

Sikkim

Government



Gazette

**EXTRAORDINARY
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Gangtok

Friday 10th February, 2006

No. 34

**GOVERNMENT OF SIKKIM
Forest, Environment and Wildlife Management Department**

SIKKIM WILDLIFE (REGULATION OF TREKKING) RULES, 2005

No:887/FEWMD

Dated:10.2.06.

In exercise of the powers conferred by sub-section (1) and clause (h) of sub-section (2) of section 64, of the Wildlife (Protection) Act, 1972 (Act No. 53 of 1972), the State Government hereby makes the following rules, namely:-

1) Short title, extent and commencement

- (1) These rules may be called the Sikkim Wildlife (Regulation of Trekking) Rules, 2005.
- (2) They extend to the whole of the Sikkim.
- (3) They shall come into force on the date of publication in the official gazette.

2) Definitions

- (1) (a) "**Acts**" means the Wildlife (Protection) Act, 1972.
- (b) "**biodegradable material**" includes all those materials that decompose naturally in nature, but excludes all paper products;
- (c) "**compounding officer**" means the person appointed by the State Government under section 54 of this Act;
- (d) "**environment**" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property;
- (e) "**environmental pollutant**" means any solid, liquid or gaseous substance in such concentrations as may be, or tend to be injurious to environment;
- (f) "**environmental pollution**" means the presence in the environment of any environmental pollutant;
- (g) "**wildlife area**" for the purpose of these rules means area notified as Sanctuary, National Park, Biosphere Reserve or Conservation Reserve;
- (h) "**government**" means the Government of Sikkim;
- (i) "**non-biodegradable material**" includes all those materials that are not biodegradable materials;
- (j) "**State**" means State of Sikkim.
- (k) "**trekking service provider**" includes porters, pack animal operators, cooks, guides, their assistants and all other support staff;

(l) “**trekking company**” means the person who at the time the offence or contravention was committed, was in charge of, and was responsible to the company for the conduct of the business of the company that had organized the trekking;

(m) “**trek manager**” means the trekking company that has organized the trek, or in its absence the group leader of the trekking party or in the absence of both of these, the trekker himself;

(n) “**water body**” includes lakes, ponds, rivers, streams and glaciers.

(2) Words and expressions used herein but not defined, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3) Actions prohibited in wildlife area

(1) Within a wildlife area a trekker, trekking service provider or trekking company shall not:

- (a) use firewood;
- (b) damage or cut shrubs or thickets;
- (c) dispose non-biodegradable material within wildlife area;
- (d) pollute water body;
- (e) collect plants or their parts;
- (f) be accompanied by stray dogs or pet animals;
- (g) feed, shout, tease, chase, disturb or molest wild animals;
- (h) play loud music or use loud speakers;
- (i) deface or damage rocks, tree trunks or government infrastructure or facilities;
- (j) camp outside designated campsites;
- (k) trek outside designated nature trails;
- (l) defecate within 100 meters of any water body;
- (m) camp within 500 meters of the periphery of any lake;
- (n) cause environmental pollution;
- (o) defile sites of religious and cultural significance such as sacred mountains, lakes, rocks, caves and shrines or
- (p) commit any other act that may be injurious to forests, water bodies, plants, animals or disturb the natural tranquility of such sites or become a nuisance to fellow trekkers.

(2) A trek manager shall:

- (a) engage trekking service providers who are genuine Sikkim subjects and possess the Certificate of Identification.
- (b) engage pack animals owned by genuine Sikkim subjects who possess the Certificate of Identification
- (c) provide adequate cooked food for the trekking service providers while in a wildlife area and ensure that they do not use firewood;
- (d) obtain a permit and pay prescribed fees before entering a wildlife area;
- (e) register at the forest/wildlife checkpost before entering a wildlife area;
- (f) bury the biodegradable materials responsibly in designated sites while in a wildlife area;
- (g) arrange to carry sufficient kerosene and LPG for heating and cooking purposes

(3) A trekker, trekking service provider or the trek manager shall not leave any non-biodegradable material in wildlife area during a trek, and such materials shall be declared at the forest/wildlife checkpost both before and after the trek.

(4) The pack animal operator shall arrange for fodder for the pack animals and ensure that they do not graze freely in wildlife areas.

(5) No person shall sell liquor, drugs or other intoxicants within a wildlife area.

(6) No person shall carry out any research or study within a wildlife area without the prior permission of the Government.

