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NGT MATTER

No.C.18013/46/2024-LEGAL/PCCF
GOVERNMENT OF MIZORAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
ENVIRONMENT, FORESTS & CLIMATE CHANGE DEPARTMENT

Dated Aizawl, the 12th February, 2024

To,

The Member Secretary,
Mizoram Pollution Control Board,
Govt. of Mizoram.

Subj.: *Hon'ble NGT Order dated 05.12.2023 in O.A No. 911/2022 titled Prf. Dr. Sanjeev Bagal & Ors. -vs- Department of Environment, GNCTD & Ors.*

Ref.: No.H.88088/Poltn/50(109)/2024-MPCB/52 Dt. 15.01.2024

Sir,

With reference to the subject and letter No. cited above, I am directed to enclose herewith information with respect to protection of trees, against illegal felling and pruning of trees in the State of Mizoram alongwith guidelines/rules on the matter in the prescribed format.

Encl.: As above.

Yours faithfully,


(LALRAMMAWII SAILO)
/Conservator of Forests (Legal)



Memo No.C.18013/46/2024-LEGAL/PCCF

Dated Aizawl, the ___ Feb.. 2024

Copy to:

1. The Regional Director, CPCB, Regional Directorate, CTO Building, Ground Floor-II, Shillong - 739001 for kind information.
2. Under Secretary to the Govt. of Mizoram, MoEF&CC.

Conservator of Forests (Legal)

Handwritten notes and signatures:
S/BCL
O.A.
[Signature]

01	Name of State/Union Territory	Mizoram
02	(i) Is there any Act for protection/preservation of trees or felling and pruning of trees	Yes,
	ii) If yes, please provide brief details of the Act and a copy of the same	1. The Mizo District (Forest) Act, 1955 (copy enclosed) apart the said Act there are the following guidelines: 2. Guidelines for Felling of Trees from Non Forest areas vide Gazette Notification issue No. 249, dt. 09.08.2004 (copy enclosed). 3. Guidelines for Felling and removal of Trees from Municipal Areas of cities, town, villages in Mizoram dated 2017 (copy enclosed).
	iii) If no, is there any plan of development of Act	N/A
	iv) If yes, please provide timeline for development of such Act	N/A
03	i) Is there any Rule for protection of trees or felling and pruning of trees	No
	ii) If yes, please provide brief details of the Rule and a copy of the same	N/A
	iii) If no, is there any plan of development of Rule	No
	iv) If yes, please provide timeline of development of such Rule	N/A
04	i) Is there any Guidelines for protection of trees or felling and pruning of trees	Yes
	ii) If yes, please provide brief details of the guidelines and copy of the same	As stated under 2 (ii)
	iii) If no, is there any plan of development of Guidelines	N/A
	iv) If yes, please provide timeline of development of such Guidelines	N/A
05	i) Is there any methodology for imposing environmental compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees	Yes, under section 29-31 of the Mizo (District) Forest Act, 1955 (henceforth 'MFA')
	ii) If yes, please provide brief details of the methodology and copy of the same	1) Section 29 of the MFA describes Forest offences. 2) Section 30 of the MFA imposes penalty for counterfeiting and defacing marks on trees timber 3) Section 31 of the MFA imposes Compensation for damage caused by commission of offences
	iii) If no, is there any plan of development of methodology	N/A
	iv) If yes, please provide timeline of development of such methodology	N/A
06	If Acts, Rules, Guidelines, statutory framework are not there, how are issues like- protection of trees, felling and pruning of trees are dealt, please provide information	N/A
07	Other relevant information	NIL

THE MIZORAM (FOREST) ACT, 1955¹

(Act No.IV of 1955)

An Act

to provide for the management of any forest not being a reserved forest

Preamble : Whereas it is expedient to provide for the management of forests in **the State of Mizoram²**, which are not reserved forests ;

It is hereby enacted by the Mizo District Council in the Sixth Year of the Republic of India as follows :-

1. **Short title, extent and commencement :-**

- (1) This Act may be called **the Mizoram (Forest) Act,1955³**.
- (2) It extends to **the State of Mizoram⁴** except the areas under the jurisdiction of **the Chakma, Lai and Mara District Councils⁵**.
- (3) It shall come into force on such **date⁶** as may be notified by the District Council in the Assam Gazette herein after referred to as the ‘appointed day.’

2. **Definitions :-** In this Act, except where it is otherwise expressly provided or the context otherwise requires :-

- (1) “cattle” includes also buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;
- (2) **“GovernmentForest”⁷** means the forest in **the State⁸** other than the “ReservedForest”;

1. *Received the assent of the Governor of Assam on the 22nd August, 1955.*

1&3. *Substituted vide the MizoramForest (Amendment) Act, 1990.*

2. *Substituted vide the State of Mizoram Adaptation of Laws Order (No.2), 1987 No.LJD 10, the 20th March, 1987.*

4&5. *Substituted vide the MizoramForest (Amendment) Act, 1990.*

6. *The Act came into force on 1st January 1956 vide Notification No.E.7411/F-1 dt.14.12.1955.*

7&8. *Substituted vide the State of Mizoram Adaptation of Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987*

