



सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA
एकीकृत क्षेत्रीय कार्यालय
INTEGRATED REGIONAL OFFICE
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
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No. 3-SK B 031/2019-SHI/ 3169-70

13th January, 2021

सेवा में,

प्रधान मुख्य वन संरक्षक- सह प्रमुख सचिव/ Principal Secretary-cum PCCF,
सिक्किम सरकार/ Government of Sikkim,
वन पर्यावरण विभाग और वन्यजीव प्रबंधन/ Department of Forests, Env. & Wildlife Management,
डेओराली/ Deorali, गंगटोक/ Gangtok,
सिक्किम /Sikkim- 737102.

Sub : Proposal for diversion of 0.96 ha of forest land for construction of Rural Connectivity Road from Riwa to Lower Gangyap in Pakyong in East District of Sikkim by Rural Management & Development Department, Govt of Sikkim.

Sir,

This has got reference to the State Government of Sikkim letter No. 1770/FCA/FEMD/966 dt.10.01.2019, even no. 1553 dated 11.03.2020 and 08.12.2020 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

2. After careful examination of the proposal of the State Government of Sikkim, *In-principle / Stage-I* approval of the Central Government is hereby granted for diversion of **0.96 ha** of forest land for construction of Rural Connectivity Road from Riwa to Lower Gangyap in Pakyong in East District of Sikkim by Rural Management & Development Department, Govt of Sikkim, subject to the following conditions:

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

- (1) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 & 09.05.2008 in IA No.566 in WP (C) No.202/1995 and the guideline issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into the CAMPA account of the State Concerned;
- (2) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (3) As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided;
- (4) All the funds received from the user agency under the project shall be transferred /deposited in CAMPA account only through e-portal (<https://parivesh.nic.in>). Account deposited through other mode will not be accepted as compliance of the Stage-I clearance;
- (5) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>);
- (6) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;

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- (7) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- (8) The expenditure like boundary walls, stone pillars, and demarcation charges cost of damage of trees the fund on these accounts should be deposited with DFO concerned;
- (9) The expenditure like felling, logging and transportation of project affected trees should be collected from the user agency at the rates approved by the State Govt and deposited with the DFO concerned for utilization immediately following the diversion of the forest land;
- (10) 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;

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 to Stage-II approval:

- (1) Legal status of the forest land shall remain unchanged;
- (2) Compensatory afforestation shall be raised over an area of 1.96 ha in degraded forest land identified at Thekabong RF in Pakyong Range, East (T) Division in East District of Sikkim at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided;
- (3) At the time of payment of Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined as per final decision of the Hon'ble Supreme Court of India ;
- (4) The user agency shall restrict the felling of trees to minimum number in the diverted forest land and trees shall be felled under strict supervision of State Forest Department Forest and the cost of the felling of trees shall be deposited by the user agency with the State Forest Department.
- (5) User Agency shall raised strip plantation on both sides and central verge of the road as per IRC norms.
- (6) Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- (7) The user agency shall provide suitable under / over pass in Protected Areas/Forest Areas as per recommendations of CWLW / NBWL / FAC / REC.
- (8) The User Agency shall obtain the Environmental Clearance under Environment (Protection) Act, 1986, if applicable.
- (9) The lay out of the proposal shall not be changed without the prior approval of the Central Government.
- (10) No labour camps shall be established on the forest land.
- (11) Sufficient firewood, preferably the alternative fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternative fuel.
- (12) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (13) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- (14) The forest land shall not be used for any purpose other than that specified in the project proposal.

- (15) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
- (16) Any other conditions that the Integrated Regional Office, Shillong, Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

3. After receipt of the compliance report from the State Government on fulfilment of the conditions mentioned above, final approval will be issued in this regard. Formal transfer of forest land shall not be effected by the State Govt till final approval is granted by the Central Government.

This is issued with the approval of Deputy Director General of Forests (Central).

भवदीय,

(W. I. Yatbon)

उप वन महानिरीक्षक (केंद्रीय)/

Deputy Inspector General of Forests (C)

Copy to:

सीसीएफ-सह-नोडल अधिकारी /CCF -cum Nodal Officer, सिक्किम सरकार/ सिक्किम सरकार/
Government of Sikkim, वनपर्यावरण विभाग/ Department of Forests & Env. डेओराली/Deorali,
गंगटोक/Gangtok, सिक्किम /Sikkim- 737102.

उप वन महानिरीक्षक (केंद्रीय)/

Deputy Inspector General of Forests (C)

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