

Memo No: 54/PNGSY/RDD

Dated: 04/07/2024



To,

The APCCF-cum-Nodal Officer (FCA),  
Forest & Environment Department,  
Forest Secretariat, Deorali  
Govt. of Sikkim

Sub: Diversion of 1.3224 Ha of forest land for Construction of Rural Connectivity Road from Sikkip to ambotey chisopani under Melli(T) Range in South Sikkim by Rural Development Department Govt. of Sikkim Request for approval under Stage-II Forest Clearance-Reg.

Reference letter No. SK/ROAD/41/2021FC/529. Dated:26/12/2022

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Hinge  
23/9/24*

1. Please refer the letter under reference vide which In-Principle approval under Stage -I of Forest Clearance was obtained along with Demand Note No. I & II for making necessary payment and compliance of stipulated conditions.
2. Accordingly, compliances are made and submitted as follows:

| Sl. No.   | Conditions to be fulfilled  | Compliances   |
|---|---|---|
| <b>A. Conditions which need to be complied prior to handing over of forest land by the Forest Department.</b> |   |   |
| 1.  | The User Agency shall transfer [Rs. <u>5,06,989.00</u> (Rupees <b>Five lakh six thousand nine hundred eighty nine only</b> )] the cost of raising and maintain compensatory Afforestation (100 trees plantation and maintenance for 10 years) at the current wage rate in consultation with the Forest Department in the account of CAMPA of the concern State through online portal. ( <b>Demand note-I enclosed</b> ).  | Total of Rs. <u>13,93,182.00/-</u> has been deposited vide cheque no. <u>347908</u> on 17/11/23. Out of the total amount of Rs <u>5,06,989.00</u> has been transferred towards the cost of raising and maintain the compensatory Afforestation, Rs. <u>8,86,193.00</u> towards NET Present Value. |
| 2.  | The User Agency shall transfer online, the Net Present Value (NPV) [Rs. <u>8,86,193.00</u> (Rupees <b>Eight lakh eighty six thousand one hundred ninety three only</b> )] for the <b>1.3224</b> ha forest area to be diverted under this proposal, as per the order of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and the guidelines issued by the Ministry vide letters No.5-2/2006-FC dated 03/10/2006, 5-3/2007-FC dated 05/02/2009 & Letter No. 5-3/2011-FC (Vol-I) dated 19/01/2022 in this regard ( <b>Demand note-I enclosed</b> ). |   |
| 3.  | All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal ( <a href="https://parivesh.nic.in">https://parivesh.nic.in</a> ).   | Fund already transferred/deposited  |
| 4.  | The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.   | Agreed (Undertaking enclosed)   |
| 5.  | Violation of any of these conditions will amount to violation of Forest (conservation) Act, 1980 and action shall be taken as prescribed in Para 1.21 of Chapter I of   | Agreed (Undertaking enclosed)   |