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- (3) **“Government Forest Officer”**¹ means any person appointed as such or holding an office by or under the orders of **the Government**² and shall include Forest Guards, Assistant Foresters, Foresters, Assistant Rangers, Forest Rangers and any other person appointed to discharge the duties and function a **Government Forest Officer**³ under this Act or any rule there under;
- (4) **“Government Reserved Forest”**⁴ means any forest constituted as such by or under the orders of the **Government of Mizoram**⁵.
- (5) ‘Deputy Commissioner’ means the Deputy Commissioner of the **districts in the state of Mizoram**⁶;
- (6) “District” means the Autonomous Mizo District ;
- (7) “District Council” means the District Council of the Mizo District constituted under the provision of the sixth schedule to the constitution of India and in accordance with the Assam Autonomous District (Constitution of District Councils) Rule 1951 ;
- (8) **“State Government”**⁷ means the **State Government of Mizoram**⁸ and the term **“Chief Minister”**⁹ and **“Council of Ministers”**¹⁰ shall be construed accordingly ;
- (9) “Forest Offence” means an offence punishable under this Act or any rule there under ;
- (10) “Forest Produce” means forest produce of **Government**¹¹ forest and includes-
- (a) the following whether found in or brought from a forest or not, that is to say, timber, charcoal, cautchoue, catechu, wood oil, resin, natural varnish, bark, lac and myrabolams and
 - (b) the following when found in or brought from a forest, that is to say -
 - (i) trees and leaves, and fruits and all other parts or produce not herein before mentioned of trees;
 - (ii) plants not being trees (including grass, creepers, reeds and moss) and all parts or produce of such plants;
 - (iii) skins, horns, bones, silk, cocoons, honey and wax and all other parts or produce of animals; and
 - (iv) peats, surface oil, rock and all other products of quarries ;

1-11. Substituted vide the State of Mizoram Adaptation of Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987.

- (11) **“Land at the disposal of the Government”**¹ means any land at the disposal of the Mizo District as it existed immediately before its dissolution on the 29th day of April, 1972² in respect of which no person has acquired a permanent heritable and transferable right of use and occupancy under any law for the time being in force or any right created by grant or lease made or continued by or on behalf of the State Government.
- (12) “President” means the president of a Village Council appointed under the provisions of the Lushai Hill Autonomous District (Administration of Justice) Rules.
- (13) **“Reserved Forest”** means any area which is constituted as reserved forest under the Assam Forest Regulation, 1891 as adopted³.
- Notwithstanding anything contained in the foregoing clause, the forest declared as Reserved Forest under the said Regulation of 1891 shall also be governed and regulated under the Provision of this Act⁴.**
- (14) ‘River’ includes also streams, canals, creeks and other channels natural or artificial ;
- (15) “Secretary” means the Secretary to the **Government of Mizoram**⁵;
- (16) ‘Timber’ includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned out for any purpose or not;
- (17) ‘Tree’ includes palms, bamboos, stumps, brushwood and canes;
- (18) ‘Village Council’ means a Village Council constituted under the provisions of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953.
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1&5. Substituted vide the State of Mizoram Adaptation Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987.

2. Substituted vide the Dissolution of Mizo District Council (Misc Provisions) Order, 1972. No.LJD 8/72/42 of 29.4.72.

3&4. Substituted vide the Mizoram Forest (Amendment) Act, 1990.

3. **Jurisdiction of the Government of Mizoram** - The Administration of Forests other than the Government Reserved Forests in Mizoram is vested in the District of the **State of Mizoram**¹.

4. **Reserved Trees :-**

(1) The trees specified in Appendix-I to this Act shall be treated as reserved trees. Such trees in Government Forest shall not be cut, felled, tapped or injured in any manner without Permission of any kind issued in writing by the **State Government**² or a competent **Govt.**³ Forest Officer appointed in this behalf by the **State Government**⁴ in writing.

(2) No reserved trees under the six feet in girth except Hageswar (Herhse) the girth limit of which if five feet, shall be felled.

5. **Disposal of Forest produce :-**

(1) The cutting, sawing, conversion and removal of trees and timber and the collection, manufacture and removal of forest produce from a Government forest except for purposes of personal use under such condition as the Government may, by rules made in this behalf allow, are prohibited, except under a permit granted by the **State Government**⁵ or any other officer empowered on this behalf.

(2) Trade permit as prescribed in Appendix-II shall be granted for timber, reserved or unreserved or other forest produce cut, collected or removed from the **Government**⁶ Forest for the purpose of trade.

5 A. **Government to fix selling price of Forest produce :-** Notwithstanding any provision contained in this Act, the Government may fix the selling price of any forest produce from time to time keeping in view the availability, demand and other factors connected therewith. The selling price so fixed by the Government shall be binding on the Permit holder and any other person selling the forest produce⁷.

6. **Royalties :-**

(1) The rates of royalties to be charged on all forest produce removed from the **Government**⁸ forest to outside District for trades under a trade permits are given in Appendix-III to this Act. The power to increase or decrease any of the rates is vested in the **State Government**⁹ to a limit of 25% of increase or decrease according to distance and difficulties of extraction.

1-6. *Substituted vide the State of Mizoram Adaptation of Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987.*

7. *Substituted vide the Mizoram Forest (Amendment) Act, 1990.*

8&9. *Substituted vide the State of Mizoram Adaptation of Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987.*

- (2) All other forest produce not included in the Appendix-III shall be charged at such rates as may be fixed by the **State Government**¹.
- (3) **The State Government**² is empowered to revise whenever necessary the classification of trees mentioned in Appendix-III and such revision whenever made shall be notified in the **Mizoram Gazette**³.
- (4) No forest produce shall be extracted for any purpose from any of the **Government**⁴ Reserved Forests except on payment of royalty and with the written permission of the **State Government**⁵ or any other officer empowered on this behalf.

7. Payment of fees and royalties :-

(1) All fees and royalties payable on account of any forest produce collected or removed under the provision of this Act or rules made there under shall be paid for at the time of marking, previous to removal or at the first forest revenue station reached by the forest produce.

(2) No forest produce shall be removed in transit pass or any revenue station, unless provided with a pass in the form given in Appendix-II to this Act. Such passes shall be obtained from the Officer-in-charge of the first revenue station reached by such forest produce.

8. Registration of property marks :- All persons trading in or conveying timber not belonging to a Reserved Forest shall annually register their property marks at the revenue station, and shall pay a fee of Rs.20 for a certificate of registration for the first time, and Rs.5 for each registration thereafter.

