



भारत सरकार/Government of India
पर्यावरण, वन एवं जल वायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय
Integrated Regional Office
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No.SK/ROAD-46/2021/FC/122

Date: 31/03/2022

To,

The Principal Secretary,
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 0.3708 ha of forest land for construction of RCR from SPWD Melli Road to Kerabari zero in Melli South Sikkim by RDD, Government of Sikkim-reg.**

Sir,

This refers to letter No. 1940/FCA/F&ED/498 dated 12.07.2021 and letter no. 1940/FCA/F&ED/904 dated 2.03.2022 of the State Government, Sikkim on the above-mentioned subject seeking prior approval of the Ministry of Environment, Forest and Climate Change under section 2 of Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government, the “**in-principle**” approval of Central Government, is hereby conveyed for diversion of 0.3708 ha of forest land for construction of RCR from SPWD Melli Road to Kerabari zero in Melli South Sikkim by RDD, Government 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 (1 ha) at the prevailing wage rates as per compensatory afforestation scheme (including the cost of survey, demarcation and erection of permanent pillars etc. as required for securing the land against encroachment) 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 0.3708 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 letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC, 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 User Agency should submit the complete geo-reference map (including kml) of the forest land proposed for diversion prior to issuance of Stage-II approval.
- (6) 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 the forest land shall remain unchanged.
- (2) Compensatory afforestation shall be taken up by the Forest Department over 1 ha. degraded forest land (Location –Mellidara Khasmal, Melli 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 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) The User Agency shall raise strip plantation on both sides of the road as per the IRC norms.
- (7) Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.
- (8) The layout plan of the proposal shall not be changed without prior approval of Central Government.
- (9)
 - (a) No labour camp shall be established on the forest land.
 - (b) 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.
 - (c) No additional or new path will be constructed inside the forest area for any activity related to the project work.
 - (d) The muck, debris and materials generated out of the construction shall not be spilled down on slopes and be disposed of in the predetermined area only.
 - (e) There shall be no damage to surrounding forests, environment, wildlife & natural resources.
 - (f) All the natural streams and water bodies in surrounding area shall be protected.
 - (g) The user agency shall take necessary mitigative measures to prevent soil erosion in the area.
- (10)
 - (a) The period of diversion under this approval shall be co-terminus with the period of the project life.
 - (b) The forest land shall not be used for any purpose other than that specified in the project proposal.
 - (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.
- (11) 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 forest & wildlife.
- (12) 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.

2. 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,

(Dr. Soma Das)

Inspector General of Forests (C)

Copy to:-

1. The DIGF, RO(HQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110 003.
2. The APCCF-cum-Nodal Officer (FC), Department of Forests & Environment, Government of Sikkim, Gangtok.
3. The Divisional Forest Officer, South Territorial Forest Division, Sikkim.
4. The Principal Secretary, Rural Development Department, Tashiling Secretariat, Gangtok, Sikkim - 737101.
5. Guard File.

Inspector General of Forests (C)