

Jammu and Kashmir Forest Department



Draft

Jammu and Kashmir Compensatory Afforestation Fund Rules, 2018

1 September 2018

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Forest, Environment and Ecology Department
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Notification

Srinagar, the _____, 2018

SRO _____ WHEREAS the Supreme Court in its order in T.N. Godavarman Thirumulpad vs. Union of India and Others [Writ Petition (Civil) No. 202 of 1995], dated the 30th October, 2002, observed that a Compensatory Afforestation Fund be created in which all the monies received from the user agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value of the diverted forest land or catchment area treatment plan shall be deposited;

AND WHEREAS it had also been observed that the money received from the user agencies in cases where forest land diverted falls within protected areas, that is, the areas notified under the Wild Life (Protection) Act, 1972 for undertaking activities related to protection of biodiversity or wildlife shall also be deposited in the Fund;

AND WHEREAS the Supreme Court has directed that, besides artificial regeneration (Plantations), the Fund shall also be utilized for undertaking assisted natural regeneration, protection of forests, infrastructure development, wildlife protection and other related activities and an independent system of concurrent monitoring and evaluation should be evolved and implemented through the Compensatory Afforestation Fund to ensure effective and proper utilization of funds;

AND WHEREAS the Supreme Court in its judgment dated 26th September, 2005 in the said Writ Petition observed that the Fund generated for protecting ecology and providing regeneration should not be treated as a Fund under article 266 and article 283 of the Constitution;

AND WHEREAS in its direction dated the 5th May, 2006, the Supreme Court had directed that since the Government has not constituted a Compensatory Afforestation Fund Management and Planning Authority (hereinafter referred to as Authority), an *ad hoc* Authority should be constituted till the Compensatory Afforestation Fund Management and Planning Authority becomes operational and directed to centrally pool the money recovered on behalf of the said Authority lying in the States and Union territories into the *ad hoc* Compensatory Afforestation Fund Management and Planning Authority;

AND WHEREAS Central Government formulated guidelines dated the 2nd July, 2009 on the subject of State Authority for utilization of funds lying with the *ad hoc* Authority;

AND WHEREAS in its direction dated the 10th July, 2009, the Supreme Court had directed that the guidelines and structure of the State Authority prepared by the Central Government may be notified and implemented;

AND WHEREAS in its directions dated the 10th July, 2009, the Supreme Court further directed that till an alternative system is put in place, after obtaining permission from the Supreme Court, the money towards compensatory afforestation, net present value and protected areas (national parks, wildlife sanctuaries) shall continue to be deposited in the *ad hoc* Authority;

AND WHEREAS the Jammu and Kashmir (Compensatory Afforestation Fund Management & Planning Authority) Rules, 2009 were notified by the Government under SRO 354 of 11 November 2009;

NOW, THEREFORE, based on the above orders, directions and observations of the Supreme Court to ensure safety, security and expeditious utilization in a transparent manner of funds deposited with the *ad hoc* Authority and the funds collected by the State Government, and, in exercise of the power conferred by section 6 of the Jammu and Kashmir Forest (Conservation) Act, 1997, the Government hereby makes the following rules, namely:-

1. Short title, extent and commencement.— (1) These rules may be called the Jammu and Kashmir Compensatory Afforestation Fund Rules, 2018.

(2) They shall extend to the whole State of Jammu and Kashmir

(3) They shall come into force from the date of issue of this Notification

2. Definitions.—(1) In these rules, unless the context otherwise requires,-

- a) **“Act”** means the Jammu and Kashmir Forest (Conservation) Act, 1997;
- b) **“Annual Plan of Operation”** means the annual plan for physical activities and financial provisions approved by the State Authority which describes milestones, conditions for success and explains how, a strategic annual plan will be put into operation during the financial year in given budgetary terms, and containing *inter alia*, brief description, estimated cost, basis for cost estimation, agency identified for execution and time schedule of each activity to be executed from State Fund during a year;
- c) **“Ad hoc Authority”** means the *ad hoc* Compensatory Afforestation Fund Management and Planning Authority constituted under the order dated the 5th May, 2006 of the Supreme Court in T.N. Godavarman Thirumulpad vs. Union of India and Others, [Writ Petition (Civil) No. 202 of 1995];
- d) **“Chairperson, State Authority”** means the Chairperson of the governing body of the State Authority;
- e) **“Compensatory afforestation”** means afforestation done in lieu of the diversion of forest land for non-forestry use under the Jammu and Kashmir Forest (Conservation) Act, 1997;

- f) **“Environmental services”** includes—
- i. provision of goods such as wood, non-timber forest products, fuel, fodder, water and provision of services such as grazing, tourism, wildlife protection and life support;
 - ii. regulating services such as flood moderation, carbon sequestration and health of soil, air and water regimes;
 - iii. supporting such other services necessary for the production of ecosystem services, biodiversity, nutrient cycling and primary production including pollination and seed dispersal;
- g) **“Form”** means a form appended to these rules;
- h) **“Government”** means Government of Jammu and Kashmir
- i) **“Net Present Value”** means the quantification of the environmental services provided for the forest area diverted for non-forestry uses, as may be determined by an expert committee appointed by the Central Government from time to time in this regard;
- j) **“Penal compensatory afforestation”** means afforestation work to be undertaken over and above the compensatory afforestation specified in the guidelines issued under the Jammu and Kashmir Forest (Conservation) Act, 1997, in lieu of the extent of area over which non-forestry activities have been carried out without obtaining prior approval of the competent authority under the Act;
- k) **“Rules”** means the Jammu and Kashmir Compensatory Afforestation Fund Rules, 2018;
- l) **“State”** means State of Jammu and Kashmir;
- m) **“State Authority”** means the Jammu and Kashmir State Compensatory Afforestation Fund Management and Planning Authority constituted under rule 5;
- n) **“State Fund”** means the Jammu and Kashmir State Compensatory Afforestation Fund established by the State under sub-section (1) of section 4;
- o) **“Third party monitoring”** means monitoring and evaluation of works executed from State Fund by the parties which are external to a project’s direct beneficiary chain and management structure having no conflict of interest on parameters of evaluation as determined by the State Authority over and above the baseline to assess whether desired social,

environmental or other impacts are being achieved and undesirable impacts avoided;

p) **“User agency”** means any person, organization or company or Department of the Central Government or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the provisions contained in the Jammu and Kashmir Forest (Conservation) Act, 1997 and the rules made and guidelines issued, thereunder.

