

SIKKIM



GOVERNMENT

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No. 470

GOVERNMENT OF SIKKIM FOREST AND ENVIRONMENT DEPARTMENT GANGTOK DISTRICT

No: GoS/FED/FTC/5-8/926

Date: 16.12.2025

NOTIFICATION

In exercise of the powers conferred by clause (h) of sub-section (2) of section 83 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988, the State Government hereby makes the following rules namely:-

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| Short title,
extent and
Commencement | <p>1. (1) These rules may be called the Sikkim Road Reserve Tree Felling Rules, 2025.</p> <p>(2) They shall extend to the whole of Sikkim.</p> <p>(3) They shall come into force at once.</p> |
| Definition | <p>2. (1) In these rules, unless the context otherwise requires, -</p> <p>(a) "Act" means Sikkim Forest Water Courses and Road Reserve, Preservation and Protection Act 1988;</p> <p>(b) "commercial rate" means the commercial rate of royalty leviable, as notified in the schedule of rates of the Government;</p> <p>(c) "designated online portal" means the web portal designated for the purpose of issues of marking order under this rule by the Forest and Environment Department;</p> <p>(d) "department" means the Forest and Environment Department, Government of Sikkim</p> <p>(e) "ecological value" means the environment value which is necessary for the existence of other forms of plant or animals life;</p> <p>(f) "forest officer" means an officer of that designation within whose territorial jurisdiction the Road Reserve falls;</p> |

- (g) "Government" means the State Government of Sikkim;
- (h) "girth" means the circumference of that trunk or stem taken horizontally;
- (i) "marking order" means an order for marking tree with an approved means for felling a tree by an authorized forest officer;
- (j) "restitution charges" means the amount of money payable in lieu of the environment and future capital values of the tree or tree removed;
- (k) "road reserve" includes all lands either prescribed as such under sub-section (4) or (5) of section 29 of the Act or under any order, notification, regulation, byelaw, proclamation or other instrument of Government or any land occupied by road or its flanks or shoulders recorded as Government land in record of right of the Government;
- (l) "species" means type of tree;
- (m) "tree" means a plant mentioned in the schedule of rates notified by the Government.
- (n) "volume table" means the table containing the volume of timber extractable from a tree as notified by the Government.

2. Words and expressions used but not defined in these rules but defined in the Act shall have the same meanings assigned to them in the Act.

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| Trees not to be felled | 3. | With effect on and from the commencement of these rules, notwithstanding any custom, usage, contract or law for the time being in force, no permission to fell a tree on any road reserve shall be granted except as hereinafter provided. |
| Person or agency to apply for tree felling | 4. | Any person or agency desiring to fell a tree(s) in road reserve shall apply through the designated online portal or through a prescribed application form to the forest officer. |
| Permission to fell tree | 5. | <p>After receipt of the application, the forest officer may, after inspection and verification of the tree, grant permission in whole or in part or refuse permission in whole or in part or refuse permission:
 Provided the permission shall not be refused, if the tree,-</p> <ul style="list-style-type: none"> (a) is dead, diseased, wind-fallen; or (b) is posing immediate danger to life or property as determined by the authorized forest officer or by a notified authorized authority for the purposes of these rules; or (c) constitutes obstruction to traffic; or |

- (d) is substantially damaged or destroyed by fire, lightning, rain or other natural causes; or
- (e) felling is necessary for any construction to proceed beyond the road reserve on private or other non-forest land subject to submission of building plan approved by the competent authority:

Provided further that, the tree shall not belong to a category of species reserved by the Government under provisions of any forest laws or rules nor should the tree be a mother tree being capable of producing good seeds as determined by forest officers:

Provided also that, the tree should not have high ecological value such as a rare growth of epiphytes.

Cancellation or suspension of permission granted under rule 5

- 6. The forest officer may cancel or suspend the permission granted under rule 5 on any of the grounds specified below, after giving an opportunity of being heard to the grantee and after recording reasons therefor, namely:-
 - (a) furnishing of false or wrong information to obtain permission;
 - (b) discovery of defects in title;
 - (c) misuse of felling permission;
 - (d) non-fulfillment of conditions of felling permission;
 - (e) violation of any provisions of the Act or these rules or orders made thereunder;
 - (f) felling of unpermitted trees;
 - (g) dispute between grantee and others.

