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NOTIFICATION

THE MIZORAM (PREVENTION AND CONTROL OF FIRE IN THE VILLAGE RAM) RULES, 2001

No. LAD/VC-JF/96 : In exercise of the powers conferred by sub-section (1) and clauses (a) and (d) of sub-section (2) of Section 23 of the Lushai Hills District (Village Councils) Act, 1953 (Lushai Hills Act V of 1953) as amended from time to time, the Governor of Mizoram is pleased to make the following rules, namely:

- Short title, 1. (1) These Rules may be called the Mizoram (Prevention and extent and commencement Control of Fire in the Village Ram) Rules, 2001
- (2) They shall extend to the whole of Mizoram except the areas under the Autonomous District Councils of Lai, Mara and Chakma.
- (3) They shall come into force on the date of publication in The Mizoram Gazette.

Definitions 2. In these Rules, unless the content otherwise requires:

- (1) "Act" means the Lushai Hills District (Village Councils) Act, 1953 (Lushai Hills Act V of 1953), as amended from time to time;
- (2) "Hnatlang" means a Common service for common good of villagers which residents of the villages are to render;
- (3) "Huan" means a garden for any purpose;

- (4) "Jhum" means shifting cultivation;
- (5) "Leipui" means a subsidiary shifting jhum cultivation and included small farm for crops;
- (6) "Lo-bing" means one or more lone jhums in a jungle, not continuous;
- (7) "Malam" means clearance of jungle for a firebreak to prevent spreading of fire;
- (8) "Ram" means all land within the jurisdiction of Village Council and includes vegetation thereof;
- (9) "Village Council" means a Village Council constituted under the provisions of the Lushai Hills District (Village Councils) Act, 1953 (Lushai Hills Act V of 1953) as amended from time to time.
- (10) "Village Court" means a Village Court constituted under Rule 6 of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953 as amended from time to time.

Prohibition under the Rules

3. (1) Subject to the provisions contained in Rule 4 hereinafter, no person shall burn anything in a jungle or jhum-area within a village Ram or kindle any fire or leave any fire burning in any part or in the vicinity thereof, so as to cause damage to or destruction of any undergrowths, bushes, thatches, trees and bamboos, thereby depriving the soil of its fertility and suitability for jhumming or other type of cultivation.
- (2) Subject to the provisions contained in Rule 5 hereinafter, no person shall burn anything or kindle any fire or leave any fire burning in a careless and negligent manner so as to cause danger to life and property, or amount to nuisance or mischief.
- (3) No household or individual shall do cooking or handle any cooking, implements and agents like cooking gas, firewood, charcoal, kerosene oil splinters etc. in a careless and negligent manner so as to cause undue spread or escalation of flames and fire in and beyond such cooking place or house.
- (4) Any person desirous of burning, in lands in close vicinity of a village habitat or vegetation, any wood, grass or brushwoods or other inflammable material or agent, shall collect such material or agent into small heaps and burn them heap by heap in such a manner that the resulting fire shall not extend to the surrounding area or cause potential danger to life and property in such village or any adjoining village.

Provided that he shall not burn materials, when a strong wind is blowing.

Prevention and control of fire in a jungle and jhum area :

4. (1) Every year each Village Council shall, by order, specify a period for cutting of jungle and for doing all preparatory activities for the purpose of jhum, during which all villagers having jhum must start and finish the same.

(2) Each Village Council shall specify, by order, a date for burning of jhum-land, which shall be made known to all villagers at least three days ahead of the fixed date, and on that fixed date the burning of jhum-land shall be done.

(3) In a place where there is a danger of spreading of fire beyond any jhum area, concerned villagers shall make Meilam as and when the Village Council concerned shall enforce a Hnatlang for the purpose and it shall be obligatory for all persons having jhum, to participate in such Hnatlang.