q) **“Working Plan”** means the management plan of forest land prepared and approved by the competent authority in the State for sustainable management of forests and biodiversity;

(2) The words and expressions used and not defined in these rules but defined in the Jammu and Kashmir (Forest) Act, 1930, the Jammu and Kashmir Wildlife (Protection) Act, 1978, the Jammu and Kashmir Forest (Conservation) Act, 1997, and the Biological Diversity Act, 2002 and the rules made under these Acts, shall have the meanings respectively assigned to them in those Acts and rules.

3. (1) With effect from such date as the Government may, by notification in the official Gazette, appoint in this behalf, there shall be established for the purposes of these rules, a special Fund to be called the “Jammu and Kashmir Compensatory Afforestation Fund.”

(2) The custody and utilization of the State Fund shall be as provided under rule 11 of the Jammu and Kashmir Forest (Conservation & Afforestation) Rules, 2000.

(3) There shall be credited into the State Fund —

- i. the unspent balance of all monies which has been transferred by *ad hoc* Authority to the Jammu and Kashmir Compensatory Afforestation Funds Management and Planning Authority constituted in the State under Notification SRO 354 of 11 November 2009;
- ii. all monies collected by the State, which have been placed under the *ad hoc* Authority and the interest accrued thereon;
- iii. all monies realized from user agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value, compensation for trees, catchment area treatment plan or any money for compliance of conditions stipulated by the Government while according approval under the provisions of the Act; and

- iv. the funds recoverable from user agencies in cases where forest land diverted falls within the protected areas, that is, areas notified under sections 17, 25A or 35 of the Jammu and Kashmir Wild Life (Protection) Act, 1978 for undertaking activities relating to the protection of biodiversity and wildlife.

(4) 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.

4. Save as otherwise provided in these rules, the monies available in a State Fund shall be disbursed and utilized in the following manner, namely:—

- a) the money received from user agencies in compliance of the conditions stipulated while according approval under the Act for compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, catchment area treatment plan and for any other site specific scheme, shall be used only for compensatory afforestation or catchment area treatment in respective Forest Divisions as per site-specific schemes prepared by the Forest Department in the manner provided in the Jammu and Kashmir Forest (Conservation & Afforestation) Rules, 2000 and the guidelines issued in this regard.
- 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 in rule 16;
- c) the interest accrued on funds available in the State Fund and the interest accrued on all monies which have been placed under the *ad hoc* Authority and deposited in the nationalised banks, in compliance of the directions of the Supreme Court dated the 5th May, 2006, shall be used for conservation and development of forest and wildlife in the manner prescribed in rule 17;
- d) all monies realized 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 orders of the Supreme Court involving cases of diversion of forest land in protected areas shall form the corpus and the income therefrom 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 circumstance, a part of the corpus may also be used subject to prior approval of the State Authority;

- e) the non-recurring and recurring expenditure for the management of a State Authority including the salary and allowances payable to its personnel may be met from a part of the interest accrued on the amounts available in the State Fund, in the manner prescribed in rule 17;
- f) State Authority shall release monies to agencies identified for execution of activities in pre-determined installments as per the annual plan of operation finalized by steering committee of such State Authority.

5.(1) With effect from such date as the Government may, by notification in the Official Gazette appoint in this behalf, there shall be constituted a State Authority to be called the "Jammu and Kashmir State Compensatory Afforestation Fund Management and Planning Authority."

(2) The State Authority shall be responsible for the management of the State Fund and its utilization for the purposes of the Act and rules made thereunder.

(3) The State Authority shall consist of a governing body and shall be assisted by a steering committee, executive committee and monitoring group.

(4) The governing body of a State Authority shall consist of the following, namely:—

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| i | Chief Minister of the State | - Chairperson, <i>ex officio</i> |
| ii | Minister for Forest, Environment and Ecology | - Member, <i>ex officio</i> |
| iii | Minister of State for Forest, Environment and Ecology | - Member, <i>ex officio</i> |
| iv | Chief Secretary | - Member, <i>ex officio</i> |
| v | Administrative Secretary, Forest, Environment and Ecology Department | - Member, <i>ex officio</i> |
| vi | Administrative Secretary, Finance Department | - Member, <i>ex officio</i> |
| vii | Administrative Secretary Planning, Development and Monitoring Department | - Member, <i>ex officio</i> |
| viii | Principal Chief Conservator of Forests | - Member, <i>ex officio</i> |
| ix | Chief Wildlife Warden | - Member, <i>ex officio</i> |
| x | Chief Executive Officer, State Authority | - Member, <i>ex officio</i> |

(5) Administrative Secretary of Forest, Environment and Ecology Department shall be Member Secretary of the State Authority.

(6) The Government shall appoint an officer not below the rank of Chief Conservator of Forests as the Chief Executive Officer of the State Authority who shall be the Member-Secretary of the steering committee and the executive committee of the State Authority.

6. (1) The governing body of the State Authority shall, in performance of its functions and powers under the Act, be assisted by the steering committee, executive committee and monitoring group.