9. Wax :- No person shall remove wax for purposes of trade from the **Government**⁶ Forests, save under, and subject to the conditions of purchasing licences granted by the **State Government**⁷, or any other Officer empowered in this behalf. Such licences shall be in the form contained in Appendix-IV to this Act and the amount of the fee for the same, which may from time to time be prescribed by the **State Government**⁸ shall be printed on each licence.

10. All breaches of the provisions of sections 4,5,7 and 9 shall be punishable with the application in spirit of section 188 of the Indian Penal Code

1-8. Substituted vide the State of Mizoram Adaptation of Laws Order (No.2), 1987, No.LJD 10, the 20th March, 1987.

11. Town Forest Reserve :-

- (1) **The Government**¹ by notification in the **Mizoram Gazette**² and by publication in any other manner it deems suitable, constitute any forest which is not a Government Reserved Forest into Town Forest Reserve and may in like manner, vary or cancel any such notification.
- (2) Every such notification shall specify the limits of such Town Forest Reserve or Reserves.
- (3) The boundaries of the Town Forest Reserve for Aijal (Aizawl) town shall be as described in Appendix-V to this Act.
- (4) No trees within a Town Forest Reserve shall be cut, felled, tapped or injured in any manner, without permission in writing, which will be subject to such condition as may be imposed by the **State Government**³ or any other officer empowered in this behalf.
- (5) Any one contravening the provision of this Section shall be punished with imprisonment for a term which may extend to six months or with a fine which may extend to Five Hundred Rupees or with both.

12. Power to constitute Village Forest Reserves :-

- (1) The **State Government**⁴ may by order, constitute any forest which is not a reserved forest into Village Forest Reserve, Protected Forest Reserve or Reserves for the benefit of any village community or group of village communities, and may, in like manner, vary or cancel, any such order.
- (2) Every such order shall specify the limits of such Village Forest Reserve, Protected Forest Reserve or Reserves,
- (3) The **State Government**⁵ shall send a copy of every such order to each Village Council concerned and may direct the Village Council to announce the contents of the order properly to the Villagers by putting a copy on the Village notice board and by announcement by the Village Tlangau (official Village crier). Every such order made under sub-rule (1) shall be published in **Mizoram Gazette**⁶.

13. (1) Three classes of Village Forest Reserves :- The Village forest reserves constituted under section 12 may be of three classes, namely -

1-6. Substituted vide the State of Mizoram Adaptation of Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987.

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(a) **Village Safety Reserve**, that is- reserve for the protection against fire from without or reserve constituted in the interest of health and water supply. No one shall utilize for any purpose, any portion of land inside this reserve and no trees shall be cut in this reserve except with the permission of the **State Government**¹. The Village Council may dispose of any dead trees in the manner it considers most beneficial for the village.

(b) **Village supply Reserve**, that is reserve for the supply of the needs of the village. Any person resident in the village may cut trees and bamboos from this reserve for his household needs².

(c) **Protected Forest Reserve**: - That is reserved for protection of valuable Forest from destruction for the interest of the village communities. No one shall utilise for any purpose any portion of land inside this Protected Forest Reserve and no tree shall be cut in the Protected Forest Reserve except with the permission of the **State Government**³.

(2) Any person doing anything in contravention of any of the provision of this section shall be punishable with a fine not exceeding Rs.50/-.

(3) The boundary of the Village Forest Reserve being properly demarcated, shall be marked by sign posts and stone pillars. The record of the boundaries, stating places where such posts or marks are made shall be kept by the President. A copy signed by the President shall be submitted to the **State Government**⁴.

14. Power to constitute ‘Government’⁵ Reserve Forest :- The **Government**⁶ may constitute any land at the disposal of the **Government**⁷ as a **Government**⁸ Reserve Forest in the manner herein after provided.

15. Notification of proposal to constitute a ‘Government’⁹ Reserved Forest :- Whenever it is proposed to constitute any land as a **Government**¹⁰ Reserve Forest, the **State Government**¹¹ shall publish a notification in the **Mizoram Gazette**¹², (1) declaring that it is proposed to constitute such a land a reserved forest, and (2) specifying as nearly as possible the situation and limits of such land and (3) inviting claim of rights and objections.

1 & 3-12. *Substituted vide the State of Mizoram Adaptation Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987.*

2. *Substituted vide the Mizo District (Forest) (Amendment) Act, 1985.*

16. Survey of the proposed ‘Government’¹ Reserved Forests :- The **State Government**², as soon as a notification is issued under Section 15 shall cause the area to be surveyed and demarcated by one or more of the **Government**³ Forest Officers not below the rank of Forester, shall also enquire into any right of any person in the area and shall also submit reports to the **State Government**⁴ which report shall deal with all points including compensation involved or alteration of the area recommended.

17. Disposal of claims and objections :- All claims of right on the land and all objections against the proposed **Government**⁵ Reserved Forest shall be submitted in writing to the **State Government**⁶ within 120 days from the date of publication of the notification under Section 15.

18. Government⁷ Forest Tribunal :- The **State Government**⁸ shall appoint a **Government**⁹ Forest Tribunal who shall decide all claims of right on Land all objections against the proposed Reserved Forest. The orders of the **Government**¹⁰ Forest Tribunal shall be published forthwith in the **Mizoram Gazette**¹¹.

19. Appeal :- All appeals against the decision of the **Government**¹² Forest Tribunal shall be submitted to the **State Government**¹³ within 30 days of the order issued by the **Government**¹⁴ Forest Tribunal. The **State Government**¹⁵ shall review the case as it deems necessary and pass order which shall be final.

20. Nothing contained in Section 18 and 19 of this Act shall bar the jurisdiction of a competent Civil Court.

21. Final Notification constituting ‘Government’¹⁶ Reserved Forest:-The **State Government**¹⁷ shall after disposal of all appeals, publish in the **Mizoram Gazette**¹⁸, the final notification specifying the limit of the **Government**¹⁹ Reserved Forest incorporating therein any changes and modifications made from the preliminary notification under Section 15 of this Act and declaring the same to be a **Government**²⁰ Reserved Forest from the date fixed by such notification.