(4) In case of Leipui, Huan or Lo-bing owned by one or more villagers, other than jhums the owners shall inform the Village Council concerned of their intention to burn the cut area at least seven days ahead of their tentative date or dates and then such Village Council shall fix a date for the burning. If the Village Council concerned consider it necessary, such owners shall make Meilam before the burning.

(5) If any land for jhum, Leipui, Huan or Lo-bing to be burnt is close to a village, utmost care shall be taken by the concerned Village Council to prevent outbreak or sparks of fire from catching houses or properties located nearby. For this purpose, each Village Council shall promulgate such orders as may be deemed necessary, and it shall be obligatory for the villagers and the concerned owners to comply with such orders.

Prevention and Control of fire in areas other than jhum area and jungle

5. (1) It shall be the general duty of every household to exercise extreme and utmost care for control and prevention of outbreak or spread of fire and flame.

(2) Every Village Council shall take appropriate measures as may be deemed necessary towards desired compliance by all villagers or house-holds, with the obligations spelt out in sub-rules (2) and (3) of Rule 3.

Powers of Village Council etc.

6. (1) It shall be the general duty of each Village Council to enforce these Rules in the Villages within its jurisdiction in the most effective manner suitable to local conditions.

(2) Where there is no Village Council, the Government of Mizoram or any Officer or Officers authorised in this behalf shall ensure-

due enforcement of these Rules in such villages, by issuing suitable order or orders to the villagers residing therein.

Offences and Penalties

7. (1) A village court shall try all cases under these Rules in accordance with the provisions of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953 as amended from time to time and shall pass sentences within the limit of powers assigned to it thereunder.

(2) When a Village Court is of the opinion that the sentence it is competent to pass is not sufficient in consideration of the magnitude of the offence under these Rules, it shall, without delay, refer the case to the concerned Subordinate District Council Court for disposal.

(3) It shall be the duty of the subordinate District Council Court to try and dispose the case referred to it by a Village Court under sub-rule (2) without delay.

Imposition of Collective Fines etc.

8. (1) If the Government of Mizoram is of the opinion that in any Village or Village Ram fire breaks out uncontrolled causing damage to houses, properties, undergrowths, bushes, trees or bamboos, thus prejudicially affecting public life and safety in such villages or areas in violation of these Rules and the villagers or inhabitants of such village or area have failed to render all the assistance in their power to discover or apprehend the offenders or suppress material evidence of the commission of such offences, the Government may empower, in this behalf by general or special order, the District Magistrate of the area concerned to impose a collective fine on such inhabitants of such village or area :

Provided that an order imposing such collective fine shall be a speaking order and be passed after giving all reasonable opportunities of hearing to the parties concerned :

Provided further that an imposition of such collective fine by a District Magistrate so empowered under this Rule, may be made by publication of the order imposing the fine in any such manner as the District Magistrate may consider best calculated to bring the order to the notice of the inhabitants of such village or area concerned.

(2) A fine payable under this Rule by any person may be recovered as arrear of land revenue or in such manner as the District magistrate may order for the effectual recovery of the fine.

Powers to supervise and co-ordinate.

9. (1) The Government of Mizoram or any officer or officers authorised in this behalf, shall have the powers to supervise and coordinate Village Councils in prevention and control of

fire, and give them suitable order or orders to take such steps or action for the purpose of effectively carrying out the provisions of these Rules.

(2) If the Government is of the opinion that a Village Council has failed to comply effectively with the orders given by the Government or its authorised officer (s) under sub-rule (1) or is negligent of duty in the prevention and control of fire as required by these Rules, the Government or such authorised officer (s) shall have the powers to take up direct Village Council or Councils, as the situation may demand.

**Repeal and 10.
Savings**

(1) On the commencement of these Rules, the Mizoram (Prevention and Control of Fire in the Village Ram) Rules, 1983 stands repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the repealed Rules shall, in so far as it is not inconsistent with the provisions of these Rules, be deemed to have been done or taken under the corresponding provision of these Rules.

Denghnuna,
Commissioner & Secretary,
Local Administration Department.