(2) The steering committee of a State Authority shall consist of the following, namely:—

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| i | Chief Secretary | - Chairperson, <i>ex officio</i> |
| ii | Administrative Secretary, Forest, Environment and Ecology Department | - Member, <i>ex officio</i> |
| iii | Administrative Secretary, Finance Department | - Member, <i>ex officio</i> |
| iv | Administrative Secretary Planning, Development and Monitoring Department | - Member, <i>ex officio</i> |
| v | Principal Chief Conservator of Forests | - Member, <i>ex officio</i> |
| vi | Chief Wildlife Warden | - Member, <i>ex officio</i> |
| vii | Nodal Officer/Chief Conservator of Forests, Forest Conservation Act | - Member, <i>ex officio</i> |
| viii | Representative of the concerned regional office of the Ministry of Environment, Forest and Climate Change | - Member, <i>ex officio</i> |
| ix | Chief Executive Officer, State Authority | - Member-Secretary |

(3) The executive committee of a State Authority shall consist of the following, namely:—

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| i | Principal Chief Conservator of Forests | - Chairperson, <i>ex officio</i> |
| ii | Chief Wildlife Warden | - Member, <i>ex officio</i> |
| iii | Chief Conservator of Forests, Planning and Projects | - Member, <i>ex officio</i> |
| iv | Chief Conservator of Forests, Working Plan, Research and Training | - Member, <i>ex officio</i> |
| v | Nodal Officer/ Chief Conservator of Forests, Forest Conservation Act | - Member, <i>ex officio</i> |
| vi | Chief Conservator of Forests, Jammu | - Member, <i>ex officio</i> |
| vii | Chief Conservator of Forests, Kashmir | - Member, <i>ex officio</i> |
| viii | Chief Executive Officer, State Authority | - Member Secretary |
| ix | Chief Account Officer in the office of the Principal Chief Conservator of Forests | - Member, <i>ex officio</i> |
| x | Representatives of two eminent non- | - Members |

government organizations to be appointed by
the Government

(3) The monitoring group of the State Authority shall consist of the following, namely:—

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| i | Chief Conservator of Forests, Planning and Projects | - Chairperson |
| ii | Nodal Officer/ Chief Conservator of Forests, Forest Conservation Act | - Member |
| iii | Conservator of Forests, Working Plan | - Member |
| iv | Divisional Forest Officer, Resources Survey | - Member |
| v | Divisional Forest Officer, Photo Interpretation Division | - Member |
| vi | Divisional Forest Officer, Statistics Division | - Member |
| vii | Deputy Director Planning in the office of the Principal Chief Conservator of Forests | - Member |

7. A person shall be disqualified for being appointed as a member of the State Authority, steering committee and executive committee of a State Authority, monitoring group, if he—

- i. has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude; or
- ii. is an undischarged insolvent; or
- iii. is of unsound mind and stands so declared by the competent court; or
- iv. has been removed or dismissed from the service of the Government or organization or undertaking owned by the Government; or
- v. has, in the opinion of the Government, such financial or other interest in the State Authority as is likely to affect the duties discharged by him of his function as a member.

8. (1) The governing body of the State Authority shall—

- i. lay down the broad policy framework for the functioning of the State Authority;
- ii. review the working of the State Authority from time to time.

(2) The governing body of a State Authority shall meet at least once in a year.

9. (1) The steering committee of State Authority shall—

- i. scrutinize and approve with such amendments as it may deem fit and proper the annual plan of operations prepared by the executive committee of the State Authority;
- ii. monitor the progress of the utilization of funds released from the State Fund;
- iii. review reports on decision taken by executive committee including investment decisions;
- iv. approve annual report of the State Authority and send the same to the Government to lay it, each year, in each House of the State Legislature;
- v. approve, with such amendments as it may deem fit and proper, the operational guidelines prepared by the executive committee of the State Authority;
- vi. ensure inter-departmental coordination.

(2) The steering committee of the State Authority shall meet at least once in every six months.

10. (1) The executive committee of the State Authority shall—

- i. formulate and submit annual plan of operations to the steering committee of the State Authority for its concurrence;
- ii. undertake qualitative and quantitative supervision, monitoring and evaluation of the works being implemented from amounts available in the State Fund;
- iii. invest surplus amounts available in the State Fund;
- iv. maintain books of account and other records;
- v. submit reports to the steering committee of the State Authority;
- vi. prepare annual report of the State Authority;
- vii. prepare operational guidelines for effective implementation of the scheme, and proper documentation of works carried out and expenditure incurred thereon;
- viii. be responsible for other day-to-day working in respect of the State Authority;
- ix. maintain and update public information system on the State Authority and present all information on its transaction in the public domain;

- x. undertake any other work as may be assigned by the governing body or steering committee of the State Authority or the Government, from time to time.

(2) The executive committee of a State Authority shall meet at least once in every four months.

11 (1) The monitoring group shall-

- i. evolve independent system for concurrent monitoring and evaluation of the works implemented in the State to ensure effective and proper utilization of funds;

Provided that the Government may also undertake third party monitoring and evaluation of the works implemented in the State through individual and institutional experts including remote sensing agencies.

- ii. devise measures for transparency and accountability;
- iii. prepare an annual monitoring report and submit the same to the Government and the steering committee.

(2) Officials of the Departments involved in execution of works shall be bound to assist the monitoring group in discharge of its responsibilities under these rules.

(3) The monitoring group shall meet at least once in three months.

12. (1) State Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Accountant General, Jammu and Kashmir.

(2) The accounts of State Authority shall be audited by the Accountant General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Authority to the Accountant General.

(3) The Accountant General and any other person appointed by him in connection with the audit of the accounts of the State Authority shall have the same right and privileges and authority in connection with such audit as the Accountant General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, other documents and papers and to inspect the office of the State Authority.

(4) The Accounts of the State Authority as certified by the Accountant General or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Government by the State Authority.

(5) The Accountant General shall, within a period of six months from the date of notification of these rules, audit the accounts of all the monies which have been transferred by the *ad hoc* Authority to the State Compensatory Afforestation Fund Management and Planning Authorities constituted in the State in compliance of guidelines dated the 2nd July, 2009 and submit the report to the Government under this section.

