

ACTION HISTORY OF RTI REQUEST No.FSOID/R/E/21/00075

Applicant Name Dalveer Kaur

Text of Application Dear Sir, Please check the PDF attached herewith.

Reply of Application Information Sought may kindly be seen at attachment.

SN.	Action Taken	Date of Action	Action Taken By	Remarks
1	RTI REQUEST RECEIVED	09/01/2022	Nodal Officer	
2	REQUEST FORWARDED TO CPIO	13/01/2022	Nodal Officer	Forwarded to CPIO(s) : (1) Kamal Pandey
3	REQUEST DISPOSED OF	04/02/2022	Kamal Pandey- (CPIO)	

Print

Dear Sir,

Kindly inform if land around at Lake Guru Dong Maar in north Sikkim, location detail is as Latitude: 28.023617°, Longitude: 88.710731°. Whether declared as Forest Land in absence of tree line on an high elevation of 5189 meters, and which is also not under Govt records, whether mapped by your department as forest land?

If yes, please elaborate on what grounds is it declared Forest Land? Please inform its current status.

It is to bring in your kind notice that the Hon'ble Supreme Court Godavarnam v/s Union of India, in its order dated 12th December 1996 has laid down that there must be two conditions to declare any land as forest i.e. either it should have any Govt., record or tree canopy but none is available there in respect of the subject of the land.

The panoramic view shows barren mountains all around it which remains covered with perpetual snow, other records shows aquatic vegetation is nil there because poor Sun light, cool surface, barren and rocky land which do not allow any seed to germinate and it's much over the altitude where tree line ends at Thangu at 14000'.

The first condition is that there should be forest on this land, a canopy of trees. And according to this condition, one should look up the meaning of 'Forest' in the dictionary. The Oxford Dictionary defines forest as a clump of trees (Tree canopy).

Sikkim, whose forest cover is 44.37% (ISFR 2019 shows it 47.11%) of its total geographical area, the 40% out of one hectare of its land, must be covered with trees as it's a mountainous state.

*The second condition laid down by Supreme Court is to have any govt record means a revenue receipt on forest. **The SDM Chungthang states in his letter that this land doesn't come under revenue land.***

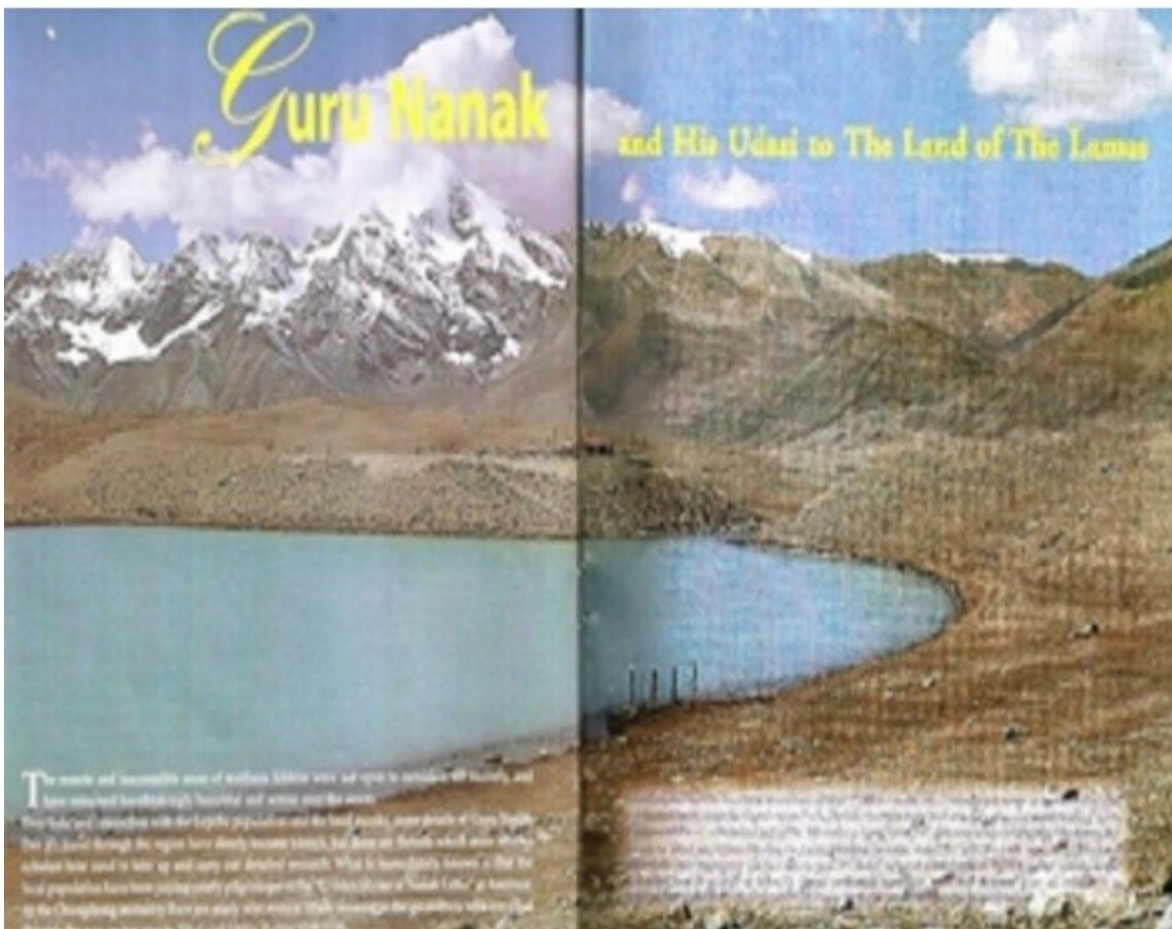
Sikkim forest department doesn't fulfil any of these conditions; hence the land at the Shore of Guru Daang Maar Lake can't be called Forest land as per the conditions laid down by hon'ble Supreme Court of India.

