

Critical observations on National CAMPA Bill, 2016

Background

According to the India State of Forests Report 2015, forest cover comprises 21.34% of India's total geographical area¹. This is significantly less than the 33% forest and tree cover envisaged under the National Forest Policy 1988 (ref. 2). In addition to providing vital ecosystem services, these forests support the livelihoods of people in nearly 173,000 'forest fringe villages'³. Industrial and developmental projects in these forest areas, such as building of dams, mining and construction of roads, may have environmental impacts⁴, including threats to the long-term sustenance of forest cover. Since these activities often require diversion of forestland within Reserve Forests and Protected Areas, project proponents duly apply for clearances from the State Forest Departments as well as the Ministry of Environment, Forest and Climate Change (MoEFCC) before the conversion of land may take place.

If clearances are granted, certain levies are imposed on the project proponents by the Government to compensate for the loss of forestlands, and this money is to be utilized for afforestation activities elsewhere. This concept is 'Compensatory Afforestation', defined as 'afforestation done in lieu of the diversion of forest land for non-forest use under the Forest (Conservation) Act, 1980' (ref. 5).

To streamline the management of these funds, the Compensatory Afforestation Fund Management and Planning Authority (CAMPA) has been set up at the State Level to monitor, assist and evaluate compensatory afforestation activities in the respective states and ratified under a Supreme Court order on an *ad hoc* basis. State-level CAMPAs are to be overseen by the National CAMPA Advisory Council, with a mandate to lay down guidelines and provide technical assistance to State CAMPAs⁶.

To date, the corpus lying with the national-level CAMPA has grown progressively to over Rs 40,000 crores⁷. The disbursement of funds under the corpus to state governments was previously supervised by the Supreme Court to ensure effective monitoring and regulation of these funds⁸. With the Compensatory Afforestation Fund Bill 2016 (hereafter referred to as 'the Bill'), the Government

of India now seeks to make this corpus available to state governments to initiate necessary compensatory afforestation programmes, independent of the Supreme Court. The Bill provides for an institutional mechanism to ensure 'expeditious utilization' of the amounts collected from the diversion of forestlands till present.

Legislation

The Bill, passed in the Lok Sabha on 3 May 2016, was introduced and passed in the Rajya Sabha on 28 July 2016. It provides legislative support to establish a permanent National Compensatory Afforestation Fund (hereafter referred to as 'the Fund'), under the National CAMPA. The existing corpus kept with the National CAMPA will be transferred to the Fund and disbursed to State CAMPAs. Of the Fund, 90% will be distributed to states to carry out activities related to forest management as well as wildlife protection activities mandated under the Wildlife (Protection) Act, 1972. The remaining 10% will remain with the National CAMPA to meet administrative expenditures and initiate national-level programmes⁹.

Going forward, the Fund will receive payments from project proponents for diversion of forestlands for compensatory afforestation, the net present value (NPV) of forests and other project-specific payments. The rationale behind including NPV in addition to compensatory afforestation is to account for the uncompensated benefits of the forest ecosystem lost under the diversion of land, until the time the compensatory afforestation area starts providing comparable benefits¹⁰. Current NPV rates range from Rs 4.38 lakhs to Rs 10.43 lakhs per hectare (depending on forest type), with the Verma Committee in 2013 recommending a manifold increase in these rates in the future¹⁰. These developments signal a continued long-term source of money for the Fund.

Concerns with the Bill

The Bill, in totality, represents positive steps towards the preservation of green

cover in the country. At the same time, the ecological premise behind 'compensatory afforestation' has come under review by experts across the country. The developmental projects planned under CAMPA, if devoid of relevant safeguards, pose a threat to long-term biodiversity conservation, as they disrupt landscape connectivity and biodiversity corridors, increase forest fragmentation and expose patches of forest to further edge effects¹¹. Compensating forest cover by raising non-native and artificial plantations elsewhere may not translate to the compensation of the forest benefits lost and are likely to be hazardous to the existing ecosystem. Identification of land for afforestation is expected to be a challenging exercise as land is a finite resource and is required for competing purposes. Unclear land tenure as well as the inability to comply with procedures for land acquisition pose further problems in implementation.