(6) The Government shall have the power to conduct the special audit or performance audit of the State Fund and of the State Authority through the Accountant General.

13. (1) State Authority shall prepare its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Government, in such form and at such time, for each financial year, as may be prescribed.

(2) The annual report of a State Authority shall, *inter alia*, provide for—

- i. the number and location of each reforestation, afforestation and conservation activity subject to the requirement of this section;
- ii. the amount and location of lands in hectares, cleared, conserved and planted in connection with the activity; and
- iii. the amount of afforestation money collected and expended.

14. The Government shall cause the annual report and the audit report together with a memorandum of action taken on the recommendations contained therein to be laid as soon as may be after the reports are received before each House of the State Legislature:

15. Management of State Fund.—The State Fund shall be managed as provided in rule 11 of the Jammu and Kashmir Forest (Conservation & Afforestation) Rules, 2000, and in accordance with such rules as notified by the State Finance Department from time to time.

16. Manner of utilization of net present value.—(1) The monies received towards net present value deposited in the State Fund shall be used in the manner provided in sub-rule (2) and sub-rule (3).

(2) Not less than eighty per cent of the monies referred to in sub-rule (1) shall be used for following activities for the forest and wildlife management in a State, namely:—

- a) assisted natural regeneration;
- b) artificial regeneration;
- c) plant production;
- d) silvicultural operations in forests;
- e) protection and maintenance of plantations and forests;
- f) protection and maintenance of forest boundary;
- g) pest and disease control in forest;
- h) forest fire prevention and control operations;
- i) soil and moisture conservation works in the forest;
- j) voluntary relocation of villages from protected areas;
- k) improvement of wildlife habitat as provided in the approved wildlife management plan or working plan;
- l) planting and rejuvenation of forest cover on non-forest land falling in wildlife corridors;
- m) establishment, operation and maintenance of animal rescue centre and veterinary treatment facilities for wild animals;
- n) supply of wood-saving cooking appliances and other forest produce saving devices in forest fringe villages as specified by the National Authority from time to time;
- o) management of biological diversity and biological resource.

Explanation.—In cases where funds towards wildlife management and conservation plans are specifically collected and deposited in State Fund, then the same shall be spent for wildlife management in specified wildlife area and not from the net present value.

(3) Not more than twenty per cent of the monies referred to in sub-rule (1) shall be utilized for strengthening of the forest and wildlife related infrastructure and capacity building of the personnel involved in utilization of State Fund namely:

- a) establishment, up-gradation and maintenance of modern nurseries and other facilities;
- b) promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of

land and folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity.

- c) purchase and maintenance of equipment or devices used for communication and information technology for the purpose of protection and management of forest and wildlife;
- d) construction, up-gradation and maintenance of inspection paths, forest roads in forest area, watch towers, check posts and timber depots;
- e) construction of residential and official buildings in forests for front line staffs deployed for protection of forest and wildlife;
- f) casual engagement of local people or labours to assist regular staff of State Forest Department for works for protection of forest and wildlife undertaken from State Fund;
- g) survey and mapping of forest areas for forest fire control, compensatory afforestation works, soil and moisture conservation, catchment area treatment and wildlife management for preparing annual plans to be executed from the State Fund;
- h) monitoring and evaluation including independent concurrent and third party monitoring of various works undertaken from State Fund;
- i) publicity-cum-awareness programmes and exhibitions on the various schemes being implemented by the State Authority from State Fund;
- j) capacity building of frontline staff;
- k) preparation of working plans;
- l) production and distribution of quality planting material through certified nurseries at subsidized price for promotion of trees outside forests on Government lands promoted by State Government;
- m) forest certification and development of certification standards:

Provided that in case the activities referred to in sub rules (2) and (3) are to be undertaken in the forest land under the administrative control of the Forest Department, then the said activities shall be carried out as per the working plan:

(4) The monies referred to in sub-rule (1) shall not be used for following activities, namely:-

- a) payment of salary, travelling allowances, medical expenses, etc. to regular, contractual and casual employees of the State Forest Department for implementing programmes in various forest divisions undertaken from the State Fund;

- b) undertaking foreign visits;
- c) payment for legal services for defending cases filed in Tribunals or Courts not related to the management of State Authority;
- d) purchase of vehicles or staff cars for officers and heavy vehicles and machines for the State Forest Department for implementing programmes in various forest divisions undertaken from the State Fund;
- e) construction of residential and official buildings for officers above the Forest Range Officer of the State Forest Department for implementing programmes in various forest divisions undertaken from the State Fund;
- f) leasing, hiring and purchase of land for afforestation purposes;
- g) purchase of furniture, office equipment, fixtures including air conditioners, and generator sets for residences and offices of the State Forest Department for implementing programmes in various forest divisions undertaken from the State Fund;
- h) mandatory afforestation as per the working plan in the forest in blanks created by commercial felling of trees for revenue generation undertaken under working plan prescription.
- i) undertaking forest and wildlife conservation and other activities undertaken under other schemes of the Government for the purpose of part financing the scheme for completing left over works or complementary works of such schemes;
- j) establishment, expansion and up-gradation of zoo and wildlife safari;
- k) providing financial support, either by way of grant or equity to existing or for setting up new forest corporations, boards, etc.

Explanation 1.-While preparing the annual plan of operation for activities referred to in this rule, priority shall be given to undertake identified activities in those Forest Divisions which have been affected due to diversion of forest land;

Explanation 2.—The mixing of the monies received towards net present value shall not be allowed with any other schemes under implementation from any other budget either for capital or spill over works and the works undertaken under sub-rule (2) and sub-rule (3) shall be on standalone basis and there shall not be any duplication of permitted works under different components.