On October 10, 2018, in a response to the Parliamentary Standing Committee on Science, Technology, Environment, Forest and Climate

Change, the Director General (Forests) and special Secretary, MoEF&CC, said;

“Sir, actually, if we define ‘forests’, it could create many loopholes that may be exploited. So, right now, we are going by the definition given by the Supreme Court. As of now, ‘forest’ means any area that is recorded as forest in any Government record irrespective of whether it is having a forest growth or not.”

1- Panoramic view of Lake Guru Dongmar where no vegetation or tree is seen;



Land around Guru Dong Maar Lake where no vegetation or tree is seen.

Views of a tourist expressed after visiting at the Lake Guru Dong Maar;

No habitation beyond the check point and just the natural setup, there was vast stretch of barren land no vegetation just the curved roads going uphill, it was the undulating dry land, the mountains were just black and white, the black rock and the bright glowing snow on the top. To add to it is the blue sky just setting a background for these mountains.

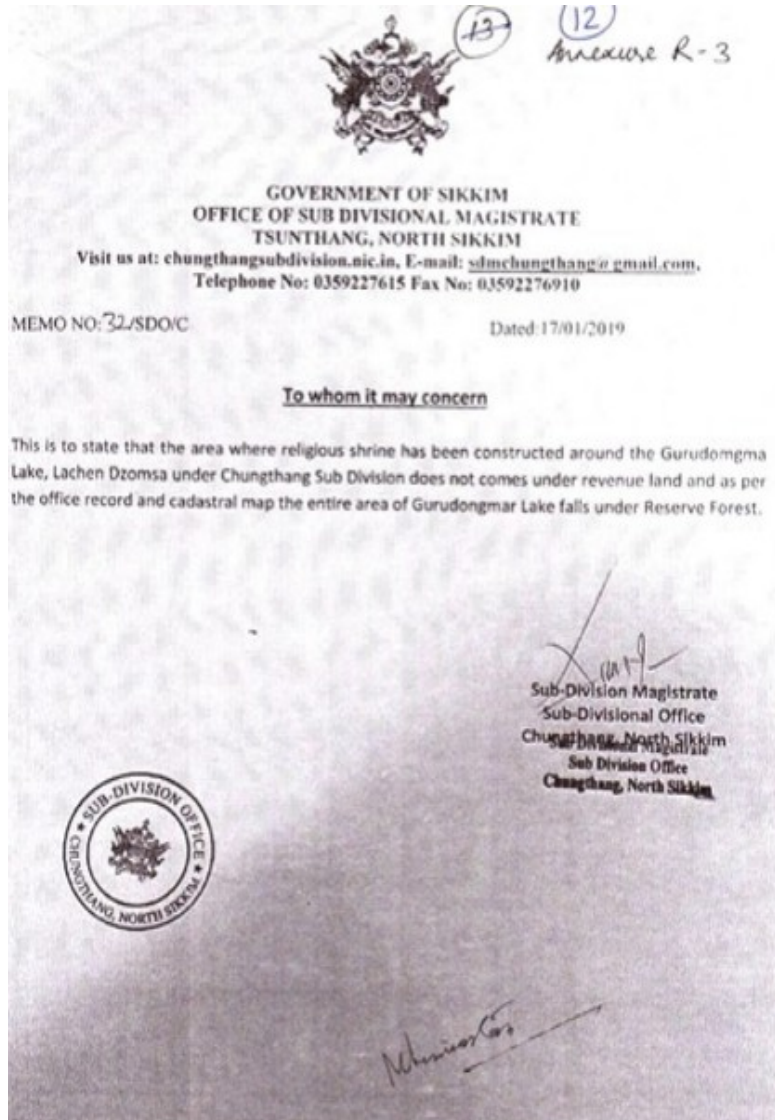
It was like an unending stretch of land after half an hour driving on that road we were at the parking area of the Gurudongmar Lake, peeping out of the window we were just awestruck.