*ADFC*  
*86*  
*26/9/24*

*JVDFC*

*V. P. S.*



|   |   |   |
|---|---|---|
|   | the Handbook of Comprehensive guidelines of Forest (Conservation) Act, 1980 issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019   |   |
| 6.  | The compliance report shall be uploaded on e-portal ( <a href="https://parivesh.nic.in">https://parivesh.nic.in</a> ).  | Compliance report uploaded on e-portal  |
| <b>B. Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval.</b> |   |   |
| 1.  | Legal status of the forest land shall remain unchanged.   | Agreed (Undertaking enclosed)   |
| 2.  | The Forest Department shall plant 100 trees to maintain the green cover at the project cost. Planting site for the purpose shall be identified by the Forest Department preferably in the vicinity of the project site. Indigenous trees species should be preferred for such plantation.   | Agreed  |
| 3.  | Additional amount of 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.  | Agreed (Undertaking enclosed)   |
| 4.  | The expenditure like felling, logging and transportation of project affected trees [Rs. 1,35,529.00 (Rupees One lakh thirty five thousand five hundred twenty nine) only] should be deposited in the cutting & felling account of the State Government for utilization immediately following the diversion of the forest land. 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 with the Forest Department. (Demand note-II enclosed). | Total of Rs. <u>4,31,048.00/-</u> has been deposited (as mentioned in Demand Note II & III) in favor of Chief Secretary cum-PCCF, Forest & Environment Department, Govt. of Sikkim. Out of the total amount of Rs <u>1,35,529.00</u> has been deposited towards the cost of felling, logging and transportation of project affected trees, Rs. <u>2,95,519.00</u> towards cost of boundary demarcation. |
| 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 or transfer the expenditure for boundary demarcation of diverted forest land [Rs. 2,95,519.00 (Rupees Two lakh ninety five thousand five hundred and nineteen) only] in the cutting & felling account of the State Government. (Demand note-III enclosed).  |   |
| 6.  | Wherever possible and technically feasible, the User Agency shall undertake appropriate Afforestation or vegetation enrichment measures near the site(s) related to the area diverted under this approval, in consultation with the Forest Department at the project cost.  | Agreed (Undertaking enclosed)   |
| 7.  | The layout plan of the proposal shall not be changed without the prior approval of the Central Government.  | Agreed (Undertaking enclosed)   |
| 8.  | All the natural streams and water bodies in surrounding area shall be protected.  | Agreed (Undertaking enclosed)   |
| (a)   | The User Agency shall ensure that the laborers and staff engaged in construction activity do not damage the nearby forest flora and fauna.  | Agreed (Undertaking enclosed)   |
| (b)   | Earth or any other material shall not be brought from and debris resulting during construction shall not be disposed off in the adjoining forest area by the user agency.   | Agreed (Undertaking enclosed)   |
| (c)   |   |   |



|       |  |                               |
|-------|--|-------------------------------|
| (d)   | No labour camp shall be established on the forest land   | Agreed (Undertaking enclosed) |
| (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.               | Agreed (Undertaking enclosed) |
| 9.(a) | The forest land shall not be used for any purpose other than that specified in the project proposal  | Agreed (Undertaking enclosed) |
| (b)   | The period of diversion under this approval shall be co-terminus with the period of the project life.  | Agreed (Undertaking enclosed) |
| (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.                   | Agreed (Undertaking enclosed) |
| 10    | Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife. | Agreed (Undertaking enclosed) |

3. It is therefore requested to take necessary action for onward submission of compliance report at the earliest to Ministry of Environment, Forest & Climate Change, Govt. of India for seeking final approval under Stage-II, please.

Yours faithfully,

**Chief Engineer**  
**Rural Dev. Department**  
**Govt. of Sikkim**



GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
GANGTOK

Memo No. 893/RDD

Date: 04.07.2024.

**CERTIFICATE OF UNDERTAKING**

Name of the proposal: - Construction of Rural Connectivity Road from Sikkip to Ambotey Chisopani under Melli (T) Range in South District (diversion of 1.3224 hectare of forest land).

The Rural Development Department, Government of Sikkim, hereby gives undertaking that the Department shall ensure that there shall be no violation of the conditions prescribed in the Stage-I approval accorded for the above mentioned diversion proposal. Further, it accepts the violation of any of the conditions prescribed in the Stage-I approval shall amount to violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 which shall be dealt with in the manner prescribed in Para 1.21 of Chapter 1 of the Handbook of Comprehensive guidelines of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

Secretary

Rural Development Department  
Government of Sikkim  
Gangtok

**SECRETARY**  
Rural Development Department  
Government of Sikkim



GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
TASHILING, GANGTOK

Memo No: 653/CE(S/W)/RDD

Dated: 23/08/24

**Annexure**  
**UNDERTAKING FOR LEGAL STATUS OF FOREST LAND**

It is certified that legal status of the forest land will not be changed and will remain the same as it is for Diversion of 1.3224 ha of forest land for construction of RCR from Sikkip to Ambotey Chisopani under Melli (T) Range in South Sikkim.