17. Utilization of interest accrued on deposits in State Fund.—The interest accrued on monies in the State Fund shall be used in the following manner:—

- a) not less than sixty per cent of the interest transferred to the State Fund and further accrued on the amount available in the State Fund referred to in sub-

rule (1) shall be spent on activities for the purpose of conservation and development of forest and wildlife namely:-

- i. to offset the incremental cost of compensatory afforestation and penal compensatory afforestation at the increased wage rates;
 - ii. to offset the incremental cost of catchment area treatment plan at the increased wage rates;
 - iii. to offset the incremental cost of wildlife management plan at the increased wage rates;
 - iv. for disbursement of salary and allowances of members and staffs, both regular and contractual, of the State Authority;
 - v. for disbursement of sitting fees and allowances to nominated members of the State Authority;
 - vi. activities referred to in sub-rules (2) and (3) of rule 5;
- b) not more than forty per cent of the interest transferred to the State Fund and further accrued on the amount available in the State Fund shall be spent for the non-recurring and recurring expenditure of the State Authority, namely:—
- i. management of office establishment;
 - ii. office equipment including computers and peripherals and its maintenance for the State Authority;
 - iii. vehicles for the use of the officers and officials of the State Authority;
 - iv. other contingencies for management of the State Authority, with the approval of the steering committee of the State Authority;
 - v. any other activity for management of the forests and wildlife not referred to in sub-rules (2) and (3) with the prior approval of the steering committee of the State Authority and included in the annual plan of operation.

Explanation.—Under no circumstances mixing of the interest accrued on the monies in the State Fund shall be allowed with any other State budget either for capital or spill over works and the works undertaken under this rule shall be on standalone basis and there shall not be any duplication of permitted works under different components.

18. Appointment of Chief Executive Officer of State Authority.—The Chief Executive Officer of the State Authority referred to in sub-section (6) of section 5 shall be appointed by the Government.

19. Sitting Fees and Allowances of non-official Members.- (1) The non-official members of the State Authority shall be paid such sitting fees and allowances, for attending the meetings and for any other work assigned to them, as may be specified in the order of their appointment.

(2) The sitting fee and allowances to be paid to the non-officials member of the State Authority referred in the sub rule (1) shall be paid from the interest referred to in clause (a) of rule 6.

20. Meetings of Governing Body, Steering Committee and Executive Committee of State Authority.—(1) The governing body of the State Authority shall meet on such date and place as may be decided by its Chairperson in consultation with the Member-Secretary of the governing body to consider the issues listed in the agenda prepared by the Member-Secretary.

(2) The steering committee of the State Authority shall meet on such date and place as may be decided by its Chairperson in consultation with the Member-Secretary of the steering committee to consider the issues listed in the agenda prepared by the Member-Secretary.

(3) The executive committee of the State Authority shall meet on such date and place as may be decided by its Chairperson in consultation with the Member-Secretary of the executive committee to consider the issues listed in the agenda prepared by the Member-Secretary.

21. Notice of Meeting.— For any meeting of the governing body, steering committee or executive committee five days clear notice shall be given to the members, excluding the day of the posting of notice and the day of the meeting:

Provided that in case of urgency, the Member-Secretary of the governing body, steering committee or executive committee as the case may be shall be competent to convene the meeting at a short notice with the approval of the chairperson of the respective body.

22. Quorum of Meeting.— One half of the members including the Chairperson shall constitute the quorum at any meeting of the governing body, steering committee or executive committee, as the case may be, and any fraction shall be rounded off to the next higher number.

23. Adjournment of Meeting.— Where a quorum is not present within thirty minutes of the time notified for the commencement of the meeting, the same shall stand adjourned to the same day, time and place the following week, and the members present at the adjourned meeting shall form the quorum.

24. Decision in Meeting.— The decisions in the meeting shall be by a simple majority of the members present and voting.

25. Meeting to be Chaired by Chairpersons, etc.— Every meeting of the State Authority shall be chaired by the Chairperson and in his absence, any member of the concerned body as decided by the said body.

26. Financial regulation and procedures of State Authority.— The financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the State Authority shall be in accordance with the orders issued by Government from time to time in this regards.

27. Preparation of budget of State Authority.— The State Authority shall prepare its budget for the next financial year showing the estimated receipts and expenditure of State Authority in **Form-VI** based on the annual plan of operation prepared by the Executive Committee and approved by the Steering Committee for the next financial year, showing the estimated receipts and expenditure of the State Authority.

28. Maintenance of accounts and preparation of annual statement of accounts by State Authority.— The monthly statement of accounts shall be prepared in **Form-VII**; the monthly statement of the State Authority on physical and financial achievements shall be prepared in **Form-VIII** and annual statement of accounts of the State Authority shall be prepared in **Form-IX**, and the State Authority shall maintain its records and accounts in **Form-X**.

29. Annual reports.— The annual report shall be prepared by the State Authority giving brief description of all activities undertaken from State Fund with separate headings and compiled in separate chapters and the reports shall include summary of works undertaken and schemes prepared and approved in annual plan of operation, and the annual report shall include the statement in **Form-XI**.

30. The annual plan of operation of State Authority.— The annual plan of operation of the State Authority shall be prepared in **Form-XII** and shall be submitted by the State Authority before the 31st December of every year to the National Authority for the next financial year.

31. Guidelines.- After the coming into force of these rules, the State Authority may issue operational guidelines in conformity with the Act and these rules for effective implementation of these rules.

32. Repeal and savings.- The Jammu and Kashmir (Compensatory Afforestation Fund Management & Planning Authority) Rules, 2009, in force before the

commencement of these rules are hereby repealed. However, all actions taken under the previous rules will be saved except specifically provided in these rules.