4) Penalties

(1) Whenever a trekker or a trekking service provider or a trekking company contravenes or attempts to contravene or abets the contravention of sub-rules 1 or 2 of Rule 3, an offence would be deemed to have been committed and the concerned trek manager shall be punishable with a fine which shall not be less

than five thousand rupees but may extend to ten thousand rupees apart from the compensation for the damage caused.

(2) Whenever a trekker or a trekking service provider or a trekking company contravenes sub-rule 3 of Rule 3, an offence would be deemed to have been committed and the concerned trek manager shall be punishable with fine which shall not be less than one

thousand rupees but may extend to fifteen thousand rupees and the fine so collected shall be used to restore the wildlife area to its original state.

Provided that in case of a subsequent offence the fine shall not be less than ten thousand rupees and may extend to twenty-five thousand rupees and the concerned trekker or trekking service provider or trekking company shall be banned from trekking or organizing trekking in the wildlife areas of the State for a period of five years.

(3) Whenever any pack animal operator contravenes sub-rule 4 of Rule 3, an offence would be deemed to have been committed and the concerned pack animal operator shall be punishable with a fine which shall not be less than five thousand rupees but may extend to ten thousand rupees apart from the compensation for the damage caused.

Provided that in case of a subsequent offence the fine shall not be less than ten thousand rupees and may extend to twenty five thousand rupees apart from the compensation for the damage caused and the pack animal operator and his pack animals shall be banned from entering the wildlife areas of the State for a period of five years.

(4) Whenever any person contravenes sub-rule 5 of Rule 3, an offence would be deemed to have been committed and the person shall be punishable with a fine which shall not be less than five thousand rupees but may extend to ten thousand rupees.

(5) Whenever any person contravenes sub-rule 6 of Rule 3, an offence would be deemed to have been committed and the person shall be punishable with a fine which shall not be less than ten thousand rupees but may extend to twenty thousand rupees and the person shall be henceforth banned from entering the wildlife areas of the state.

5) Detection of such offences

(1) Other than forest officers, the Ecodevelopment Committees (EDC), Joint Forest Management Committees (JFMC) shall be authorized to detect offences under these rules and arrest the offender if there is reason to believe that he will abscond.

(2) Any person arrested under sub-rule (1) shall be handed over forthwith to the nearest forest/wildlife office.

(3) Registered Non Governmental Organizations (NGOs) and the trekking service providers shall be authorized to detect offences and inform the nearest forest/wildlife office.

6) Reward

(1) The compounding officer may order reward to be paid to a person who renders assistance in the detection of the offence or apprehending the offender out of the sum of money accepted as fine not exceeding twenty percent of such money.

(2) The compounding officer may meet up the expenditure incurred for detecting the offence and apprehending the offender out of the sum of money accepted as fine not exceeding twenty percent of such money.

7) Rules to apply in addition to other laws

These rules shall apply in addition to the laws relating to forests, environment, wildlife and biodiversity.

T. R. Poudyal, IFS
Principal Chief Conservator of Forests –cum- Secretary
Department of Forest, Environment & Wildlife Management
Government of Sikkim
File No: 250/WLC/F/05

Sikkim

Government



Gazette

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok **Wednesday 29th March, 2006** **No.83**

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK**

No. 25/HOME/2006.

DATED :20.3.2006

NOTIFICATION

- I. The State Government is hereby pleased to declare the followings peaks open for Alpine Expedition with effect from 17th September, 2005.

Name of the peak (West Sikkim)	Location	Grade
Frey's Peak 5830 mtr	Chaurigang	AD+
Name of the peaks (North Sikkim)	Location	Grade
Lama Wangden 5868 mtr	Lachen	AD
Brumkhangse 5635 mtr	Yumthang	D

The following peaks already opened by the State Government vide Notification No. 54 (78) Home/84/30 dated 20th July, 1993 are renamed as Alpine peaks and included for Alpine Expedition along with the above three peaks.

Name of the peaks (West Sikkim)	Location	Grade
Mt. Tinchekang	West Sikkim	D
Mt. Joponu	West Sikkim	D+

- II. The permit for Alpine Expedition to above five peaks will be issued by the Home Department to only those local tour operators authorized and notified by Tourism Department for conducting the Alpine Expedition.

