भारत सरकार/Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय, कोलकाता/ Integrated Regional Office, Kolkata
IB-198, Sector – III, Salt Lake City, Kolkata-700106
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सत्यमेव जयते

No.IRO/KOL/SK/Road/153655/2022 /131 Date: 10th April 2023

To,

The Addl. Chief Secretary-cum-PCCF,
Forests and Environment Department,
Government of Sikkim,
Forest Secretariat, Deorali,
Gangtok – 737102.

Sub: In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for diversion of 0.234 ha of forest land in favour of Namchi Smart City Limited for construction of new link road from Durga Mandir to Kamrang College Job (A) at Dambudara in Namchi district of Sikkim - reg.

Sir,

This refers to letter No.2008/FCA/F&ED/999 dated 20.03.2023 of the Government of Sikkim on the above-mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government, the Ministry of Environment, Forest & Climate Change hereby conveys **'Stage-I/in-principle'** approval for diversion of 0.234 ha of forest land in favour of Namchi Smart City Limited for construction of new link road from Durga Mandir to Kamrang College Job (A) at Dambudara in Namchi district of Sikkim subject to the following conditions and stipulations:

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

1. The cost of compensatory afforestation on the CA land (0.5 ha) as proposed by State Forest Department at the prevailing wage rates as per compensatory afforestation scheme shall be deposited in advance with the State Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

2. The State Government shall charge the Net Present Value (NPV) for the 0.234 ha forest area to be diverted under this proposal from the User Agency as per the order of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letter No. 5-1/1998-FC(Pt.II) dated 8/09/2003,as well as

letter No. 5-2/2006-FC dated 03/10/2006, 5-3/2007-FC dated 05/02/2009 and **5-3/2011-FC(vol-I) dated 19/01/2022** in this regard.

3. All the funds received from the user agency under the project shall be transferred / deposited to CAMPA fund only through ***e-portal*** (*https://parivesh.nic.in*).

4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

5. **The KML files of the area to be diverted and the CA area shall be uploaded on the e-Green watch portal with all requisite details and submitting compliance report for seeking Stage-II approval.**

6. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of Comprehensive Guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019.

7. The compliance report shall be uploaded on *e-portal (https://parivesh.nic.in).*

B: Conditions which need to be strictly complied on field after handing over of forest land to the User Agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of forest land proposed for diversion shall remain unchanged.

2. Compensatory afforestation shall be taken up by the Forest Department over 0.5 ha degraded forest land (Location- Terikhola Khasmal, Namchi (T) Range under South Territorial Forest Division) at the cost of the user agency. As far as possible, a mixture of local native species shall be planted and monoculture of any species, especially non-native species should be avoided.

3. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. User Agency shall restrict the felling of trees to minimum number which are unavoidable in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

5. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.

6. Wherever possible and technically feasible, the User Agency shall undertake appropriate afforestation or vegetation enrichment measures both sides of the road in consultation with the State Forest Department at the project cost.

7. The lay out plan of the proposal shall not be changed without prior approval of the Central Government.

8. (a) All the natural streams and water bodies in surrounding area shall be protected.

   (b) The User Agency shall ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna.

   (c) Earth or any other material shall not be brought from and debris resulting during construction shall not be disposed of in the adjoining forest area by the user agency.

   (d) No labour camp shall be established on the forest land.

   (e) The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.

   (f) During and after the construction period of the project, the project authority shall continue to assist the State Forest Department for conservation and development of natural resources of the State.

9. (a) The forest land shall not be used for any purpose other than that specified in the Project proposal.

   (b) The period of diversion under this approval shall be co-terminus with the period of the project life.

   (c) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.

10. Any other conditions that the Ministry of Environment, Forest & Climate change may stipulate from time to time in the interest of conservation, protection and development of forest and wildlife.

After receipt of the compliance report regarding fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land to user agency should not be given effect to by the State Government till formal order approving diversion of forest land is issued by the Central Government. To facilitate speedy execution of this project involving diversion for the project, the in-principle approval may be deemed as the permission for commencement of works, if the required funds for CA, NPV and other

compensatory levies specified in the in-principle approval are realized from the user agency and accordingly the State Government, by passing an order, may allow the commencement of work of the linear project in forest land for a period of one year (The detail guideline issued vide Ministry letter No. 11-306/2014-FC, dated 28.08.2015 may be referred).

Yours sincerely,

11-4-23

(Dr. Soma Das)
Inspector General of Forests (C)

Copy to:-

1. The IGF (ROHQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi–110 003.
2. The APCCF-Cum-Nodal Officer (FCA), Forest & Environment Department, Government of Sikkim, Forest Secretariat, Deorali, Gantok - 737102.
3. The Divisional Forest Officer, South Territorial Forest Division, Sikkim.
4. The CEO, Namchi Smart City Ltd., Namchi - 737126.
5. Guard File.

11/4/23

Inspector General of Forests (C)