In this high security zone is one of most picturesque scenes.



Barren, rocky and snowy Land around Lake Guru Dong Maar

- Copy of the letter issued by SDM Chungthang stating the Land in subject not under govt records.



Therefore Sir, You are kindly requested to elaborate if the land at the shore of the Lake Guru Dongmar in north Sikkim is a forest land? We need proper information and confirmation from your office as only your office in India maps the forests. Your kind reply is awaited at the earliest.

Thanks and regards.
Adv. Dalveer Kaur

संख्या.22-284 / 2021-एफ0जी0डी0-2373

भारतीय वन सर्वेक्षण

भारतीय वन सर्वेक्षण, देहरादून
Forest Survey of India, Dehra Dun
क्र. संख्या / Diary No. 1384
दिनांक / Date 28-01-22

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

भारत सरकार

कौलागढ़ रोड़, पी0ओ0 - आई0पी0ई0

देहरादून- 248195

दिनांक: 25 जनवरी, 2022

सेवा में,

लोक सूचना अधिकारी
भारतीय वन सर्वेक्षण
देहरादून।

विषय:- Online RTI Application under Right to information Act, 2005.

संदर्भ:- आपके पत्र संख्या: 13-14 / 2021-आर.टी.आई.-2370 दिनांक 24 जनवरी, 2022

महोदय,

उपरोक्त विषय के संदर्भ में सूचित किया जाता है कि Ms. Dalveer Kaur, Delhi की Online RTI आवेदन संख्या FSOID/R/E/21/00075 एवं FSOID/R/E/21/00076 दिनांक 09.01.2022 के क्रम में मांगी गई सूचना के संबंध में भारतीय वन सर्वेक्षण द्विवार्षिक अंतराल पर देश का वन आवरण मूल्यांकन करता है और उसके परिणाम भारतीय वन स्थिति रिपोर्ट, India State of Forest Report (ISFR) में प्रस्तुत किए जाते हैं। ISFR रिपोर्टिंग के उद्देश्य से, विभिन्न श्रेणियों (अर्थात आरक्षित वन, संरक्षित वन और अवर्गीकृत वन) के तहत दर्ज वन क्षेत्र (आर.एफ.ए.) की सीमा के संबंध में जानकारी संबंधित राज्य/संघ राज्य क्षेत्र के वन विभागों से प्राप्त होती है।

संबंधित अधिनियमों (अर्थात भारतीय वन अधिनियम, वन्यजीव संरक्षण अधिनियम आदि) के तहत (आर.एफ.ए.) की विभिन्न श्रेणियों का निर्धारण एवं उसकी अधिसूचना से संबंधित सभी कानूनी प्रक्रियाएं संबंधित राज्य सरकारों द्वारा ही की जाती हैं। भारतीय वन सर्वेक्षण के पास किसी भी कानूनी प्रावधान के तहत किसी भी भूमि को वन घोषित करने का अधिकार नहीं है।

25/1
RTI call

भवदीय,
25/1
(सुशांत शर्मा)

संयुक्त निदेशक (एफ0जी0डी0)