1-20. *Substituted vide the State of Mizoram Adaptation Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987.*

22. Rights in or over the ‘Government’¹ Reserved Forests :- No person shall have rights of any nature in or over the land within the area of the **Government**² Reserved Forest except those that may have been conceded in the final notification referred to in Section 21. The **State Government**³ or any other officers empowered in this behalf may permit or grant rights of any nature to an individual or a community for the benefit of a community or communities.

23. Penalties for trespass or damage :- Any person who in a **Government**⁴ Reserved Forest -

- (1) trespasses or pastures cattles, or permits cattle to trespass, or
- (2) causes any damage by negligence in felling any tree or cutting or dragging timber, shall be punished with fine which may extend to fifty rupees, or when the damage resulting from his offence amounts to more than twenty five rupees to double the amount of such damage.

24. Acts prohibited :- Any person who in the **Government**⁵ Reserved Forest :-

- (1) sets fire or in contravention of any rules made by the **State Government**⁶, kindles any fire or leaves any fire burning in such a manner as to endanger such a forest, or
- (2) kindles, keeps or carries any fire except in such seasons and in such manner as the **State Government**⁷ may from time to time notify, or
- (3) fells, cuts, girdles marks, lops, taps or injures by fire or otherwise any trees, or
- (4) quarries stones, burns lime or charcoal or collects subject to any manufacturing process or removes any forest produce, or
- (5) clears or breaks up any land for cultivation or any other purpose, or
- (6) poisons water or in contravention of any rule made by the **State Government**⁸, fishes or sets traps or snares shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

1-8. Substituted vide the State of Mizoram Adaptation Laws Order (NO.2) 1987, No.LJD 10, the 20th March, 1987.

25. Penalty for offences committed by persons having right in the forest :- Whenever fire is caused wilfully or by gross negligence in **Government**¹ Reserved Forest by any person having rights in such forest or permission to jhum therein, or by any person in his employment, the **State Government**² may, despite the infliction of any punishment under this Act, direct that in such forest, or any specified portion thereof, the exercise of all or any of the rights of pasture or to forest produce shall be terminated, or for such period as it thinks fit be suspended.

26. Dereservation of forest :- Any area constituted as **Government**³ Reserved Forest will be dereserved only by or under the orders of the **State Government**⁴.

27. Jhuming in 'Government'⁵ Forest :- The right to jhumming or any shifting cultivation in the unclassed **Government**⁵ Forests is conceded subject to any regulation, rules or orders that may be made or prescribed by a Village Council or any other body granted powers similar to a Village Council by the **Government of Mizoram**⁶.

28. Collection of timber free of royalty or permit for private use :- Any inhabitant of the **State**⁷ is permitted to collect free of royalty or permit such timber and other forest produce as he may require for his own use within the unclassed **Government**⁸ Forest including the Village Supply Reserves but not for sale, trade, mortgages or gift for which purposes either permit or royalty or both may be imposed by the **State Government**⁹ as it deems fit.

29. Forest Offences :- (1) When there is reason to believe that a forest offence has been committed in respect of any forest produce of a **Government**¹⁰ Forest such produce together with all tools and other articles used in the commission of such alleged offence, may be seized by any **Government**¹¹ Forest Officer, and the officer seizing such property shall keep the seized property in safe custody and report the matter to the appropriate court under the **State Government**¹² or the Deputy Commissioner, as the case may be. Such court, after trial of the case shall dispose of the confiscated articles according to the merit of the case in addition to any punishment as may be awarded to the offender.

1-12. *Substituted vide the State of Mizoram Adaptation Laws Order (NO.2) 1987, No.LJD 10, the 20th March, 1987.*

(2) When the offender is not known or traceable, such seized articles shall be confiscated and taken possession of by the **State Government**¹ provided that any claim for such confiscated articles within a period of one month from the date of confiscation shall be heard and disposed of in such manner as the court may order.

29A. Presumption that the forest produce belongs to the ‘Government’²:- When in any proceedings taken under this Act or in consequence of any thing done under this Act, question arises whether any forest produce is the property of the **Government**³, such produce shall be presumed to be the property of the **Government**⁴ until the contrary is proved.

29B. Power to compound : (1) (a) The **State Government**⁵ may accept from any person against whom reasonable suspicion exist that he has committed any forest offence specified in Sections 23 and 24 of this Act, a sum of money by way of compensation for the offence which such person is suspected to have committed, and (b) when any property has been seized as liable to confiscation, the same may be released on payment of the value thereof estimated by the **state Government**⁶.

(2) On the payment of such sum of money, or such value, or both, as the case may be, the suspected person, if in custody, shall be discharged and no further proceedings shall be taken against such person or property.

29C. Procedure for disposal of perishable property : Notwithstanding anything herein-before contained, the Court concerned may direct the sale of any property seized under Section 29, if it is subject to speedy and natural decay, and may deal with the proceeds as the Court might have dealt with such property as if had not been sold.

29D. Powers to arrest without warrant : (1) Any **Government**⁷ forest officer not below the rank of Assistant Forester or police officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence, or gives a name or residence of which there is reason to believe to be false, or if there is reason to believe that he will abscond.

1-7. *Substituted vide the State of Mizoram Adaptation Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987.*

(2) Every officer making an arrest under this section, shall without delay, take or send the arrested person before a magistrate having jurisdiction in the case.

(3) No officer shall detain in custody a person arrested under this section for a longer period exceeding 24 hours, exclusive of the time necessary for the journey from the place of arrest to the Court of Magistrate concerned.

