ICAP) aims to phase down super-pollutants hydrofluorocarbons (HFCs) and reduce cooling demand through the energy-efficient room and mobile air conditioners, and cold chain advancements, and reduce cooling demand through improved building energy efficiency and cool roofs. Weather may be a major health threat in India and in other parts of the planet because global climate change is fuelling more frequent, intense, and longer heatwaves. In response to the present mounting threat, cities and regions across India are taking concrete actions to create resilience and better prepare and protect communities. A combination of strategies, like the ICAP, Heat Action Plans, and cool roof programs are critical to beat the warmth and supply life-saving and sustainable cooling to over 1.3 billion people. Research shows that heat action plans can help avoid heat-related deaths and build resilience to extreme heat across India.

Moreover, the Compensatory Afforestation Fund Management and Planning Authority (CAMPA) 2016 tramples upon the rights of the tribals of the country. Not only does it go beyond the purview of the Forest Rights Act, 2006 and the Panchayat (Extension to the Scheduled Areas) Act, 1996 but also doesn't provide enough transparency into the afforested lands. The tribals should have a say in their lands and in the type of flora that is afforested in the allotted areas. Therefore, it is necessary to amend the existing Act to accommodate the tribal society and as well as to stop the current discrimination against their rights.

Moreover, the Compensatory Afforestation Fund Management and Planning Authority funds don't help the tribals secure rehabilitation that is caused by the developmental projects that CAMPA funds cover. The Government needs to do much more than just cut down trees and evict its tribal population. It is paramount to come up with new laws to increase afforestation and work on the existing ones. The amendment seeks to strengthen CAMPA funds to be utilised well and for them to be exhausted to help the environment grow and not garner interest on the existing funds. It is also a step to introduce more and more native flora, make aware the present and future generations and help sustain the native fauna. The funds should help empower the work it is meant to be and shouldn't be used elsewhere like found in some States. If implemented, this Bill will help the country curb climate change and create safer living conditions in the longer run.

Hence this Bill.

New Delhi;  
5 July, 2022.

HEENA VIJAYKUMAR GAVIT

ANNEXURE

EXTRACT FROM THE COMPENSATORY AFFORESTATION FUND ACT, 2016  
(38 OF 2016)

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6. Save as otherwise provided in this Act, the monies available in a State Fund shall be disbursed and utilised in the following manner, namely:—

Disbursement  
and utilisation  
of State Fund.

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(h) State Authority shall release monies to agencies identified for execution of activities in pre-determined installments as per the annual plan of operation finalised by steering committee of such State Authority and executive committee of the National Authority.

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16. (I) The monitoring group shall—

Functions of  
monitoring  
group.

(i) \* \* \* \*

(iii) devise measures for transparency and accountability.

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*(Dr. Heena Vijaykumar Gavit, M.P.)*