By order of the Government of Jammu and Kashmir

**Commissioner/ Secretary to Government
Forest, Environment and Ecology Department**

Form-VI
Annual Budget proposal of State Authority for financial year
Submitted along with the Annual Plan of Operation

[see rule 27]

S.No.	Description	Current Financial Year (in Rs)	Last Financial Year (in Rs)	
1	a. Opening Balance of funds received from National Authority as on 1st April			
	b. Opening Balance of loans/grants etc. received as on 1 st April			
2	Estimated Annual receipt of State Authority			
	(a) Receipt of Fund by State Authorities from User agencies			
	(b) Receipt of accrual of interest on State Fund			
	(c) Receipt of Grants/loans/others of State Authority			
	(d) Any Other Income			
3	Total estimated funds available with State Authority (as on 1 st April)(1+2)			
4.(i)	Annual proposed expenditure of State Authority out of State Fund			
	Activities to be undertaken from interest (specify) under rule 17			
	Recurring Management Expenditure			
	i. Personnel services and benefits*			
	ii. Administrative Expenses**			
	iii. Other Administrative Expenses***			
	iv. Any other expenditure			
	Activities to be undertaken from Net Present value (specify) under rule 16			
	a. Non recurring Management Expenditure like Creation of Capital Asset/			
	b. Afforestation and other permissible activities			
	c. Expenditure on Ongoing works			
	d. Expenditure on New works			
	e. Monitoring and Evaluation Expenditure			
	4(ii)	Compensatory Afforestation works		
	4(iii)	Catchment Area Treatment works		

4(iv)	Wildlife Management works		
4(v)	Other (specify)		
4. (vi)	Total estimated expenditure out of grants/loans etc.		
5. (i)	Estimated Gross Total Expenditure {4(i)+4(ii)+4(iii)+4(iv)+4(v)+4(vi)}		
(ii)	Estimated payments to National Authorities out of funds received from use agency.		
6	Total closing balance with State Authority		
	a. Closing balance of funds received from National Authority		
	b. Closing balance out of receipt from User agencies		
	c. Closing balance of grants/loans etc.		

Declaration

The budget proposal as mentioned above has been approved and adopted by the State Authority.

Date:

**Member Secretary
State Authority**

Note-1: for the purpose of budget estimate (referred in serial number 1, 2 and 3) for the year under consideration the opening balance refers to the fund available as on the 1st April of the previous year.

Note 2:*Personnel services and benefits includes -Staff salary and wages, Pay and Allowances, Travelling Allowances, Overtime Allowances, Pensionary charges, Medical Treatment etc.

Notes-2: ** Administrative expenses include - Office Expenses, Electricity and Power, Water Charges, Rent, Rates and Taxes (including property tax), Hire, Purchase & Maintenance of Staff Car including petroleum, oil and lubricants (POL) of the State Authority.

Note-3: *** Other administrative expenses include - Sitting fee and admissible allowances to the non-official members of the National Authority, Expenditure on conference, seminar, workshop, etc. Training Programme, Advertisement and Publicity, Minor works, Professional Services, Other contractual Services

Form-VII
Monthly Account of State Authority for the Month
[see rule 28]

I.	Total opening balance of State Funds (a+b+c+d)	Out of 90% share of State Fund under ad hoc Authority	out of 90% share of State Fund under the Act	Current month (in rupees)	Last month (in rupees)	Cumulative amount till this month(in rupees)
a.	Opening balance of principal amount component wise (1+2+3+4+5+6+7+8+9)					
	1.Compensatory Afforestation					
	2. Additional Compensatory Afforestation					
	3. Penal Compensatory Afforestation					
	4. Net Present Value					
	5. Penal Net Present Value					
	6.Catchment Area Treatment Charges					
	7. Wildlife Conservation Plan Charges					
	8. Safety Zone Treatment Charges					
	9. Others (please specify)					
b.	Opening balance amount of interest received by State Fund (both from ad hoc Authority and under the Act)					
c.	Opening balance amount of grants, loans etc. received by State Authority					
d.	Opening balance amount of 10% share of National Fund with interest on delay, collected by States under the Act and <i>not</i> transferred to National Fund.					
II.	Total Amount received by State Fund during the month (a+b+c+d)					
a.	Amount of interest accrued to State Fund (on State Funds deposits under the Act and from ad hoc Authority transferred by National Fund)					
b.	Total Receipt by State Funds from ad hoc Authority and under the Act	Out of 90% share of State Fund under ad hoc Authority	out of 90% share of State Fund under the Act			
	Principal Amount Component wise (1+2+3+4+5+6+7+8+9)					
	1.Compensatory Afforestation					
	2. Additional Compensatory Afforestation					
	3. Penal Compensatory Afforestation					
	4.Net Present Value					
	5. Penal Net Present Value					
	6. Catchment Area Treatment Charges					
	7. Wildlife Conservation Plan Charges					
	8. Safety Zone Treatment Charges					
	9. Others (please specify)					
c.	Amount of grants, loans etc. received by State Fund					
d.	Amount of interest on National Fund 10% share under the Act not transferred to National Fund					
III.	Total Expenditure by State Fund (a+b)					

a.	Total expenditure by State Funds under ad hoc Authority and under the Act	Out of 90% share of State Fund received from ad hoc Authority	out of 90% share of State Fund under the Act			
	Principal Amount Component wise of all states (1+2+3+4+5+6+7)					
	1. Compensatory Afforestation					
	2. Additional Compensatory Afforestation					
	3. Penal Compensatory Afforestation					
	4. Net Present Value					
	5. Catchment Area Treatment Charges					
	6. Wildlife Conservation Plan Charges					
	7. Others (please specify)					
b.	Total Expenditure by State Funds out of interest transferred from ad hoc Authority and under the Act					
	i. Amount Spent by State Fund (60% of interest accrued)					
	ii. Amount Spent by State Fund (40% of interest accrued)					
IV.	Payment to National Fund					
	i. Out of principal amount of 10% share of National Fund under the Act					
	ii. Out of Interest amount on delayed payment of National Fund share					
V.	Total Closing balance of State Fund (a+b+c+d)					

Declaration

The above report has been verified and found correct. The report has been adopted by State Authority.