29E. Powers of the 'state Government'¹ to evict unauthorised occupant from Reserved Forest : (1) The **State Government²** or any officer authorised by the **Government³** may eject any person from land in a **Government⁴** Reserved Forest unless such person has been allowed to settle.

(2) Such persons may be ejected or ordered to vacate forthwith, and the **state Government⁵** or any officer authorised by the **State Government⁶**, may sell, confiscate or destroy any crop raised or any building or other construction erected without authority.

30. Penalty for counterfeiting or defacing marks on trees and timber etc. :- Any person who, with the intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code -

(a) knowingly counterfeit upon by any tree or timber a mark used by Forest Officers to indicate that such tree or timber is the property of the **Government⁷** or some person, or that it may lawfully be felled or removed by some person, or

(b) unlawfully affixes to any tree or timber a mark used by forest officers, or

(c) alters, defaces or obliterates any such mark placed on any tree or timber by or under the authority of a **Government⁸** Forest Officer, or

(d) alters, moves, destroys or defaces any boundary mark of any forest to which this Act applies, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

1-8. Substituted vide the State of Mizoram Adaptation Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987.

31. Compensation for damage caused by commission of offences :-

(1) When any person is convicted of felling, cutting, girdling, marking, lopping or tapping trees, or of injuring them by fire or otherwise, in contravention of this Act or of any rule there under the convicting court may, in addition to any other punishment which it may award, order that person to pay to the **Government**¹ such compensation, not exceeding twenty rupees for each tree with respect to which the offence was committed as it may deem fit.

(2) If the person convicted of the offence committed it as the agent or servant of another person, the convicting court may, unless after hearing that other person it is satisfied that commission of the offence was not a consequence of his instigation or of any neglect or default on his part, order him, instead of the person who committed the offence, to pay the compensation referred to in sub-section (1).

(3) Any appeal from any order under Sub-section (1) or Sub-section (2) shall lie to the court to which orders made by the convicting court are ordinarily appealable and the order passed on which appeal shall be final.

32. Forfeiture of leases :-When the holder of any lease, license or contract whatsoever granted or continued by, or on behalf of the **Government**² for any of the purposes of this Act commits an offence against this Act or any rule there-under, or when any such offence is committed by any agent or servant of the holder of any such lease, license or contract, and the **Government**³ is satisfied that the commission of the offence was a consequence of the instigation of such holder or of any neglect or default on his part, the **Government**⁴ may, by order in writing declare the lease, license or contract to be forfeited in whole or in part with effect from a date to be specified in the order not being prior to the date of the commission of the offence.

33. Forest Officers not to trade :- No **Government**⁵ Forest Officer shall, as principal or agent, trade in forest produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest.

1-5. Substituted vide the State of Mizoram Adaptation Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987.

34. Persons bound to assist Forest Officer :- Every person who exercises any right in any class of **Government**¹ Forest or who is permitted to remove any forest produce from, or to pasture cattle or practice Jhum cultivation in such forest and every person who is employed by such person in such forest and every person in any village contiguous to such forest shall be bound to furnish without unnecessary delay to the nearest forest officer any information which he may possess respecting the occurrence of fire in or near such forest; or the commission of or intention to commit any forest offence, and shall assist any forest officer demanding his aid -

- (a) in extinguishing any fire occurring in such forest;
- (b) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest.
- (c) in preventing the commission in such forest of any forest offences, and
- (d) when there is reason to believe that any such offence has been committed in such forest in discovering and arresting the offender.

35. Recovery of money, due to 'Government'² - All money, other than fines, payable to the **Government**³ under this Act, or under any rules made there under or on account of the price of any forest produce, or of expenses incurred in the execution of this Act, or rules made there under in respect of any forest produce, may, if not paid when due be recovered by the same process as by which arrears of l/and revenue are recovered where the Assam Land and Revenue Regulation, 1866 is in force.

36. Lien in forest produce for such money :-

(1) When any such money is payable for, or in respect of any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a forest officer specially empowered in this behalf and may be retained by him until such amount has been paid.

(2) If such amount is not paid when due, such forest officer may sell such produce by public auction and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to the **Government**⁴.

1-4. Substituted vide the State of Mizoram Adaptation Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987.

37. ‘Government’¹ and its officers not liable for loss or damage in respect of certain forest produce :- The **Government**² shall not be responsible for any loss or damage which may occur in respect of any forest produce while at the revenue stations established under this Act or rules there under or while collected or detained elsewhere for the purpose of this Act, and no forest officer shall be responsible for any such loss or damage unless he shall have caused the same negligently, maliciously or fraudulently.

38. Recovery of penalties due under land :-When any person in compliance with any rule under this Act, binds himself by any instrument to perform any duty or act or covenants by any instrument that he, or that he and his servants and agents, will abstain from any Act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of any condition thereof may be recovered by the same process as by which arrears of land revenue is recovered where the Assam Land and Revenue Regulation, 1886 is in force.

39. Distribution of Jhum :-

(1) The extent of area to be allocated for distribution for jhums, under Section 13 (1) (b) shall be notified by the Village Council in the manner it deems fit and submitted to the **Government**³ and the **Government**⁴ may issue any direction in this regard.

(2) Except for any special privileges granted under this Act to any person distribution of jhums to a village shall rest with the Village Council.

(3) No jhumming shall be permitted within one hundred feet on either side of all Government roads, except with the written permission of the Deputy Commissioner in consultation with **Chief Minister**⁵ or the **State Government**⁶.

40. Opening Wet Cultivation :- No new wet cultivation (Leilet) shall be opened in the district except under a pass granted by the **State Government**⁷ on such conditions as it may deem fit to impose. In granting such pass, the **State Government**⁸ shall take into consideration the recommendation of the Village Council.

40A. Establishment and control of Forest Villages :-

(1) For the purpose of providing a source of suitable local labour for forming and maintaining plantation and taungyas, the **Government**⁹ may establish forest villages within the limits of any **Government**¹⁰ Reserved Forest on such sites as may be selected by the **State Government**¹¹.

