

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO. 4115
TO BE ANSWERED ON 04.01.2019

Forest Rights Act

4115. SHRI OM BIRLA:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to State:

- (a) whether objections and concerns have been raised by Civil Society Organisations and Public representatives on violation of Forest Rights Act (FRA) in formulation of Compensatory Afforestation Fund (CAF) Rules, if so, the details thereof;
- (b) whether his ministry has addressed the objections and concerns on FRA while notifying CAF Rules, if so, the details thereof;
- (c) whether the CAF Act has come into force after notification of CAF Rules on 10th August, 2018;
- (d) if so, the status of constitution of Central and State Authorities under the CAF Act, along with the composition and notification date of such authorities State-wise; and
- (e) the status of annual plan of operations and fund disbursements under CAF Act State-wise?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(DR. MAHESH SHARMA)

- (a) Compensatory Afforestation Fund Rules, 2018, was prepared in consultation with various stakeholders and State Governments and after considering the opinion and views of various stakeholders including that of Ministry of Tribal Affairs (MoTA). The Compensatory Afforestation Fund Rules, 2018 was published on 10th August 2018. In last one year 5 consultations were made with various stakeholders including observation of various Civil Societies on the formulations of the Rules and the recommendations were incorporated in the Rules as agreed upon in the meeting and approved by the Government.
- (b) Ministry has suitably addressed the concerns raised by Ministry of Tribal Affairs on tribal rights, as protected under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, while framing the Compensatory Afforestation Fund Rules, 2018. It is informed that the Ministry is very sensitive to the rights of tribal and traditional forest dwellers enshrined in Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. These rights have been protected by the Ministry while dealing matters of forest management. No proposal is considered for diversion of forest land under section 2 of the Forest (Conservation) Act, 1980 without the certificate

of compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 by the District Collector of the State Government. Further no effort has been made by the Ministry to undermine the authority of the Gram Sabha by equating with the other institutions like Village Forest Management Committee which are created for management of forest by associating local community. The Ministry of Tribal Affairs (MoTA) had also raised concerns regarding the definition of Gram Sabha in draft Compensatory Afforestation Fund Rules, 2018 which was considered as limited in scope and instead it was decided that the Gram Sabha should be defined as per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Accordingly the Notified Rule did not define 'Gram Sabha' and 'Gram Sabha' has the same meaning as defined in Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

- (c) The Compensatory Afforestation Fund Act, 2016 has come into force from 30th September, 2018 vide Gazette notification dated 13th August, 2018.
- (d) The Central and State Authorities are notified vide Gazette notification dated 14th September, 2018. The notification is available on website egazettee.nic.in.
- (e) The Funds are released to State Compensatory Afforestation Fund Management and Planning Authority against the Annual Plan of Operation approved by the Steering Committee of the State Government. The funds released to States/Union Territories are given in Annexure A.

Annexure-A referred in the answer to the part (e) of Lok Sabha Unstarred Question No. 4115 by Shri OM BIRLA due for answer on 04.01.2019 regarding 'Forest Rights Act'.

Statement showing the total release to State/UT CAMPAs against their Annual Plan of Operation during the period from 2009-10 to 27.11.2018

State/UT	Total Release (in Rs.)
Andhra Pradesh	10,51,17,15,000
Andaman & Nicobar Islands	5,76,87,000
Arunachal Pradesh	7,12,51,84,000
Assam	1,96,72,58,100
Bihar	1,85,97,14,000
Chandigarh	6,12,22,000
Chhattisgarh	12,93,24,40,000
Dadra & Nagar Haveli	32,18,000
Delhi	18,17,49,105
Goa	45,46,65,000
Gujarat	6,37,49,32,000
Haryana	4,19,15,50,000
Himachal Pradesh	8,03,61,89,400
Jammu & Kashmir	2,77,78,35,000
Jharkhand	14,39,37,39,300
Karnataka	6,29,18,33,000
Kerala	30,26,58,000
Madhya Pradesh	11,30,29,47,000
Maharashtra	13,45,68,65,000
Manipur	1,13,08,69,000
Meghalaya	23,72,64,000
Mizoram	37,67,52,000
Odisha	36,30,02,25,050
Punjab	4,21,66,63,878
Rajasthan	7,89,78,17,000

Sikkim	79,23,49,000
Tamil Nadu	30,08,29,000
Telangana	5,93,59,80,000
Tripura	2,74,51,36,300
Uttar Pradesh	7,40,43,85,400
Uttarakhand	11,56,38,90,000
West Bengal	58,63,53,000
Total	1,81,77,19,14,533