CHIEF ENGINEER (S/W)  
RURAL DEVELOPMENT DEPARTMENT

Chief Engineer  
Rural Dev. Department  
Govt. of Sikkim





GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
TASHILING, GANGTOK

Memo No: 654/CE(S/W)/RDD

Dated: 23/08/24

**UNDERTAKING**

Rural Development Department will pay additional amount of NPV of the diverted forest land, if any, becoming due after finalization of the same by the Honble Supreme Court of India on receipt of the report from the Expert Committee.

  
CHIEF ENGINEER (S/W)  
RURAL DEVELOPMENT DEPARTMENT

**Chief Engineer  
Rural Dev. Department  
Govt. of Sikkim**



GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
TASHILING, GANGTOK

Memo No: 655/CE (S/W)/RDP

Dated: 23/08/23

**UNDERTAKING**

This is to certify that the Rural Development Department shall undertake appropriate Afforestation or vegetation enrichment measures near the site(s) related to the area diverted under this approval, in consultation with the Forest Department at the project cost, under forest Diversion of 1.3224 ha of forest land for construction of RCR from Sikkip to Ambotey Chisopani under Melli (T) Range in South Sikkim

CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer  
Rural Dev. Department  
Govt. of Sikkim







GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
TASHILING, GANGTOK

Memo No: 656/CE(S/W)/RDD

Dated: 23/08/24

**UNDERTAKING**

This is to certify that layout plan of the proposal shall not be changed without the prior approval of central Government under forest Diversion of 1.3224 ha of forest land for construction of RCR from Sikkim to Ambotey Chisopani under Melli (T) Range in South Sikkim.

CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer  
Rural Dev. Department  
Govt. of Sikkim





GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
TASHILING, GANGTOK

Memo No: 657/CE(S/W)/RDD

Dated: 23/08/24

**UNDERTAKING**

This is to certify that all the natural streams and water bodies in surrounding area shall be protected under forest Diversion of 1.3224 ha of forest land for construction of RCR from Sikkip to Ambotey Chisopani under Melli (T) Range in South Sikkim.

CHIEF ENGINEER (S/W)  
RURAL DEVELOPMENT DEPARTMENT

Chief Engineer  
Rural Dev. Department  
Govt. of Sikkim





GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
TASHILING, GANGTOK

Memo No: 658/CE (S/W)/RDD

Dated: 23/08/24

**UNDERTAKING**

This is to certify that the Rural Development Department shall ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna of forest land for Diversion of 1.3224 ha of forest land for construction of RCR from Sikkip to Ambotey Chisopani under Melli (T) Range in South Sikkim.

CHIEF ENGINEER (S/W)  
RURAL DEVELOPMENT DEPARTMENT

Chief Engineer  
Rural Dev. Department  
Govt. of Sikkim



GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
TASHILING, GANGTOK

Memo No: 659/CE[S/W]/RDD

Dated: 23/08/24

**UNDERTAKING**

This is to certify that the Earth or any other material shall not be brought from and debris resulting during construction shall not be disposed off in the adjoining forest area by the Rural Development Department for Diversion of 1.3224 ha of forest land for construction of RCR from Sikkim to Ambotey Chisopani under Melli (T) Range in South Sikkim.

CHIEF ENGINEER (S/W)  
RURAL DEVELOPMENT DEPARTMENT  
**Chief Engineer**  
**Rural Dev. Department**  
**Govt. of Sikkim**



GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
TASHILING, GANGTOK

Memo No: 660/CE. (S/W)/RDD

Dated: 23/08/24

**UNDERTAKING**

This is to certify that no labor camp shall be established on the forest land under Forest Diversion of 1.3224 ha of forest land for construction of RCR from Sikkip to Ambotey Chisopani under Melli (T) Range in South Sikkim.

  
CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer  
Rural Dev. Department  
Govt. of Sikkim







GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
TASHILING, GANGTOK

Memo No: 661/CE (S/W)/RDD

Dated: 23/08/24

**UNDERTAKING**

This is to certify that the Rural Development Department Shall provide alternate fuel Preferably LPG to the Laboure's and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas under forest Diversion of 1.3224 ha of forest land for construction of RCR from Sikkip to Ambotey Chisopani under Melli (T) Range in South Sikkim.