1-11. Substituted vide the State of Mizoram Adaptation Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987.

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- (2) The boundaries of all Forest Villages shall be demarcated by boundary pillars and shown in maps together with all interior details such as field, homesteads etc. and a register shall be maintained of the houses in each village.
- (3) Jhums in the Reserve shall be allowed to the forest villagers on the following conditions :-
- (i) the area will be selected by the **Government**¹ Forest Officer with the approval of the **State Government**².
- (ii) an allotment of maximum 12 (twelve) bighas of jhum land will be annually made for each resident house-hold.
- (iii) the villagers themselves will sow or plant with their crops the seeds or plants of such forest trees in such manner as the Forest Officer may direct.
- (4) Building materials and fuel will be given to the villagers free of charge but they will be liable to render ten days free labour in the first instance and another ten days labour, if called upon, in the next instance at a rate of wages to be fixed by the forest officer.
- (5) The sub-letting of land by a forest villagers is not permissible.
- (6) The forest villagers admitted into the reserved forest shall execute an agreement in the form as may be prescribed from time to time by the **State Government**³.
- (7) The **State Government**⁴ may appoint a person among the Forest villagers as a Headman and prescribed his duties.
- (8) The **State Government**⁵ may evict summarily from a Forest village, without payment of compensation, anyone who does not comply with the provisions of the Act or who refuses to carry out the orders of the **Government**⁶ Forest Officer so far as they are consistent with the provisions of the Act or whose conduct, in the opinion of the said officer, impairs the harmonious working of the village.

41. Penalties :- If any person infringes any of the provisions of Section 39 and 40, he shall be punishable with a fine not exceeding Rs.50/-

1-6. Substituted vide the State of Mizoram Adaptation Laws Order (No.2) 1987, No.LJD 10, the 20th March, 1987.

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42. Powers to make rules :- Subject to the approval of the **Governor of Mizoram, the ‘Government’¹** may frame rules for carrying out the provisions of this Act.

43. Repeal :-

(1) The Lushai Hills District (Forest) Act, 1953 (Lushai Hills Act No.VI of 1953) is hereby repealed with effect from the appointed day.

(2) Notwithstanding such repeal, all actions taken, orders made or directions given under the provisions of the Lushai Hills District (Forest) Act, 1953 shall be deemed to be taken, made or given under the respective provisions of this Act and subsequent actions, if any, with regard to any action, order or direction shall be in accordance with the provisions of this Act.

44. All Forest revenue shall be received in the form as prescribed in “Appendix VI”.

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**GUIDELINES FOR FELLING OF TREES FROM
NON FOREST AREAS ISSUED IN COMPLIANCE
OF SUPREME COURT'S ORDER DATED 12.5.2001
IN WRIT PETITION (C) NO. 202/95**

NOTIFICATION

No.C.18012/3/91-FST, the 30th July, 2004. The following Amended guidelines for felling of trees from non-forest areas including in respect of plantations on non-forest areas in compliance with Supreme Court's order dt.12.5.2001 in Writ Petition C.No.202/93 duly approved by the Government of India, Ministry of Environment & Forests vide No.B.180/NEC/2001-Pt.III of 5.4.2004 is hereby published for general information.

This Notification supercedes previous notification issued under this office letter No.C.18014/21/96-FST/Pt.III dated 8th February 2002.

Sd/-S.N. Kalita

Secretary to the Government of Mizoram,
Environment & Forests Department.

Whereas, by order dated 12.5.2001 passed in Writ Petition (C) No. 202 of 1995, the Hon'ble Supreme Court had directed, *inter alia*, that guidelines/rules be framed regarding felling of trees from non-forest areas including in respect of plantations on non-forests areas:

Therefore, in pursuance of the directions of the Hon'ble Supreme Court referred to the above said order dated 12.5.2001 and in exercise of all the enabling powers vested in the State, the Govt. of Mizoram hereby issue the following amended guidelines:

- 1:1 These guidelines shall be ~~2588~~ titled the "GUIDELINES FOR FELLING OF TREES FROM NON-FOREST AREAS".
- 1.2 These shall extend to the whole of the State including the District Council areas in respect of felling of trees from non-forest areas including tree plantations on said areas.
- 1.3 They shall come into effect from the date of their notification in the official gazette.

DEFINITIONS:

2. In these guidelines, unless there is anything repugnant to the subject or context,
- (a) "Government" means Govt. of Mizoram.
 - (b) "Forests" means (i) Reserve Forest or Protected Forests or any other areas legally constituted as "Forest" and (ii) Any area recorded as "Forest" in Government records maintained by Forest Department or other Government Departments and (iii) deemed Forest area identified as per Supreme Court order dated 12.12.96 in Writ petition (C) No. 202/95.
 - (c) "Non-Forest Land" for the purpose of these guidelines means area which is not Forest as per 2 (b) above. Provided that a non-forest area where trees and tree plantations have been raised artificially shall continue to be treated as non-forest land.

REGISTRATION OF ~~TREES~~ TREE PLANTATIONS:

- 3.1** Trees including tree plantations raised in non-forest areas by an individual or community or institution or non-government organization or any other agency shall be registered with the Divisional Forest Officer concerned in the manner as may be prescribed in this behalf by the Principal Chief Conservator of Forests.
- 3.2** While registering the trees and tree plantation it shall, *interalia*, be ensured that the applicant is the legal title holder of the land and the area is non-forest land as per 2 (c) above.
- 3.3** The Divisional Forest Officer shall prepare and make available a certificate of such registration, which shall, *interalia* include a location map/sketch of the plantations, to the registered holder with copies to the Village Level body, Deputy Commissioner/Collector, Conservator of Forests and Principal Chief Conservator of Forests.
- 3.4** The Registration Certificate shall normally be issued within 90 days of the receipt of complete application by the Divisional Forest Officer.
- 3.5** The trees privately raised including tree plantation raised in non-forest area in the past must be registered by the respective owners with the concerned Divisional Forest Officer within a period of 3 years.

