

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Thursday 17th JANUARY, 2019

No. 6

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK**

No: 03/Home/2019

Dated: 16/01/2019

NOTIFICATION

Whereas, the Compensatory Afforestation Fund Act, 2016 (38 of 2016) has been enacted by the Parliament in the Sixty-seventh Year of the Republic of India and subsequently published by the Ministry of Law and Justice (Legislative Department), Government of India, New Delhi in the Official Gazette of India, EO Part II-Section 1, on 3rd August 2016 thereby directing to establish the **State Funds**, hereinafter referred to as "State Compensatory Afforestation Fund", under the Public Accounts of respective State Government for crediting thereto the funds receivable from the User agencies towards the cost of compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value and all other amounts recoverable from such agencies under the provision of Forest (Conservation) Act, 1980; and the "State Compensatory Afforestation Fund Management and Planning Authority (hereinafter referred to as the **State Authority**)" for management and utilization of such funds so collected for undertaking the artificial regeneration (plantation), assisted natural regeneration, protection of forests, forest related infrastructure development, Green India Programme, Wildlife protection and other related activities and for matters connected therewith; in such manner as may be prescribed.

And whereas, the Ministry of Environment, Forest and Climate Change (Forest Conservation Division) Government of India, New Delhi notified the Compensatory Afforestation Fund Rules, 2018 and subsequently published in the Official Gazette of India, (EO) Part II-Section 3 (sub-section (i) vide GSR No.782(E), on 10th August 2018 with the powers and functions to be exercised for implementation of the aforesaid Act explicitly in the matter of **State Fund** to be managed by the **State Authority** according to the provisions of the State Financial Rules or any such Rules as may be applicable from time to time.

And whereas, the State Government has been communicated by the Ministry of Environment, Forest and Climate Change (Forest Conservation Division) Government of India, New Delhi in its Letter F.No.11-100/2015-FC (Vol.III) dated the 21st August 2018 that notification on Draft Accounting Procedures has been published in the official Gazette of India vide GSR No.782 (E) on 17th August 2018 thereby inviting an objection and suggestions of any person

likely to be affected in this regards and, thereafter, to be taken for consideration on or expiry of a period of thirty days for financial regulation and procedures in particular for drawing up and implementing the budget of the State Authority expeditiously.

And whereas, the State Government has further been communicated by the Ministry of Environment, Forest and Climate Change (Forest Conservation Division) Government of India, New Delhi in its Letter F.No.11-100/2015-FC (Vol.III) dated the 16th August 2018 that Compensatory Afforestation Fund Act, 2016 and Compensatory Afforestation Fund Rules, 2018 shall come into force in the respective State from the appointed date of 30th September 2018 and, thereafter, the provision of the aforesaid Act, Rules and Accounting procedure shall be applicable as prescribed there under.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Compensatory Afforestation Fund Act, 2016 and based upon the Notification and Orders of the Government of India and in suppression of the previous Notification No.107/Home dated the 12th August 2009, the State Government is hereby pleased to establish a **Special Funds**, hereinafter referred to as "State Compensatory Afforestation Fund (Sikkim)" under the public accounts of the state and managed by the **State Authority**; comprising of Governing Body, Steering Committee and Executive Committee; for implementation of the aforesaid Act, Rules and Accounting Procedures objectively as specified below.

2. The Governing body of State Authority shall consist of the following, namely:-

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| (i) | Hon'ble Chief Minister, Government of Sikkim | - Chairperson, <i>Ex officio</i> ; |
| (ii) | Hon'ble Minister of Forests Environment & Wildlife Management Department | - Member, <i>Ex officio</i> ; |
| (iii) | Chief Secretary, Government of Sikkim | - Member, <i>Ex officio</i> ; |
| (iv) | (a) Principal Secretary, Finance Revenue and Expenditure Department | - Member, <i>Ex officio</i> ; |
| | (b) Principal Secretary, Development, Planning Economic Reforms and North East Council & Affairs Department | - Member, <i>Ex officio</i> ; |
| | (c) Secretary, Land Revenue and Disaster Mgmt. Department | - Member, <i>Ex officio</i> ; |
| | (d) Secretary, Agriculture Department | - Member, <i>Ex officio</i> ; |
| | (e) Secretary, Rural Management and Development Department | - Member, <i>Ex officio</i> ; |
| | (f) Secretary, Tribal Development | - Member, <i>Ex officio</i> ; |
| | (g) Secretary, Panchayati Raj Institution | - Member, <i>Ex officio</i> ; |
| | (h) Secretary, Science and Technology Department | - Member, <i>Ex officio</i> ; |
| (v) | Chief Wildlife Warden | - Member, <i>Ex officio</i> ; |
| (vi) | Principal Chief Conservator of Forests-cum-Principal Secretary, (HoFF) | - Member Secretary. |

3. An officer not below the rank of Chief Conservator of Forests shall be nominated and appointed, for a period not exceeding five years, as the Chief Executive Officer of the State

Authority who shall be a Member Secretary of the Steering Committee and Executive Committee as well.

