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NOTIFICATION

MARA AUTONOMOUS DISTRICT COUNCIL (JHUM) (REGULATION), 1992.

In exercise of the powers conferred under clause (d) of paragraph 3 of the Sixth Schedule to the Constitution of India, the Mara Autonomous District Council is pleased to make the following regulations, namely —

1. SHORT TITLE, EXTENT AND COMMENCEMENT :

- (1) This Regulation may be called the Mara Autonomous District Council (Jhum) Regulation, 1992.
- (2) It shall extend to the whole area of the Mara Autonomous District Council.
- (3) It shall come into force on the date of publication in the official gazette.

2. DEFINITIONS : In this Regulation, unless the context other-wise requires :

- (a) "Executive Committee" means the Executive Committee of the Mara Autonomous District Council;
- (b) "Jhum" means shifting paddy cultivation;
- (c) "Jhummer" means any person who practice Jhuming;
- (d) "Other shifting cultivation" includes all shorts of temporary and seasonal cultivation for any kind of crops;
- (e) "Section" means section of the Mara Autonomous District Council (Forest) Act, 1981;
- (f) "Village Council" means the Village Council constituted under the provision of the Mara Autonomous District Council (Administration of justice) Rules, 1981;

3. TIME FOR DISTRIBUTION OF JHUM :

Distribution of jhums and other shifting cultivation shall be done by the Village Council after 15th October but before 31st December of every year.

4. DISTRIBUTION OF JHUM LAND :

- (1) As provided for in sub-section (1) and (2) of section 14 of the Mara Autonomous District Council (Forest) Act, 1981, the village Council have the power to distribute land for jhum within their control.
- (2) "For the purpose of Sub-Section (2), the Village Council shall submit during the month of September every year, a report in writing to the Executive Committee, regarding such land, the approximate extent of the Land thereof, and the members of household that may be accommodated therein. On receipt of such report, the Executive Committee may issue such directions regarding the distribution of land for jhum as it may deem fit to the Village Council and the Village Council shall be bound to comply with such directions."
- (3) "Every Village shall have an area set aside solely for the purpose of jhumming and the power to distribute jhums on such lands shall also be vested in the Village Council concerned."
- (4) In the event of a dispute arising out of the distribution of jhum Lands, the matter shall be referred to the Executive Committee and the decision of the Executive Committee thereon shall be final binding.

5. SPECIAL PRIVILEGE TO SELECT JHUMS : Privilege to have the special choice of jhums shall not hence-forward be enjoyed by anyone, unless the Executive Committee consider it necessary.

6. MODE OF DISTRIBUTION OF JHUMS :

- (1) After commencement of this Regulation, Distribution of Jhums shall be done by the Village Council within their respective jurisdiction of the principles and the manner herein after provided —
 - (a) The area allotted shall as far as practicable be compact;
 - (b) No one shall ordinarily be allowed to have an area more than his genuine requirement at a time for Jhumming.
 - (c) The Village Council shall have the power over any person in the selection of jhum site for common share with another family or families;
 - (d) The Village Council may impose penalty not exceeding Rs.150/- (Rupees one hundred fifty) only on any one who refuses to accept the allotted site without good reason in purchase of clause (a) and (b) of Sub-Regulation (2) of Section 6.

(2) The manner of distribution shall be-

(a) By draw of lots, the Village Council shall distribute jhum land which already demarcated for the year;

(b) By draw of lots to decide the order of preference by which selection of Jhums shall be done;

(c) The Village Council may not allow draw of lots for jhum plot to those who have wet Rice Cultivation land in any place or in any other Village Council Jurisdiction and those who are in Government Service;

(d) By allotment of old jhum areas to the respective holders in the last year of jhumming in case the majority of the jhumias in a Village, so desire.