Forest Officers

- 7. The State Government may, by notification in the Official Gazette, authorize forest officer(s) for different purposes of these rules.

Procedure to be followed

- 8. (1) On receipt of application, the Forest officer shall assign the task to his sub-ordinate for verification.
- (2) The verification forest officer shall then prepare inspection report containing his recommendation if he is satisfied that the conditions of these rules are fulfilled or may reject the same after recording his reasons and submit it to the next higher authority or upload it in the designated online portal.
- (3) The application shall then be processed by the forest officer for approval and issue of marking order in the designated online portal or otherwise according to the powers vested at various levels of forest officer, as per the notification issued in the Official Gazette by the Government from time to time. Provided that such marking order shall be issued only after the conditions under rule 9 have been fulfilled.

- (4) Upon approval by the forest officer, the QR coded marking order shall be issued in the designated online portal or a manual marking order shall be issued by the concerned Divisional Forest Officer having territorial jurisdiction.
- (5) An authorised forest officer may reject any recommendation to mark a tree for felling by recording reasons for such rejections at any stage of the application prior to his approval or forwarding it to next higher authority.
- (6) After marking order is issued to the applicant, the forest officer shall mark the trees for felling.

Conditions for issuance of Marking Order

- 9. No marking order shall be issued unless,-
 - (a) the application is accompanied by a management plan, in the case of felling of more than three trees, indicating how the applicant proposes to make good the loss caused by such felling, along with the estimated cost for implementation of the said plan.
 - (b) the cost of the management plan, as per the estimate prepared by the Divisional Forest Officer (Territorial), is deposited either online or by a demand draft drawn in favour of the department:

Provided that, the department shall plant another tree or trees of the same or any other suitable species on the same site or any other suitable place as per the approved management plan within thirty days from the date the tree is felled.
 - (c) the applicant deposits restitution charge for each tree at the following rate, namely:-
 - (i) a sum of Rs.5000 and the commercial rate of royalty of the timber extractable from it as per notified volume table, if the girth of the tree at breast height is 3 feet or more;
 - (ii) a sum of Rs.3000 if the girth of the tree at breast height is less than 3 feet.

Disposal of felled trees

- 10. (1) After the Marking Order is issued, the Range Officer shall dispose of the tree(s) by auction or through the Utilization Circle.
- (2) The Divisional Forest Officer shall be the Competent Authority to issue the Auction Order for trees which were assessed to be posing danger to life and property.

Planting in place of felled or fallen or destroyed trees

- 11. (1) Where a marking order has been issued or any tree has fallen or is destroyed by wind, fire, lightning, torrential rain or such other natural causes, the Range officer may require such owner or occupier to plant a tree or trees in place of the tree so felled or fallen or destroyed, of the same or other species at the same or other suitable place as may be specified in the order.

- (2) The owner or the occupier of the land shall comply with such order within thirty days from the receipt thereof or such extended time as the forest officer may allow.

No restriction on lopping of trees

12. No restriction shall be imposed on lopping of trees to encourage growth and development of flowering/fruited trees, maintenance of public utilities including power transmission lines, water lines, street lights, etc.

Penalty for violation of these rules

13. Felling of tree(s) in violation of the provisions of these rules shall be treated as a forest offence and the same shall be compounded as provided for in section 74 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988.

Appeal

14. (1) Against the order of the forest officer under rule 6 and 8, an appeal shall lie to Conservator of Forest (Territorial).
- (2) Such appeal shall be filed within thirty days from the date the decision is communicated to the owner or occupier of the land and shall be accompanied by a fee of Rs. as per the notification issued in the Official Gazette by the Government from time to time.
- (3) The Conservator of Forest (Territorial) shall decide the appeal after giving to the appellant a reasonable opportunity of being heard. The decision of the Conservator of Forest (Territorial).
- (4) Where an appeal is made in time, the period for compliance specified in the order of the Conservator of Forest (Territorial) shall be reckoned from the date on which the appeal is decided against the appellant and where the appeal is allowed the fee paid under sub-rule (2) shall be refunded to the appellant.

Repeal and saving

15. (1) The Sikkim Road Reserve Tree Felling Rules, 2002 is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under that rules/ notification/office order shall be deemed to have been done or taken in exercise of the powers conferred by or under these rules as if these rules were in force on the day on which such thing was done or such action was taken.

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Forest and Environment Department
Government of Sikkim
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