  
CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer  
Rural Dev. Department  
Govt. of Sikkim





GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
TASHILING, GANGTOK

Memo No: 662/CE(S/W)/RDD

Dated: 23/08/24

**UNDERTAKING**

This is to certify that the forest land shall not be used for any purpose other than that specified in project proposal, under forest Diversion of 1.3224 ha of forest land for construction of RCR from Sikkim to Ambotey Chisopani under Melli (T) Range in South Sikkim

CHIEF ENGINEER (S/W)  
RURAL DEVELOPMENT DEPARTMENT

Chief Engineer  
Rural Dev. Department  
Govt. of Sikkim



GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
TASHILING, GANGTOK

Memo No: 663/ CE (S/W)/RDD

Dated: 23/08/24

UNDERTAKING

This is to certify that the period of diversion under this approval shall be Co-terminus with the period of Project Life under forest Diversion of 1.3224 ha of forest land for construction of RCR from Sikkip to Ambotey Chisopani under Melli (T) Range in South Sikkim.

  
CHIEF ENGINEER (S/W)  
RURAL DEVELOPMENT DEPARTMENT

Chief Engineer  
Rural Dev. Department  
Govt. of Sikkim



GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
TASHILING, GANGTOK

Memo No: 664/CE (S/W)/RDP

Dated: 23/08/24

UNDERTAKING

This is to certify that the forest land proposed to be diverted shall under no circumstances be transferred to any other agencies department or person without prior approval of the central government under forest Diversion of 1.3224 ha of forest land for construction of RCR from Sikkim to Ambotey Chisopani under Melli (T) Range in South Sikkim.

CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer  
Rural Dev. Department  
Govt. of Sikkim







GOVERNMENT OF SIKKIM  
RURAL DEVELOPMENT DEPARTMENT  
GRAM VIKASH BHAWAN  
TASHILING, GANGTOK

Memo No: 665/CE (S/W)/RDD

Dated: 23/08/24

UNDERTAKING

Any other conditions that the ministry of the Environment, Forest and climate change may stipulate from time to time in the interest of conservation and development of Forest and Wildlife.

Rural Development Department is hereby undertaken to agree other conditions that the ministry of the Environment, Forest and Climate change may stipulate from time to time in the interest of Conservation and development of forest and wildlife.

CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer  
Rural Dev. Department  
Govt. of Sikkim



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Annexure- 1

FORM -1  
( for linear projects)  
Government of Sikkim  
Office of the District Collector, South

Ref.....

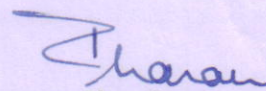
Dated:

**TO WHOM SO EVER IT MAY CONCERN**

In compliance of the Ministry of Environment and Forests (MoEF), Government of India's letter No 11-9/98-FC (pt) dated 3<sup>rd</sup> August 2009 wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('FRA', for short) on the forest land proposed to be diverted for non forest purposes read with MoEF letter dated 5<sup>th</sup> February 2013 wherein MoEF issued certain relaxation in respect of linear projects, it is certified that **1.3224** hectares of forest land proposed to be diverted in favour of "RMDD" (Name of User agency) for **Diversion of 1.3224 ha of forest land for construction of rural connectivity road from Sikkip to Ambotey Chisopani through Salghari RF under Tinik Chisopani Block in South Sikkim.** (purpose for diversion of forest land) in south District falls within jurisdiction of **Samatar** tehsils.

It is further certified that

- (a) the complete process for identification and settlement of rights under the FRA has been carried out for the entire 1.3224 hectares of forest area proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee (S). Gram Sabha(s), Sub-Division Level Committee (s) and the District Level Committee are enclosed.
- (b) the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Gram Sabhaa have given their consent to it:
- (c) The proposal does not involve recognized rights of primitive Tribal Group and pre-agricultural communities.

  
Signature

(Full name and official seal of the District Collector)

**District Collector**  
**Namchi, South Sikkim**