

(Authoritative English Text of this Department Notification No.FFE-B-F(2)8/2017 dated 04-02-2019 required under Clause (3) of Article 348 of the Constitution of India)

**Government of Himachal Pradesh
Department of Forests**

No. FFE-B.F(2)8/2017

Dated: Shimla-171002, the

04 -02-2019

NOTIFICATION

Whereas "The COMPENSATORY AFFORESTATION FUND ACT, 2016 (38 of 2016)", passed by the Parliament, has been published by the Government of India in the Gazette of India, Extraordinary on 3rd August 2016.

2. AND whereas the Central Government, vide notification No. S.O. 3967(E) dated 13th August 2018, has appointed the 30th day of September 2018 as the date on which the provisions of the said Act shall come into force.

3. AND whereas sub-section (1) of section 4 of the Compensatory Afforestation Fund Act 2016 (38 of 2016) provides that:-

"With effect from such date as each State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a special Fund to be called the "State Compensatory Afforestation Fund-..... (Name of State)" under Public Accounts of such State:"

4. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Compensatory Afforestation Fund Act 2016 (38 of 2016), the Governor, Himachal Pradesh is pleased to establish for the purposes of this Act, a special Fund to be referred as 'State Compensatory Afforestation Fund (SCAF) (hereinafter referred to as 'State fund') Himachal Pradesh' under interest bearing section of Public Account of the State of Himachal Pradesh under a distinct Minor Head: 129 – Himachal Pradesh Compensatory Afforestation Fund (SCAF)' below the Major Head: 8121-General and Other Reserve Funds', with effect from the date of its publication in the official gazette.

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5. The State Compensatory Afforestation Fund Himachal Pradesh shall be under the control of the State Government and managed by the State Authority. The financial regulations and procedures, in particular the procedure for drawing up and implementing the budget of the State Authority, shall be in accordance with the General Financial Rules, 2017 and the orders issued by the Central Government and the State Government in this regard from time to time.

6. There shall be credited into the State Fund of the State—

- i. The unspent balance of all monies which has been transferred by the Ad-hoc Authority to the State Compensatory Afforestation Fund Management and Planning Authority constituted in the State in compliance of guidelines dated the 2nd July, 2009;
- ii. All monies transferable from the National Fund as per section 5 (a) of the Compensatory Afforestation Fund Act, 2016;
- iii. All monies realised from user agencies by the State towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value, catchment area treatment plan or any money for compliance of conditions stipulated by the Central Government while according approval under the provisions of the Forest (Conservation) Act, 1980; and
- iv. The funds recoverable from user agencies by the State in cases where forest land diverted falls within the protected areas, that is, areas notified under sections 18, 26A or 35 of the Wild Life (Protection) Act, 1972 for undertaking activities relating to the protection of biodiversity and wildlife.

7. The State Government may also credit to the State Fund constituted by it—

- i. Grants-in-aid received, if any, by the State Authority;
- ii. Any loan taken or any borrowings made by the State Authority;
- iii. Any other sums received by the State Authority by way of benefaction, gift or donations.

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8. The monies received in the State Fund shall be an interest bearing fund under public account of the State.
9. The balance in the State Fund shall be non-lapsable and will get interest as per the rate declared by the Central Government on year to year basis.
10. The monies available in the State Fund shall be disbursed and utilised in the following manner, namely:—
 - a. The money received for compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, catchment area treatment plan and for any other site specific scheme shall be used as per site-specific schemes submitted by the State along with the approved proposals for diversion of forest land under the Forest (Conservation) Act, 1980;
 - b. The monies received towards net present value and penal net present value shall be used for artificial regeneration (plantation), assisted natural regeneration, forest management, forest protection, forest and wildlife related infrastructure development, wildlife protection and management, supply of wood and other forest produce saving devices and other allied activities in the manner prescribed under Rule 5 of the Compensatory Afforestation Fund Rules, 2018;
 - c. The interest accrued on funds available in the State Fund and the interest accrued on all monies collected by the State Government, which has been placed under the Ad-hoc Authority and deposited in the nationalised banks, in compliance to the directions of the Supreme Court dated the 5th May, 2006, shall be used for conservation and development of forests and wildlife in the manner prescribed under Rule 6 of the Compensatory Afforestation Fund Rules, 2018;
 - d. All monies realised from the user agencies in accordance with the decision taken by the Standing Committee of the National Board for Wild Life constituted under section 5A of the Wild Life (Protection) Act, 1972 or the

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orders of the Supreme Court involving cases of diversion of forest land in protected areas shall form the corpus and the income there-from shall be used exclusively for undertaking protection and conservation activities in protected areas of the State including facilitating voluntary relocation from such protected areas and in exceptional circumstances, a part of the corpus may also be used subject to prior approval of the National Authority;

- e. Ten percent of amount realised from the user agencies which will be credited directly into the State Fund in a year shall be transferred to the National Fund as provided in section 3 (4) of the Compensatory Afforestation Fund Act, 2016;
 - f. The non-recurring and recurring expenditure for the management of a State Authority including the salary and allowances payable to its officers and other employees may be met from a part of the interest accrued on the amounts available in the State Fund, in the manner prescribed under Rule 6 (a) and 6(b) of the Compensatory Afforestation Fund Rules, 2018;
11. To regulate the manner of crediting the monies to the National Fund and State Fund in a year, the accounting procedure as may be finalised by the Central Government shall be adopted.

By Order,

Ram Subhag Singh

Addl.Chief Secretary(Forests)to the
Government of Himachal Pradesh

Endst. No. FFE-B.F(2)8/2017

Dated: Shimla-171002, the

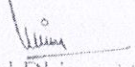
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Copy is forwarded to:-

- 1 The Secretary, Ministry of Environment, Forests and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
- 2 The Director General of Forests & Special Secretary, Ministry of Environment, Forests and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
- 3 The Principal Secretary to the Chief Minister, Himachal Pradesh.
- 4 The Private Secretary to the Forest Minister Himachal Pradesh.
- 5 The Private Secretary to the Chief Secretary to the Government of Himachal Pradesh.
- 6 All Administrative Secretaries to the Government of Himachal Pradesh.
- 7 The Secretary to the Governor of Himachal Pradesh, Shimla

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- 8 All Heads of Departments, Himachal Pradesh.
- 9 The Principal Accountant General (A&E), Himachal Pradesh.
- 10 The Principal Chief Conservator of Forests (HoFF), Himachal Pradesh.
- 11 The Principal Chief Conservator of Forests (Wildlife), Himachal Pradesh.
- 12 The Managing Director, HP State Forest Development Corporation, Ltd., SDA Complex, Kasumpti Shimla-9.
- 13 All Principal CCFs/ Addl. Principal CCFs/ CCFs/ CFs in Himachal Pradesh.
- 14 The Controller, Printing & Stationery Department, Shimla-9 with the request to publish the Notification in Extraordinary Gazette of the State Government at an early date.
- 15 Guard File.


(Sat Pal Dhiman) 4-2-2019
Joint Secretary (Forests) to the
Government of Himachal Pradesh