III. The royalty shall be paid under the Revenue Head of Forest, Environment and Wildlife Management Department. The procedure for obtaining permit from Home Department shall be as per Annexure 'A'. The following royalty shall be levied for the expedition.

- | | | |
|----------------------------------|---|---|
| (a) For foreign expedition team | : | US \$ 350 per team of upto four members, US \$ 500 per team of upto eight members and US \$ 75 for every additional member. |
| (b) For domestic expedition team | : | Rs. 15,000/- per team of upto eight members and Rs. 1,500/- for every additional member. |
| (c) For local expedition team | : | Rs. 3,000/- per team of upto eight members and Rs. 300/- for every additional member. |

IV. The tour operator shall be responsible for rescue operation, if any. The Tourism Department, however, shall render all legitimate assistance to the tour operators including coordination with different agencies.

V. The tour operator conducting expedition shall scrupulously adhere to the code of conduct for eco-tourism in Sikkim and abide by all the terms and conditions laid down by the State Government for conducting the expedition. The code of conduct and terms and conditions will be enclosed with the permit for Alpine Expedition in form 'D'. The violation of any of the conditions and code of conduct shall debar the tour operator from conducting further Expedition/s

The Tourism Department will be responsible for ensuring that the trekking/expedition routes are kept litter free and conduct periodical cleaning operations, if necessary.

VI. The following minimum insurance coverage is compulsory.

- | | | |
|------------------------|---|--------------------------|
| (a) Expedition members | : | Rs. 3 lakhs per member. |
| (b) Camp crews | : | Rs. 1 lakh per person. |
| (c) Porters | : | Rs. 50,000/- per person. |
| (d) Animals | : | Rs. 20,000/- per animal. |

VII. A total of 10 expeditions (6 foreign and 4 domestic) shall be permitted per year. However, the State Government may permit additional expedition, if such situation arises.

BY ORDER AND IN THE NAME OF THE GOVERNOR.

**N.D. CHINGAPA, IAS
CHIEF SECRETARY
F. No. Gos/Home-II/2005/14**

FORM-A

FORMAT FOR APPLICATION BY TOUR OPERATOR FOR PERMISSION TO UNDERTAKE ALPINE EXPEDITION IN SIKKIM

- Name of the Alpine Peak :
- Height :
- Name and nationality of the leader
of the expedition :
- Period of expedition :
- Date/Schedule :
- Proposed trekking and climbing route :
- Number of Crew Members :
- Name of the tour operator :
- Address :
- Contact Number (s) :
- Registration Number :
- Name of the Proprietor :
- Date of Submission of Form :

Document check list:

1. Personal particular of all the foreigners in Form B in duplicate with photograph.
2. Tour itinerary.
3. Photocopy of passport/Proof of Indian Citizenship.
4. Photocopy of Visa.
5. Summary of personal particular of foreigners with other detail.

Declaration:

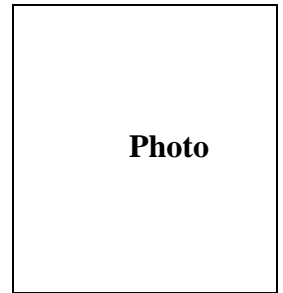
1. It is hereby certified that the information provided is true to the best of our knowledge.
2. We agree to abide by all the terms and conditions laid down by the State Government for undertaking proposed expedition.

Signature:

Name:

Designation:

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
PERSONAL PARTICULAR FORM OF APPLICANT**



- | | | |
|----|--|-------------------------|
| 01 | Name of the applicant (in CAPITAL) letter | Mr./Mrs./Ms. |
| 02 | Father's/Husband's Name | Mr. |
| 03 | Place (town & country) & Date of Birth | |
| 04 | Nationality | 1. Present:
2. Past: |
| 05 | Occupation (with address of the place of work, if employed) | |
| 06 | Mailing Address | |
| 07 | Permanent Address | |
| 08 | References: a) in Sikkim
b) in the country of applicant | |
| 09 | (i) Passport Details
(enclose photocopy)
(ii) Proof of Indian Citizenship, if Indian (enclose photocopy) | |
| 10 | Details of Visa for India, if obtained (enclose photocopy) | |
| 11 | Places proposed to be visited | |
| 12 | Route intended to be followed | |
| 13 | Likely date of visit | |
| 14 | Purpose of visit | |
| 15 | Likely duration of visit | |
| 16 | Details of previous visit to Sikkim | |
| 17 | Have you previously visited any restricted/protected area in Sikkim, if so give details | |
| 18 | Has any earlier request for permit been refused, if so give details | |
| 19 | Insurance Policy No. | |

The information given above is correct and complete to the best of my knowledge.