7. PREVENTION AGAINST FIRE :

It shall be the duty of the Village Council to take all preventive measure against the spread of fire caused by burning of jhum:

a) When the fire spread from the jurisdiction of one Village Council to that of another Village Council and is likely to cause damage to some properties, public or private, it shall be the duty of the latter Village Council to put out the fire by all available means and it shall equally be the duty of the Villagers of the former Village Council to assist the villagers of the other Village Council in the work of extinguishing the fire;

It shall be mandatory for every jhumia to cut a fire-line of at least 30 feet wide in his jhum boundary".

(b) When any damage has been caused by fire to the Forest or jhum lands etc. due to negligence on the part of the jhumia the Executive Committee may impose a penalty on such Village Council which may extend to Rs. 500/- (Rupees five hundred) only for the first offence and in case of continuing offence, the Executive Committee may impose such penalty as it may decide from the time to time.

"All jhum within respective Village Councils shall be burnt preferably latest by the 15th of March every year, except under special circumstances, or which the Village Council may exercise its discretionary powers".

8. POWER OF THE EXECUTIVE COMMITTEE TO ISSUE ORDER :

The Executive Committee may, where the provision of regulation 6 cannot be followed due to any reason whatsoever, formulate a method other than the above with the approval of the Govt. then take action accordingly.

9. PREVENTION OF EROSION :

- (1) (a) The Executive Committee may at anytime make such general or special order for the reafforestation of jhum-land as it thinks fit, and also for ensuring that a reasonable area within any jhum may not be cultivated.

(b) "The Executive Committee may direct that for the purpose of preserving water supply, any particular area under jungle and previously in jhum land, shall remain uncultivated, provided that the existing right of the community or the individual to collect minor Forest Produce shall not be interfered with".
- (2) Where it appears that undue erosion, diminution of the supply of water required or likely to be required for irrigation is resulting or is likely to result from the cultivation of any jhum land, Executive Committee may direct that the jhum land shall not be cultivated by any person for a period not exceeding ten years.
- (3) Where it appears that undue erosion or diminution of the supply of water required or likely to be required for irrigation is resulting or likely to result from the excessive cutting of trees in any jhum land, such jhum land shall be declared as protected forests and thereafter no person shall, cut any tree in such protected forests without the permission of the Executive Committee.
- (4) No order shall be made under sub-regulation (2) or sub-regulation (3) unless a reasonable opportunity has been given to those having customary rights over the land in preferring objections against such order and unless all objections so referred to have been considered and rejected as unreasonable.
- (5) No Jhumming shall be _____ e hundred feet on either side of all Government roads except with written permission of the Executive Committee and reason for giving such permission shall be clearly indicated therein.
- (6) The Executive Committee may direct that for the purpose of preserving water supply, any particular area under jungle and previously in jhum land shall remain uncultivated provided that the existing right of the community or the individual to collect forest produce shall not be interfered with.

10. The Village Council shall have no right to allot jhum site in any area falling within the jurisdiction of any neighbouring Village unless it is approved by the Executive Committee in writing.

11. FINAL DECISION OF EXECUTIVE COMMITTEE TO SETTLE DISPUTE :

Any dispute arising out of the distribution of jhum or allocation of other shifting cultivation shall be decided by the Executive and such decision shall be final.

12. PENALTY :

- (1) Wilful disobedience of any direction issued by the Executive Committee or any authorised Officer shall be punishable with fine not exceeding Rs. 150/- (Rupees one hundred fifty) only.
- (2) Any person who, after selection of jhum as provided for under this regulation and without sufficient reason subsequently fails to cultivate that land shall be liable to punishment with fine which may extend to Rs. 150/- (Rupees one hundred fifty) only.

13. POWER OF EXECUTIVE COMMITTEE TO DISTRIBUTE JHUMS :

In the event of the absence of a Village Council due to its having been dissolved or the Village Council is not functioning due to certain reason, the distribution of jhums shall be done under instructions issued by the Executive Committee.

S. Pailei,
Executive Member (LAD),
Mara Autonomous District Council,
Saiha.