Date:

Member Secretary
State Authority

Form-VIII

Monthly Statement of State Authority on Physical and Financial achievements by the State

[see rule 28]

Sl. No.	Description	Physical outcome Target as approved in annual plan of operation (in hectare/trees)	Actual physical achievement during the year (in hectare/trees)	Cumulative achievement till date. (in hectare/trees)	Current Month (in rupees)	Last Month (in rupees)	Cumulative amount till this month (in rupees)
I.	Total Expenditure out of ad hoc Authority funds [Total Component wise works from Principal Amount] (1+2+3+4+5+6+7+8+9)						
	1. Compensatory Afforestation						
	2. Additional Compensatory Afforestation						
	3. Penal Compensatory Afforestation						
	4. Net Present Value						
	5. Penal Net Present Value						
	6. Catchment Area Treatment Charges						
	7. Wildlife Conservation Plan Charges						
	8. Safety Zone Treatment Charges						
	9. Others (please specify)						
II.	Amount of expenditure from State Fund out of 90% share [Total component wise works from principal amount] (1+2+3+4+5+6+7+8+9)						
	Total Component wise Principal Amount works						
	1. Compensatory Afforestation						
	2. Additional Compensatory Afforestation						
	3. Penal Compensatory Afforestation						
	4. Net Present Value						
	5. Penal Net Present Value						
	6. Catchment Area Treatment Charges						
	7. Wildlife Conservation Plan Charges						
	8. Safety Zone Treatment Charges						
	9. Others (please specify)						

III.	Total Expenditure by State Funds out of interest transferred from ad hoc Authority						
IVa.	Amount Spent by State Fund (60% of interest accrued)[1+2+3+4+5+6]						
	1.to offset the incremental cost of compensatory afforestation and penal compensatory afforestation at the increased wage rates;						
	2.to offset the incremental cost of catchment area treatment plan at the increased wage rates;						
	3.to offset the incremental cost of wildlife management plan at the increased wage rates						
	4.Disbursement of salary and allowances of members and staffs, both regular and contractual, of the State Authority constituted under the Act;						
	5. Disbursement of sitting fees and allowances to nominated members of the State Authority constituted under the Act;						
	6.activities referred in sub rule (2) and (3) of rule 16						
IVb.	Amount Spent by State Fund (40% of Interest accrued)						
	ii. Administrative Expenses						
	iii. Other administrative expenses						
	iv. Monitoring and Evaluation Expenditure						
	v. Non recurring management expenditure like creation of capital asset						
	vi. Other expenditures referred in sub-rule (b) of rule 17						
V.	Outstanding dues to be paid to National Fund under the Act (out of 10% share and accrued interest on the National Fund share not transferred)						

Declaration

The above report has been verified and found correct. The report has been adopted by State Authority.

Date:

Member Secretary
State Authority

Form-IX

Annual Statement of State Authority on Physical and Financial achievements for State of J&K

[see rule 28]

Sl.No	Description	Physical Target as approved in annual plan of operation (in units)	Actual physical achievement during the year (in units)	Physical Target (others)	Physical Achievements (others)	Financial Target (in Rs)	Financial Achievement (in Rs)
I.	Total expenditure out of ad hoc Authority funds [Total Component wise works from Principal Amount] (1+2+3+4+5+6+7)						
	1. Compensatory Afforestation						
	2. Additional Compensatory Afforestation						
	3. Penal Compensatory Afforestation						
	4. Net Present Value						
	5. Catchment Area Treatment Charges						
	6. Wildlife Conservation Plan Charges						
	7. Others (please specify)						
II.	Amount of expenditure by State Fund out of 90% share [Total Component wise works from Principal Amount] (1+2+3+4+5+6+7)						
	Total Component wise Principal Amount works						
	1. Compensatory Afforestation						
	2. Additional Compensatory Afforestation						
	3. Penal Compensatory Afforestation						
	4. Net Present Value						
	5. Catchment Area Treatment Charges						
	6. Wildlife Conservation Plan Charges						
	7. Others (please specify)						
III.	Total Expenditure by State Funds out of interest transferred from ad hoc Authority						

IVa.	Amount Spent by State Fund (60% of interest accrued)[1+2+3+4+5+6]						
	1.to offset the incremental cost of compensatory afforestation and penal compensatory afforestation at the increased wage rates;						
	2.to offset the incremental cost of catchment area treatment plan at the increased wage rates;						
	3.to offset the incremental cost of wildlife management plan at the increased wage rates						
	4.Disbursement of salary and allowances of members and staffs, both regular and contractual, of the State Authority constituted under the Act;						
	5. Disbursement of sitting fees and allowances to nominated members of the State Authority constituted under the Act;						
	6.activities referred in sub rule (2) and (3) of rule 16						
IVb.	Amount Spent by State Fund (40% of Interest accrued)						
	Total Administrative Expenditure (i+ii+iii+iv+v+vi)						
	vii. Personnel services and benefits						
	viii. Administrative Expenses						
	ix. Other administrative expenses						
	x. Monitoring and Evaluation Expenditure						
	xi. Non recurring management expenditure like creation of capital asset						
	xii. Other expenditures referred in sub-rule (b) of rule 17						
V.	Outstanding dues to be paid to National Fund under the Act (out of 10% share and accrued interest on the National Fund share not transferred)						

Declaration

The above report has been verified and found correct. The report has been adopted by State Authority.

Date:

Member Secretary
State Authority

Form-X
Records and Accounts to be maintained by the State Authority
[see rule 28]

The following accounts/records shall be maintained:

1. Cash Book, Ledger, Journal, and Public Fund Accounts Register.
2. Stock Register and Fixed Asset Register.
3. Registers showing expenditure by Heads of Accounts.
4. Monthly financial statement of Accounts and physical outputs.
5. Quarterly Monitoring Register.
6. Register for Annual Share of National Fund from the State Fund (State wise)
7. Register of Grants/Loans, etc.
8. Work register recording all physical works and corresponding expenditure carried out State Fund.
9. Plantation journal.