Signature of the Applicant

PERMIT FOR ALPINE EXPEDITION IN SIKKIM

- I. Name of the Alpine Peak and height. :
- II. Name of the leader of the Expedition :
- III. Number of Expedition team :
- IV. Detail of Expedition Team : List enclosed.
- V. Route to be followed :
- VI. Period of Expedition :
- VII. Name of the tour operator :
- VIII. Full Address with contact No. :
- IX. Name of the Liaison Officer :
with address and contact numbers
- X. Terms and conditions : List Enclosed

DEPUTY SECRETARY-II/HOME

Copy to:

1. Chief Warden, KNP.
2. Deputy Inspector General of Police, Check Post.
3. GSO-I (Int.), 17, Mountain Division, C/o 99 APO.
4. Concerned District Collector.
5. Deputy Secretary, Adventure, Tourism.

TERMS AND CONDITIONS:

1. Scrupulously follow the enclosed Code of Conduct for eco-tourism in Sikkim.
2. State Government will detail a Liaison Officer for the expedition. The tour operator shall pay a lump sum fee of Rs. 5,000/- to the LO and they shall also bear the cost of their lodging and fooding during the period of expedition.
3. Emphasis should be on employment of local people as cook, porters, guide, etc.
4. The expedition team shall follow the approved trekking/climbing route only.
5. The expedition team leader and the tour operator shall submit their feedback on the expedition to Home Department, Government of Sikkim within seven days from the date of completion of the expedition.
6. The fees, royalty etc. paid for undertaking the expedition shall not be refundable unless the expedition is rendered impractical by natural calamity before reaching the base camp or cancellation of the expedition by the State Government.
7. The insurance coverage of expedition team, camp crews, porters and animals are compulsory.
8. The expedition team shall ensure that no defilement of sacred lakes, caves or rocks enroute is done.
9. The foreign expedition team shall hold valid Inner Line Permit with them.
10. Photography and entry into Army installations enroute is strictly prohibited.
11. The State Government reserves the right to cancel the permit at any time.

CODE OF CONDUCT FOR ECO-TOURISM IN SIKKIM

1. Conserve Sikkim's natural and cultural heritage
 - Do not trample high altitude vegetation; do not pick any flowers or medicinal plants.
 - Do not disturb wildlife or its habitats.
 - Do not allow clients to purchase endangered animal parts or antique cultural artifacts.
 - Support local conservation efforts and income generation activities.
2. Avoid use of fuel wood; use alternative fuels
 - Use kerosene, LPG (or other non-wood fuel) for all cooking, heating, lighting including that by staff and porters.
 - Discourage campfires; encourage camp fun
 - Follow safety rules when carrying, storing and using kerosene and gas.
3. Leave all camps and trails clean
 - Separate and properly dispose of litter: burn burnable, bury biodegradable, and carry out all other non-biodegradable materials for deposit at designated trash site or for recycling
 - Use toilet tents on all treks; set up and use toilet tents in an environmentally sound manner so as to avoid pollution of water sources (at least 100m away)
 - Use established campsites and kitchen sites; avoid trenching around tents.

4. Practice conservation in the kitchen
 - Avoid fuel-conservation menu items, e.g. baked foods and large menu selections.
 - Re-package foods into reusable plastic containers to reduce waste.
 - Suggest clients reduce waste by de-and repackaging also.
5. Practice proper hygiene and sanitation
 - Teach all staff about personal hygiene, sanitary kitchen and camp routines.
 - Properly treat the drinking water and uncooked vegetables for clients.
 - Dispose of washing and bathing water well away from streams; use biodegradable soaps.
6. Take responsibility for staff and porter welfare
 - Provide adequate warm clothing, sleeping cover, shoes, snow gear, food or cooking stoves and fuel, and take care of hired staff.

 - Periodically train staff in first aid, guide responsibilities, sanitation, etc.
7. Properly brief clients before leaving on a trek
 - Address cultural “do’s” and “don’ts”; environmentally friendly behavior, safety precautions, proper dress, and respect for local beliefs, peoples and religious sites.
 - Plan days for proper altitude acclimatization when ascending; know how to identify and treat high altitude illness and how to provide emergency rescue.