

AS INTRODUCED IN LOK SABHA

Bill No. 125 of 2019

THE COMPENSATORY AFFORESTATION FUND (AMENDMENT)
BILL, 2019

By

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BILL

to amend the Compensatory Afforestation Fund Act, 2016.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compensatory Afforestation Fund (Amendment) Act, 2019. 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.

Insertion of new section 6A.	<p>2. After section 6 of the Compensatory Afforestation Fund Act, 2016 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—</p>	
National and State Authority to utilise the monies from National Fund or State Fund on certain conditions.	<p>"6A. The National Authority or the State Authority, as the case may be, before authorising any expenditure from the National Fund or the State Fund, as the case may be shall ensure that—</p> <p style="padding-left: 40px;">(a) the free informed consent of the Gram Sabhas of all villages within whose customary, traditional or revenue boundaries the proposed activity or project to be executed, or the consent of members of Gram Sabha who exercise any forest right under any law for the time being in force, within the area proposed for the project has been obtained in writing; and</p> <p style="padding-left: 40px;">(b) The rights recognised or conferred under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, have not been violated.</p> <p style="padding-left: 40px;"><i>Explanation.</i>—For the purposes of this section, the terms "Gram Sabha" and "Village" shall have the same meaning as assigned to them in clauses (g) and (p) of section 2, respectively of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.</p>	5 10 15
2 of 2007.	<p>3. In section 14 of the principal Act, in sub-section (I), after clause (vii), the following clause shall be added at the end, namely:—</p> <p style="padding-left: 40px;">"(viii) formulate policy proposals to encourage community led afforestation."</p>	20
Amendment of section 14.	<p>4. In section 17 of the principal Act, in sub-section (I), after clause (ii), the following clause shall be added at the end, namely:—</p> <p style="padding-left: 40px;">"(iii) formulate policy proposals to encourage community led afforestation."</p>	
Amendment of section 17.	<p>5. In section 19 of the principal Act, in sub-section (I), after clause (xi), the following clause shall be added at the end, namely:—</p> <p style="padding-left: 40px;">"(xia) ensure that there is no violation of any right recognised and vested under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and that the informed consent of the relevant Gram Sabha has been taken before fulfilling the tasks of compensatory afforestation, catchment area treatment plan and/or any other site specific scheme."</p>	25 30
Amendment of section 19.		

STATEMENT OF OBJECTS AND REASONS

The Compensatory Afforestation Fund Act, 2016 was enacted to provide for the establishment of funds for undertaking compensatory afforestation, artificial regeneration and protection of forests.

While this Act is undeniably an important one, since its implementation, it has been found that the provisions of this Act are not in consonance with the rights conferred under the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006. It also seeks to ensure that the prior informed consent of Gram Sabha or village is obtained before utilising money by the Authorities from the funds for compensatory afforestation.

The need is to correct this anomaly and ensure that the traditional rights of the Adivasis and forest dwellers are protected and that the Gram Sabhas concerned are consulted by the Forest Department before undertaking any activity related to Compensatory Afforestation. The Bill, therefore, seeks to amend the Compensatory Afforestation Fund Act, 2016 with a view to ensure that rights recognised under the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 are protected.

Hence, this Bill.

NEW DELHI;
June 6, 2019.

KIRIT PREMJBHAI SOLANKI

ANNEXURE

EXTRACT FROM THE COMPENSATORY AFFORESTATION FUND ACT, 2016

	*	*	*	*	*
Powers and functions of National Authority.		14. (I)	The governing body of the National Authority shall—		
	*	*	*	*	*
		(vii)	formulate such procedures for delegation of financial and administrative powers to the National Authority and State Authorities as may be notified by the Central Government.		
Powers and functions of State Authority.		17. (I)	The governing body of a State Authority shall—		
	*	*	*	*	*
		(ii)	review the working of the State Authority from time to time.		
	*	*	*	*	*
Functions and powers of executive committee of State Authority.		19. (I)	The executive committee of a State Authority shall—		
	*	*	*	*	*
		(xi)	maintain and update public information system on the State Authority and present all information on its transaction in the public domain;		
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