

No. 23011/10/2015-FRA  
Government of India  
Ministry of Tribal Affairs  
FRA Division.

Room No. 279-F, August Kranti Bhavan,  
Bhikaji Cama Place, New Delhi-110066

Dated 14.11.2018

**OFFICE MEMORANDUM**

**Subject:- Sivok-Rangpo Railway Project in Sikkim- reg.**

The undersigned is directed to refer to M/o DONER's O.M. No. Infa-14/2/2018-O/o DIR (INFRA) dated 5<sup>th</sup> September, 2018 on the subject mentioned above and to furnish the status as under:-

- i. There is no provision for any stages in according approvals for projects under Forest Rights Act, 2006 (FRA).
- ii. The FRA does not have any provision for relaxing the standard procedures laid down in the Act for recognition, vesting and recording of rights. For the facility of reference a copy of the letter dated 7.3.2014 sent to the Chief Secretaries of all States/UTs is enclosed. This letter clearly mentions that compliance to FRA is a mandatory requirement before the forest land can be diverted and the failure to do so would be a violation of law.
- iii. Vide OM dated 21.10.2014 of this Ministry addressed to Ministry of Environment, Forest and Climate Change (MoEFCC) has been stated that the FRA and Rules made therein require that due process has to be followed and no agency of the Government has been vested with powers to exempt application of the Act in part or in full. This OM further stipulates that any action or process inconsistent with the due process laid under the Act would not be legally tenable and is likely to be struck down by the Courts. Copy of this OM is also enclosed for facility of reference.
- iv. The process for diversion of forest land for non-forest purposes in accordance to Forest Rights Act, 2006 is still pending in the above matter.
- v. As per minutes of the meeting held in DONER on 17.11.2017 further action in the matter rests with MoEFCC and other stake holders.

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2. Accordingly, this Ministry would like to advise that the matter may be taken up with MoEFCC and State Governments of West Bengal and Sikkim for diversion of forest land for non-forest purposes in accordance with the provisions contained in FRA.
3. This issues with the approval of Secretary, Ministry of Tribal Affairs.

**Encl: As above**

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*Vijay Kumar*

(Vijay Kumar)

Under Secretary to the Government of India

Tel. 26182089

To

Ministry of Development of North Eastern Region,  
(Kind Attn: Sh. Anil Basumatary, Director),  
B- Wing, 6<sup>th</sup> Floor, Janpath Bhavan, New Delhi-110001.

Copy to:-

Ministry of Environment, Forests and Climate Change  
(Kind Attn : Sh. A K Mohanty, Inspector General of Forests)  
Indira Paryavaran Bhawan, Jorbagh Road, New Delhi-11003.