



**GOVERNMENT OF SIKKIM**  
**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS-cum-PRINCIPAL SECRETARY**  
**FORESTS AND ENVIRONMENT DEPARTMENT**  
Forest Secretariat, Deorali – Gangtok, (SIKKIM) Pin 737 102, E-mail ID: [fcasikkim@gmail.com](mailto:fcasikkim@gmail.com)

Ref. No. 1787/FCA/F&ED/.....

Dated.....2020

To,

The Secretary,  
Water Security & PHE Department,  
Government of Sikkim,  
Gangtok.

**Sub : Proposal for diversion of 0.3335 Ha of Forest Land for shifting of Water Treatment Plan and construction of 4.5 lakhs reservoir Water Tank at Tumlabong RF for Majitar Water Supply in East District of Sikkim by Water Security & PHE Department, Government of Sikkim - In-Principle Approval reg.**

Sir,

Reference your [No. FP/SK/WATER/32378/2018 received through on-line/off line mode and after careful examination of your proposal, the State Govt is hereby pleased to accord the **stage-I (In-Principle) Approval** in terms of the General approval as conveyed by the Ministry of Environment, Forests & Climate Change, Govt of India, New Delhi under section 2 of Forest (Conservation) Act 1980 [vide letter No.F.No.11-9/98 FC, dated 03/01/2005 and Forest (Conservation) Rules, 2003 for **diversion of 0.3335 Ha of Forest Land for shifting of Water Treatment Plan and construction of 4.5 lakhs reservoir Water Tank at Tumlabong RF for Majitar Water Supply in East District of Sikkim by Water Security & PHE Department, Government of Sikkim**, subject to fulfillment of following conditions:-

- (1) Legal Status of the forest land shall remain unchanged.
- (2) The User Agency shall transfer the cost of **Rs. 1,33,041.00** (Rupees one lakh thirty three thousand and forty one) only for Compensatory Afforestation over the degraded land of 0.667 ha. identified at Tumlabung RF, Singtam (T) Range, East (T). As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- (3) The Cost of Compensatory Afforestation at the prevailing wage rates as per compensatory afforestation scheme and the scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate for anticipated cost increase for works schedule for subsequent years.
- (4) The User Agency shall transfer **Rs. 2,19,109.00** (Rupees two lakhs nineteen thousand one hundred and nine) only for the Net Present Value (NPV) for the forest land diverted under this proposal as per the Judgment of the Hon'ble Supreme Court of India date 23.03.2008 & 09.05.2008 in IA No.566 in WP (C) No.202/1995 and as per the guideline issued by the Ministry vide letter No. 5-3/2007-FC dated 05/02/2009 in this regard.

- (5) 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 be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- (6) User Agency shall restrict the felling of trees to minimum number 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.
- (7) 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.
- (8) The expenditure like boundary walls, stone pillars, demarcation charges, cost of damage of trees, the funds on these accounts should be deposited with the DFO concerned.
- (9) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (10) User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- (11) The layout plan of the proposal shall not be changed without prior approval of Central Government.
- (12) No labour camp shall be established on the forest land.
- (13) Sufficient firewood, preferably the alternate 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 legal source of alternate fuel.
- (14) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (15) The forest land shall not be used for any purpose other than specified in the project proposal.
- (16) 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.
- (17) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF & CC Guideline F. No. 11-42/2017-FC dated 29/01/2018.
- (18) Any other condition that the Ministry of Environment, Forests & Climate Change may stipulated from time to time in the interest of conservation, protection and development of forest & wildlife.
- (19) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)



After fulfillment of the above conditions in completeness, the User agency shall submit the **compliance report** for seeking the Final Approval under General Approval under the Forest (Conservation) Act, 1980 and Forest (Conservation) Rules, 2003 by the State Govt. **Diversion of forest land shall not be effected till the Final Approval is granted by the State Govt. in this respect. Demand Note in respect of Conditions No. (2) & (4) are also enclosed for realization of payment.**

This issued within the delegated powers of the State Govt. as conveyed by the Ministry of Environment Forests & Climate Change, Govt. of India with the Guidelines, referred to above.

Yours faithfully,

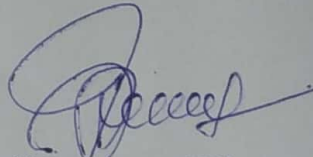
Sd/- (Y.P. Gurung, IFS),  
CCF-cum-Nodal Officer (FCA)

Memo No. 1787/FCA/F&ED/2018/ 99-103

Dated: 26/2/2020

Copy to:-

- |   |   |                                     |
|---|---|-------------------------------------|
| 1. Addl. PCCF(Central), MoEF&CC, Shillong | : | For information, please             |
| ✓ 2. PCCF-cum-Pr. Secretary/F&ED          | : | -do-                                |
| 3. Conservator of Forest (T), Gangtok     | : | For information.                    |
| 4. DFO (East Territorial), Gangtok        | : | For information & follow up action. |
| 5. File                                   |   |                                     |

  
(Y.P. Gurung, IFS),  
CCF-cum-Nodal Office (FCA)