TREE SPECIES NOT REQUIRING FELLING PERMISSION

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- 4.1 For felling and conversion of trees of following species from non-forest area, including plantations of such species, no felling permission from Forest Department under these guidelines are needed: Kothal (*Artocarpus integrifolia*), Tung (*Aleartites fordii*), all species of Bamboo, and other Horticultural tree species as specially approved by State Government in consultation with Principal Chief Conservator of Forests.
- 4.2 The State Government shall be the competent authority to add or delete any species in 4.1 above with prior concurrence of the Central Government.

PERMISSION FOR FELLING OF TREES

- 5.1 (a) Application for permission for felling of trees for commercial purpose including in respect of registered plantations shall be made to the Divisional Forest Officer in the form prescribed by Principal Chief Conservator of Forests. The Divisional Forest Officer on receipt of the application shall satisfy himself as regards ownership of trees, tree plantation area and admissibility of felling and on his satisfaction shall endorse the application to a forest officer of rank not below the rank of Forest Ranger to mark the trees as per prescribed procedure. The marking officer shall confirm silvicultural maturity of the trees, verify the records and carry out marking of the silviculturally available trees as per prescribed procedure and return the application to the Divisional Forest Officer along with his report and working lists. The Divisional Forest

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Officer shall forward the application along with marking details and his recommendation to the Conservator of Forests concerned. The Conservator of Forests after satisfying himself about the ownership of trees and admissibility of felling may accord approval for felling of marked trees under intimation to the Principal Chief Conservator of Forests.

5.2 (b) In case of application for felling of trees including tree plantations in non-forest areas for non-commercial purpose and for meeting requirement of timber for domestic consumption, the Divisional Forest Officer on receipt of the marking list prepared as indicated in para 5.1 (a) will issue the formal approval for felling of trees and direct the Range Forest Officer concerned to issue formal permit for felling of the marked trees. The entire process for issuance of the permit for felling trees for such purpose shall be completed within 30 (thirty) days of the receipt of application completed in all respects.

5.2 After felling, the trees will be converted into logs and which shall be measured and necessary records prepared as per procedure prescribed by the Principal Chief Conservator of Forests.

5.3 Royalty and Monopoly fee and/or departmental charge as fixed by the State Government shall then be realized before removal of the logs.

TRANSIT OF TIMBER

6.1 After felling of trees, the transportation of timber shall be done under valid transit passes in accordance with the existing

Transit Rules of the Forest Department.

- 6.2** The transit of timber out of the State shall be governed by the guidelines issued/to be issued by the Special Investigating Team and the High Power Committee appointed by the Supreme Court and the Regional Chief Conservator of Forests North Eastern Region of the Ministry of Environment and Forests.

CONFISCATION OF TREES FELLED IN VIOLATION OF RULES/GUIDELINES

- 7.1** Timber obtained from the trees felled in violation of these guidelines shall be deemed to have been confiscated to the State Government. However in genuine cases the Divisional Forest Officer shall be at liberty to release the timber obtained from such trees to the legal title holder(s) after recovery of an amount equal to 50% of royalty and monopoly fee payable for the trees/timber over and above the usual charges as leviable under clause 5.3 above. However such released timber shall not be eligible for purchase or use by any wood based units, traders or registered timber transporters.
- 7.2** The confiscation of timber as per 7.1 above is without prejudice to any action or penalty leviable under the relevant Acts or Rules.

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No. B. 11020/42/2015 - FST
GOVERNMENT OF MIZORAM
ENVIRONMENT, FOREST & CLIMATE CHANGE DEPARTMENT

NOTIFICATION

Dated Aizawl, the 26th Sept' 2017

Whereas trees have been planted/standing on lands at the disposal of the government/public, institutions, organizations/NGOs, individuals, etc which are within municipal area of cities, towns, villages, road reserves along highways/roads/railways and other government / public lands in Mizoram;

And whereas it has come to the knowledge of the government that some government departments, institutions, organizations, individuals have put forth dispute/claim over the felling and removal of trees which are dead, dying, wind fallen and standing dangerous to life and property for which it is felt necessary to evolve uniform guideline for felling and removal of such trees from such lands;

Now, therefore, in exercise of the power conferred under section 42 of the Mizoram (Forest) Act, 1955, the Governor of Mizoram is pleased to notify the guideline for felling and removal of trees from such lands as follows:-

1. Short title, extent and commencement.

- (1) This guideline shall be called the "Guideline for felling and removal of trees from municipal areas of cities, towns, villages and along highways, railways and other government/public lands in Mizoram"
- (2) It shall extend to the whole of Mizoram except the Mara, Lai and Chakma Autonomous District Councils.
- (3) It shall come into effect from the date of publication in the official gazette.

2. Felling of trees on lands at the disposal of government departments/institutions/organizations/individuals within municipal areas of cities and district headquarters.

- (1) No tree shall be felled without the cutting permission granted by the Divisional Forest Officer of the division concerned.
- (2) Proposal for felling of trees with specific reasons accompanied by No Objection Certificate (NOC)/recommendation from the President of Local Council/Village Council concerned should be sent by the concerned authority/individual to the Divisional Forest Officer of the respective division.