4. The Steering Committee of State Authority shall consist of the following, namely:-

- (i) Chief Secretary, Government of Sikkim - Chairperson, *Ex officio*;
- (ii) (a) Principal Secretary, Finance Revenue and Expenditure Department - Member, *Ex officio*;
- (b) Principal Secretary, Planning and North East Council & Affairs Department - Member, *Ex officio*;
- (c) Secretary, Land Revenue and Disaster Management Department - Member, *Ex officio*;
- (d) Secretary, Agriculture Department - Member, *Ex officio*;
- (e) Secretary, Rural Management and Development Department - Member, *Ex officio*;
- (f) Secretary, Tribal Development - Member, *Ex officio*;
- (g) Secretary, Panchayati Raj Institution - Member, *Ex officio*;
- (h) Secretary, Science and Technology Department - Member, *Ex officio*;
- (iii) Principal Chief Conservator of Forests/Secretary (HoFF) - Member, *Ex officio*;
- (iv) Chief Wildlife Warden - Member, *Ex officio*;
- (v) Nodal Officer, The Forest (Conservation) Act, 1980 - Member, *Ex officio*;
- (vi) Additional Principal CCF, North-East Regional Office of MoEFCC Government of India, Shillong (Meghalaya) - Member, *Ex officio*;
- (vii) Nodal Officer, State Forest Development Agency - Member, *Ex officio*;
- (viii) An Expert on tribal matters or a Representative of Tribal Communities - Member;
- (ix) Chief Executive Officer, State Authority - Member Secretary

5. The Executive Committee of State Authority shall consist of the following, namely:-

- (i) Principal Chief Conservator of Forests/Principal Secretary (HoFF) - Chairperson, *Ex officio*;
- (ii) Chief Wildlife Warden - Member, *Ex officio*;
- (iii) Chief Conservator of Forests dealing with the Forests and Wildlife related schemes - Member, *Ex officio*;
- (iv) Chief Conservator of Forests dealing with the Forestry Research - Member, *Ex officio*;
- (v) Nodal Officer, State Forest Development Agency - Member, *Ex officio*;
- (vi) (a) Representative from the Dept. dealing with Environment - Member, *Ex officio*;
- (b) Representative from the Dept. dealing with Finance (FRED) - Member, *Ex officio*;

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| (c) | Representative from the Dept. dealing with Planning
NECAD | - Member, Ex officio; |
| (d) | Representative from the Dept. dealing with Land
Revenue & DM | - Member, Ex officio; |
| (e) | Representative from the Dept. dealing with RMDD | - Member, Ex officio; |
| (f) | Representative from the Dept. dealing with Agriculture | - Member, Ex officio; |
| (g) | Representative from the Dept. dealing with Tribal
Development | - Member, Ex officio; |
| (h) | Representative from the Dept. dealing with Panchayati
Raj | - Member, Ex officio; |
| (i) | Representative from the Dept. dealing with Science &
Technology | - Member, Ex officio; |

[Representative shall be nominated by the concerned Head of Department for the meeting on basis of request letter of Chief Executive Officer of the State Authority appointed for the as per the provision of the aforesaid, Act and Rules]

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| (vii) | Financial Controller or Finance Advisor (in the Office of
the Principal CCF/Principal Secretary) | - Member, Ex officio; |
| (viii) | Two Eminent Non-Government Organization | - Member; |
| (ix) | Two Representatives from the District Level Panchayati Raj | - Member; |
| (x) | An Expert on Tribal matters or a Representative from the
Tribal communities | - Member; |
| (xi) | Chief Executive Officer, State Authority | - Member Secretary. |

5. The non-official Members of the State Authority shall be selected for the meeting in accordance with provision of the Compensatory Afforestation Fund Act, 2016 read with rule (1)(2)(3)(4) of rule 16 of the Compensatory Afforestation Fund Rules, 2018.

6. The non-official Members shall have a fixed term of office for two years, commencing from the date of publication of this notification by the State Government constituting the authorities, subject to re-nomination or change for the next term of office in accordance with the provision of the said Act and rules.

**A.K Shrivastava, IAS
Chief Secretary,
Government of Sikkim
File No. A-19/FCA/FEWMD/2018**