

**Date: 31st August, 2008**

Director Project Elephant & Member Secretary  
Sub-Committee of National Board for Wildlife  
Paryavaran Bhavan, Lodi Road  
New Delhi – 110 003

**Sub: Views of the Members of the NBWL Sub-committee on laws affecting PAs or/and wildlife conservation directly or indirectly.**

Dear Shri A. N. Prasad:

**Ref:** 1. Priority Agenda Items 2 & 3 submitted on 17th September, 2007  
2. Minutes of the 4th Meeting of the NBWL held on November 01, 2007  
3. OM dated 19th March, 2008 constituting the said Sub-Committee

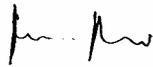
Pursuant to the decision taken by the NBWL in its meeting held on 1.11.2007, a "Sub-committee on Legislation" was constituted vide notification dated 19.3.2008. The first meeting of the above Sub-Committee was convened on 26th August, 2008 to discuss the CAF Fund Bill, 2008.

We may state here that it would have been appropriate and also necessary, in view of the NBWL decision to convene this meeting before the said Bill was introduced in the Parliament to enable the non-official members of the sub-committee to comprehensively examine the Bill and recommend whether it was necessary and beneficial to wildlife at all or to record our advice on what modifications would be necessary to ensure the same.

We also question the necessity of bringing this bill in its present form considering the fact that an earlier CAMPA notification was issued by the MoEF itself in compliance with the judgment and the orders passed by the Hon'ble Supreme Court in the Forest Matter (T. N. Godavarman Thirumalpad Vs. Union of India in WP(C) No. 202 of 1995 because the Union of India had not opposed it during the course of hearing of the I.A. No. 566, on the contrary it whole heartedly supported it.

We are, however, placing before this Sub committee our views which were discussed during the meeting held on 26.8.2008.

Thanking you  
Sincerely



Mahendra Vyas      Praveen Bhargav

Encl: Views of the non-official members of the Sub Committee

## **Views of the Non –official members and the discussions held during the meeting of the Sub – Committee on 26<sup>th</sup> Aug. 2008**

The Chairman, Shri M. B, Lal, Addiitonal D.G. (Wildlife) welcomed and introduced the participants and requested Shri Ansar Ahmed IGF (FC), the Special Invitee to give a brief background of the CAF Fund Bill, 2008. After giving a brief background of CAMPA he informed the sub committee that since the Bill had already been introduced in the Lok Sabha on May 05, 2008 and that a Parliamentary Committee had concluded hearings and was finalizing its report, it would be difficult at this stage to incorporate any recommendations of this Sub-Committee. However, an assurance was given that some of the suggestions can be considered while framing the Rules and the Guidelines.

### **Preliminary views and observations of the non-official members**

1. Since the CAMPA was already notified by the MoEF pursuant to the judgments and the orders of the Hon'ble Supreme Court in IA 826 in IA 566 in WP (C) 202/1995 i.e. in the Forest Matter and because the MoEF at no stage had objected to its creation, subsequently there was no need to bring this Bill, which is full of serious flaws and defects.

2. A view was expressed during the meeting that this Sub Committee should confine its deliberations only with respect to those provisions of the CAF Fund Bill, 2008 which relate to wildlife. According to the non official members the mandate of the Sub Committee is to examine the proposed entire enactments which may have any impact on the forests and wildlife in the country. It was not constituted merely to examine a few provisions of any new act in isolation.

3. The non–official members strongly opposed the introduction of CAF Fund Bill, 2008, particularly the “Green India Programme” as defined in Sec. 2 (f), which did not figure in the original CAMPA notification, for three reasons:

- (i) the earlier CAMPA notification which was based on the judgments and orders of the Hon'ble Supreme Court, did not envisage undertaking artificial plantations but there was clear emphasis on “naturally assisted regeneration”. The non–official members are not in favour of raising scattered artificial plantations which offer poor ecological and biodiversity values;
- (ii) the “Green India Programme” defines locating one acre or more of degraded forest or other land lands for undertaking artificial plantation work without even specifying the types of lands over which it would be undertaken. Instead of confining naturally assisted regeneration only on Government or Community lands, it has impliedly included more than one acre of private lands, which is totally undesirable. We have serious objections to this as it provides a tailor made situation for misuse of funds against which there is no safeguard whatsoever in the said Bill. The Bill completely abandons the main purpose for which the original CAMPA was created i.e. to increase the forest cover of the country through “naturally assisted regeneration” which in turn will help improve and restore the

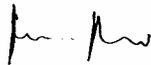
biodiversity and the environment. We foresee that under the “Green India Programme” thousands of cores of rupees collected under the CAMPA fund would be frittered away and distributed under the garb of raising small artificial plantations scattered all over the country which will have no ecological value; and

- (iii) the non –official members strongly objected to the Section 6 (8) which states that *”All the work at the ground level shall be executed through Joint Forest Management Committee except in matters where the nature of work demands execution by other agency.”* This is a serious flaw in the Bill as the bulk of the fund is planned to be utilised under the “Green India Programme” through the JFM, which has totally failed barring a few States like the State of West Bengal. It would be disastrous to rely on utilising this huge amount of fund through only through the JFM. There are a number of reports published by the MoEF it self which have pointed the failures of the JFM model for growing trees.
4. Besides, the Bill nowhere addresses the problem of fragmentation of forests and PAs, which is very serious. There is no indication of applying the Fund for “de-fragmenting” the forest or consolidating the forests/PAs which have become fragmented due to their indiscriminate diversions for non forest use. Although, an assurance was given by the Chairman and other official members that this could be addressed while framing the Rules and Guidelines after the said Bill becomes the Act.
5. It would be impossible for the ‘Monitoring Group’ comprising of six experts as provided in Section 8(3) of the Bill to monitor and evaluate the implementation of the “Green India Programme” especially when the plantation work will be undertaken on lands as small as of the size of one acre or more scattered all over the country. Keeping in view the weak monitoring mechanism put in place and considering the extent of area that is being contemplated to be planted, there is serious apprehension that the this huge amount of fund would get be widely distributed without making any contribution to restoring the depleting forest cover of the country.

In view of the above facts the non–official members, at this belated stage have no option but to place their views and objections on record in so far as the CAF Fund Bill 2006 is concerned.

We therefore request you to kindly record our un-edited written views and suggestions as part of the proceedings of this Sub committee.

Sincerely



Mahendra Vyas

Praveen Bhargav

Copy to: The Chairman, Sub-Committee & Director of Wildlife Preservation

Shri Valmik Thapar, Member, NBWL Sub-Committee