It is evident that the viability of the Bill depends on the capability of State Forest Departments to discharge their duties effectively, since the Bill empowers state governments to directly monitor projects as part of compensatory afforestation activities in the state. A cause for concern is the lack of capacity of state governments to implement and monitor afforestation activities under its jurisdiction, underlined by the 2013 CAG report. The report highlighted the lack of capacity of State Forest Departments to utilize the funds accrued under CAMPA, due to significant time lags in the release of funds¹².

The multi-tier institutional system envisaged under the Bill is similar to the structure outlined for the National Afforestation Programme (NAP). Crucially, the NAP mandated village-level Joint Forest Management Committees (JFMCs)/Eco-Development Committees (EDCs) as the implementing agencies¹³, whereas no such participatory mechanism is mentioned under the current form of the Bill.

At the same time, administrators would be keen to take aboard the lessons learnt under the NAP. The underperformance of the NAP has been highlighted by the 36th Report of the Lok Sabha Secretariat Committee on Estimates (Fifteenth Lok Sabha) in February 2014 (ref. 14). One hopes that activities under the

Bill are action-oriented and time-bound, and are not subject to similar reviews.

Recommendations

For the Bill to achieve its objective of maintaining India's forest cover and preserving biodiversity in protected areas, the Bill needs to expand its scope to include consolidation of existing forest areas in the country and to set specific guidelines on compensatory afforestation activities tailored to ground realities in the state. The Bill, at the moment, mandates the use of the Fund for multiple activities, including activities under the Green India Mission, which may serve to dilute the primary objective, that of compensating for the lost forestlands. In addition, the development of adequate safeguards is crucial to ensure that any diversion of forestland for non-forest purposes causes minimal harm to forest cover and biodiversity.

Since the Bill empowers State Forest Department personnel to carry out activities envisaged under the Bill, there exists significant scope of capacity building of local officials and communication of best practices across states, subject to local realities. Periodic review meetings

among the national and state CAMPAs may also help bridge knowledge gaps and provide for consistent outcomes among states.

Looking forward, the Bill represents a landmark legislation in forest policy and governance in India due to the corpus that is now under the control of the national and state CAMPAs. Efficient utilization of these funds is crucial to maintaining the integrity of India's forest cover in the coming years, protecting fragile habitat in Protected Areas and bringing fair compensation schemes for local stakeholders.

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MEETING REPORT

Microalgal research and climate change*

The focus of a recent workshop on microalgal research was to provide a comprehensive understanding on the significance of microalgae as an efficient bioindicator of the marine environment and their role as a potential resource for alternative fuel production, carbon sequestration and bioremediation. The workshop attracted over 120 participants from various parts of Tamil Nadu.

T. Subramoniam (Sathyabama University, Chennai) while highlighting the theme of the workshop, said that microalgae are critical to ocean biogeochemical cycles. They take up, transform and recycle elements needed by other organisms. He added that microalgae, with their high-value biological derivatives, such as biofuels, cosmetics, pharmaceuticals, nutrition and food additives, can revolutionize research in algal biotechnology. He also spoke about the activities at the Centre for Climate Change Studies, Sathyabama University. The Centre has been founded with the principal objective of studying the impact of climate change arising from global warming on marine ecosystems. Recently, it has initiated work on carbon sequestration by microalgae using ex-

perimental microcosm studies. In addition, the Centre has undertaken a DST project on the effect of climate change on the physiology and adaptability of marine microalgae using mesocosm facility.

B. Meena Kumari (National Biodiversity Authority (NBA) of India, Chennai) who inaugurated the workshop, highlighted the various activities of NBA. She also spoke about detailed awareness on the various Acts regarding climate change and the deliverables in 2015 United Nations Climate Change Conference (COP 21) and 1997 Kyoto Protocol.

G. K. Suraishkumar (IIT Madras, Chennai) in his keynote address, discussed the adverse role of fossil fuel in global warming and climate change. He provided an overview on the role of

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