- (3) The Divisional Forest Officer, after due verification and settlement of dispute regarding ownership of the tree(s) and/or land where the trees are standing and objection for felling of the tree(s), if any, will consider the application and issue felling permission or reject the application within 20 days.
- (4) Permission shall be granted for felling of trees which are dead, wind fallen and standing dangerous to the life and property and those which are required to be felled for the development of infrastructure.
- (5) Felling permission shall be restricted to the least number of trees required to be removed for the purpose.
- (6) After obtaining felling permission, tree felling will be done by the institution authorities/land owner and the produce shall be sold by them in public auction based on the upset price fixed by the Forest authorities.
- (7) The Institution/land owner will undertake the responsibility of planting suitable tree species elsewhere in lieu of the trees felled.
- (8) The profit from the sale of the produce will be shared in 1:4 ratio between the Forest Department and the Institution/land owner.
- (9) If the Forest Department desires to fell the tree(s) due to silvicultural reason, the felling shall be undertaken by the Forest Department after giving due notice to the institution authorities/individuals. In such cases sale of the produce may be done by the Forest authorities.
- (10) In case of any dispute regarding felling permission, felling and sale of produce etc. that can not be settled at the Division level, the matter shall be referred to the Conservator of Forests concerned who will consider the matter and take appropriate decision which will be final.

3. Felling of trees on lands at the disposal of government/institutions/organizations/ individuals within the limit of other towns and villages.

- (1) No tree shall be felled without the cutting permission granted by the Range Forest Officer concerned.
- (2) Proposal for felling of trees with specific reasons accompanied by No Objection Certificate (NOC)/recommendation from the President of Local Council/Village Council should be sent by the concerned authority/individual to the Range Forest Officer concerned.

- (3) The Range Forest Officer, after verification and settlement of dispute regarding ownership of the tree(s) and/or land where the trees are standing and objection for felling of the tree(s), if any, will consider the application and issue felling permission or reject the application within 20 days.
- (4) Permission shall be granted for felling trees which are dead, wind fallen and standing dangerous to the life and property and those which are required to be felled for the development of infrastructure.
- (5) Felling permission shall be restricted to the least number of trees required to be removed for the purpose.
- (6) After obtaining felling permission, tree felling will be done by the institution authorities/land owner and the produce shall be sold by them in public auction based on the upset price fixed by the Forest authorities.
- (7) The Institution/land owner will undertake the responsibility of planting suitable tree species elsewhere in lieu of the trees felled.
- (8) The profit from the sale of the produce will be shared in 1:4 ratio between the Forest Department and the Institution/land owner.
- (9) If the Forest Department desires to fell the tree(s) due to silvicultural reason, the felling shall be undertaken by the Forest Department after giving due notice to the institution authorities/individuals. In such cases sale of the produce may be done by the Forest authorities.
- (10) In case of any dispute regarding felling permission, felling and sale of produce etc. that can not be settled at the Range level, the matter shall be referred to the Divisional Forest Officer concerned who will consider the matter and take appropriate decision which will be final.

4. Felling of trees on land along the sides of highways/roads, railways and other government/public lands.

- (1) No tree shall be felled without the cutting permission granted by the Divisional Forest Officer of the division concerned.
- (2) Proposal for felling of trees with specific reasons should be sent by the concerned authority to the Divisional Forest Officer of the respective division.
- (3) The Divisional Forest Officer, after due verification and settlement of dispute regarding ownership of the tree(s) and/or land where the trees are standing and objection for felling of the tree(s), if any, will consider the application and issue felling permission or reject the application within 20 days.

- (4) For issuing permission for felling trees along National Highways, the guidelines issued by the National Highway/Railway authorities, if any, may also be taken into consideration.
- (5) Permission shall be granted for felling trees which are dead, wind fallen and standing dangerous to the life and property and those which are required to be felled for the development of infrastructure.
- (6) Felling permission shall be restricted to the least number of trees required to be removed for the purpose.
- (7) After obtaining felling permission, tree felling will be done by the concerned authority and the produce shall be sold by them in public auction based on the upset price fixed by the Forest authorities.
- (8) Trees or branches obstructing visibility and which require emergency removal may be felled or lopped by the concerned authorities after informing the Divisional Forest Officer concerned.
- (9) The authority concerned will undertake the responsibility of planting suitable tree species elsewhere in lieu of the trees for which cutting permission have been granted.
- (10) Profit sharing may be done in 1:1 ratio between the Forest Department and the concerned authority.
- (11) If the Forest Department desires to fell the plantation due to silvicultural reasons, the felling shall be under taken by the Forests Department after giving due notice to the authority/applicant. In such cases sale of the produce will be done by the Forest authorities.
- (12) In case of any dispute regarding cutting permission, felling and sale of produce etc. that can not be settled at the Division level, the matter shall be referred to the concerned Conservator of Forests concerned who will consider the matter and take appropriate decision.

Sd/- LALRAM THANGA

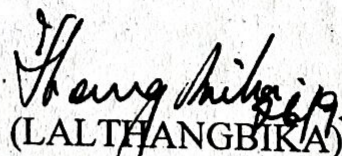
Principal Secretary to the Government of Mizoram
Environment, Forest & Climate Change

Memo No.B. 11020/42/2015 - FST

Dated Aizawl, the 26th Sept' 2017

Copy to :-

1. Secretary to Governor, Mizoram.
2. Principal Secretary to Chief Minister, Mizoram.
3. P.S to Minister, Environment, Forests & Climate Change Department.
4. Sr. P.P.S to Chief Secretary, Govt. of Mizoram.
5. Principal Chief Conservator of Forests / Principal Chief Conservator of Forests (WL) & Chief Wildlife Warden, Mizoram.
6. All Administrative Department, Government of Mizoram.
7. All Heads of Department, Government of Mizoram.
8. All Chief Conservators of Forest/Conservators of Forests/Divisional Forest Officers, Environment, Forests & Climate Change Department.
9. Controller, Printing & Stationery, Mizoram with 2 (two) spare copies along with soft copy for publication in the Mizoram Gazette.
10. Web Manager, Environment, Forests & Climate Change Department for uploading to the Department website.
11. Guard File.


(LALTHANGBIKA)

Joint Secretary to the Government of Mizoram
& Environment, Forest & Climate Change