Form-XI

Statement of Accounts of State Authority for the financial year ending on 31st March

[see rule 29]

(Separate Forms for other Grants/Loans etc. are to be submitted)

As on 31st March

1	2	3	4	5	6	7	8
S. No.	Head	Physical output as approved in annual plan of operation (in units)	Actual physical achievement during the year(in units)	Cumulative physical achievement till date. (in units)	Budget allocation during the year(in Rs)	Actual amount spent(in Rs)	Cumulative amount till date(in Rs)
I	Schemes						
	1. Compensatory Afforestation						
	2. Additional Compensatory Afforestation						
	3. Penal Compensatory Afforestation						
	4. Net Present Value						
	5. Catchment Area Treatment Charges						
	6. Improvement/protection of forest						
	7. Publicity and Education						
	8. Training						
	9. Movable assets						
	i						
	ii						
	iii						
	10. Immovable assets						
	i						
	ii						
	11. Other (specify)						
	i.						
	ii						

		Budget Allocation (in Rs.)	Actual amount spent during the year (in Rs.)	Actual amount spent during last year (in Rs.)	Remarks
II a.	Administrative Charges*				
b.	Other Administrative Expenses*				
c.	Others*				
III	Monitoring and Evaluation				
	e. Annual Audit				
	f. Comptroller and Auditor General Audit				
	g. E-green Watch Outcome				
	h. Third Party Monitoring				

Declaration

The above report has been verified and found correct. The report has been adopted by State Authority.

Date:

**Member Secretary
State Authority**

Notes: IIa * Administrative charges include - Staff salary and wages, Pay and Allowances, Overtime Allowances, Pensionary charges, Medical Treatment, Administrative Expenses, Domestic Travel, Foreign Travel, Office Expenses, Electricity and Power, Water Charges, Rent, Rates and Taxes (including property tax), leasing and hiring of Staff Car including petroleum, oil and lubricants (POL), leasing and hiring of buildings for State Authority

IIb* Other administrative charges include - Expenditure on conference, seminar, workshop, etc. Training Programme, Advertisement and Publicity, Minor works, Professional Services, Other contractual Services.

IIIc* Others include Cartage and Carriage inwards (on purchase of fixed assets/non-recurring items), Printing and Publications (other than academic), Subscription Expenses (other than academic), Non recurring management expenditure like, creation of Capital Asset of State Authority, any other expenditure

Form-XII

Annual Plan of Operation

To be submitted by the 31st December of current year for next financial year

[see rule 30]

The annual plan of operation (APO) shall be prepared in the following parts:

1. Part-1: Brief history and past performance

Part-I of APO shall contain:

- a. Brief description of forests and forestry sector in the State.
- b. Compensatory afforestation, other forestry and related schemes (physical and financial) including catchment area treatment, wildlife management and community development works and activities carried out therein in the State in last five years from the State Fund, in tabular form.
- c. Forestry and other related schemes (physical and financial) and activities carried out therein in the state in previous years from the fund received under other schemes of the Government in tabular form.
- d. Year wise total forest area diverted in the various districts/ forest divisions of the State since 1990, in tabular form.
- e. Year wise total compensatory afforestation carried out in the State since 1990, in tabular form.
- f. Brief description and abstract of the monitoring work done by the Monitoring and Evaluation Wing of the State Forest Department.
- g. Brief description and abstract of the monitoring work done by the independent monitor (Third Party Monitoring) in the State
- h. Any other important information for consideration relevant for preparing APO.

2. Part-II: Activities to be undertaken for compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, catchment area treatment plan and for any other site specific scheme may be used as per site-specific schemes submitted by the State along with the approved proposals for diversion of forest land under the Jammu and Kashmir Forest (Conservation) Act, 1997 referred to in clause (a) of rule 4 of the rules:

- a) District/ forest division wise details of new compensatory afforestation, catchment area treatment plan works, wildlife management activities to be done as per the conditions imposed under forest clearance granted by the Government under the Forest (Conservation) Act, 1997.
- b) Location, estimated cost and implementation schedule of each activity proposed to be executed from State Fund to be provided district / division wise
- c) Details of maintenance works in physical and financial terms proposed to be undertaken in the current financial year in the case of compensatory afforestation work, catchment area treatment plan works, wildlife management activities and other such activities undertaken in previous years which need maintenance for its survival and sustainability.

Note: Details of only those districts may be provided where the compensatory afforestation, penal compensatory afforestation, catchment area treatment, wildlife management and other activities referred to in section 6 of the Act have to be undertaken during the current financial year under consideration

3. Part-III: Activities to be undertaken from net present value and interest component referred in rule 16 and rule 17:

- a) District/ forest division wise details of activities to be done in the State on specified activities referred to in rule 16 and rule 17.
- b) Location, estimated cost and implementation schedule of each activity proposed to be executed from State Fund to be provided district / division wise.
- c) Details of maintenance works in physical and financial terms, proposed to be undertaken in the current financial year in the case of activities undertaken in the State on specified activities referred to in rule 16 and rule 17 undertaken in previous years which needs maintenance for its survival and sustainability.

Note: Details of only those districts may be provided where these activities referred to in rule 16 and rules 17 have to be done during the current financial year under consideration.

4. Part-IV: Measurable output of all physical activities and targets of each permissible activity along with the period required for achieving the measurable output:

- a) Physical and financial targets of each activity to be undertaken in measurable quantity along with the estimated cost of such activities in tabular form including details provided in part II and part III.
- b) Measurable output of all physical activities to be undertaken along with the period required for achieving the measurable output.
- c) Details of the concurrent monitoring and evaluation report including third party monitoring undertaken in past with photographs.

Note : The APO duly approved by the State Authority shall be submitted by the State Authority before the 31st December of every year to the National authority for the next financial year.

Declaration

The above annual plan of operation has been adopted by the State Authority.

Date:

Member Secretary
State Authority