



भारत सरकार /Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय
Integrated Regional Office
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No.CPWD-02/2021/FC/39

15th March 2021

To

The Principal Secretary-cum-PCCF,
Forest and Environment Department
Forest Secretariat, Deorali,
Gangtok-737102

Sub: Proposal for Diversion of 40.376 of forest land for construction of road from Leema to Chhu junction under Lachang (T) Range in North Sikkim for Indo Tibetan Police Force by CPWD, Govt. of India reg.

Sir,

This has got reference to the State Govt. letter No. 1913/FCA/FE&ED/868 dated 09.02.2021 on the above mentioned subject seeking prior approval of the Ministry of Environment Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After careful examination of the proposal of the State Government of Sikkim by the Regional Empowered Committee (REC) in its meeting held on 08.02.2021, **In-principle / Stage- I** approval of the Central Government is hereby granted for diversion of 40.376 ha of forest land in favour of for Indo Tibetan Police Force for construction of road from Leema to Chhu junction under Lachang (T) Range in North Sikkim, subject to the fulfilment of the following conditions.

- I. Legal status of forest land proposal for diversion shall remain unchanged.
- II. The State Govt. shall charge the Net Present Value (NPV) of the forest area proposed to be diverted under this proposal from the user agency per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 & 09.05.2008 in Writ Petition (Civil) 202/1995 and the guideline issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard. While conveying the compliance of this condition, mention be made of the Eco-class and density of forest for which NPV has been charged.

- III. At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of Hon'ble Supreme Court of India.
- IV. Compensatory afforestation over i.e. 40.376 ha of degraded forest land identified at Shargophui Chhu, Lachung RF & Lema under Lachung Range in North District. Forest Division as proposed by the State Govt. against the area of forest land proposed to be diverted shall be raised and maintained by the State Forest Department at the cost of the user agency. State Govt. shall submit approved C.A. Scheme duly approved by the competent authority in Forest Department before Stage-II approval.
- V. The user agency shall transfer the cost of raising and maintaining the compensatory afforestation for 10 years, at the current wage rate, to the State Forest Department.
- VI. All funds received from the user agency under the project shall be transferred online to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned.
- VII. The State Govt./user agency shall take sufficient precautionary measure to protect the soil erosion of the proposed area.
- VIII. The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, distance from adjoining pillars etc. As Ministry's letter No. 13-20/2015-CAMPA dated 09.06.2016, the cost of expenditure like boundary walls, stone pillars, demarcation charges, charges for felling of trees and their transportation to depots shall be deposited with DFOs concerned and the work should be undertaken departmentally in order to ensure that task of erection of boundary walls, stone pillars, demarcation charges etc. are undertaken faithfully and in the best interest of the forest before the diversion and handing over the forest land takes place the work on these items should be completed within 6 months from the grant of final approval to diversion of forest land. The State Govt./user agency shall submit DGPS map along with soft copy in shape file before Stage-II approval.
- IX. The State Forest Department/UA shall submit the survey sketch of 40.376 ha of degraded forest land identified at Shargophui Chhu, Lachung RF & Lema under Lachung Range in North District. Division as proposed for CA, giving the forward and backward bearing of each demarcation pillar and distance between them. The State Forest Department /User Agency shall submit the DGPS map along with soft copy in shape file of each

demarcated pillar giving the latitude and the longitude before Stage-II approval.

- X. The deigning of culvert/bridges, if any, over natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.
- XI. The user agency shall fly ash for the road construction and for filling up of void created due to soil borrows, which will be followed by compaction and spreading of top soil over it as per Fly Ash notification No. S.O. 254 (E) dated 25.01.2016.
- XII. The user agency shall submit an undertaking to ensure that flanks of roads should be filed by transported soil and not with soil dug from the side of the roads.
- XIII. No additional or new path will be constructed inside the forest area for any activity related to the project work.
- XIV. No labour camp shall be allowed in the forest area.
- XV. The user agency shall provide LPG or alternate fuel, to labourers working at the site to avoid damage forest area in any manner.
- XVI. The user agency while executing works, shall not felt any tree or damage forest growth in the surrounding forest area in any manner.
- XVII. The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.
- XVIII. The layout plan of propped forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- XIX. The State Government shall complete settlement of rights, in term of the Schedules Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 119/1998-FC (pt.) dated 03.08.2009 read with letter No. 119/1998-FC (pt.) dated 05.02.2013 and 05.07.2013, in support thereof.
- XX. Any other condition that the Ministry of Environment, Forest & Climate Change may impose from time to time in the interest of afforestation,

conservation and management of flora and fauna time being in force, as applicable to the project.

XXI. The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulation, Guideline & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

XXII. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

3. After receipt of the report on compliance to the condition stipulated above, from the State Government of Sikkim, final/Stage-II approval for diversion of the state forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by the Ministry. **Transfer of forest land to user agency should not be affected by the State Government of Sikkim till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.** However, the State Govt., if it so desires, may allow the user agency for commencement of work as per Ministry guideline issued vide letter No-206/2014 FC (pt) dated 28.05.2015.

Yours faithfully,



(Subrat Mohapatra) 15/3/21

Inspector General of Forest

Copy to:

1. The Director, ROHQ, Ministry of Environment, Forest & Climate Change, India, Paryavaran Bhawan, Agni Block, Alingang, Jor Bagh Road, New Delhi- 110003.
2. Additional Chief Secretary-cum-PCCF, Forest and Environment Department, Forest Secretariat, Deorali, Gangtok-737102.
3. Chief Engineer, ITBP, Sector Head Quarter, Metro Point Tadong, Govt. of India, Gangtok-737102.
4. Guard File.