



The Mizoram Gazette

EXTRA-ORDINARY

Published by Authority

VOL. XXIII, Aizawl, Monday, 21.11.1994, Kartika 30, S.E. 1916, Issue No. 203

NOTIFICATION

THE MIZORAM PRIVATE FORESTS (REGULATION ON FELLING) RULES, 1994

No.C.18012/3/91-FST, the 15th November, 1994. In exercise of the power conferred under section 42 of the Mizoram (Forests) Act 1955, the Governor of Mizoram is pleased to make the following rules to regulate felling of trees in Private Forests.

CHAPTER - I

PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT :

- (1) These rules may be called the Mizoram Private Forests (Regulation of felling) Rules, 1994.
- (2) They shall come into force from the date of its publication in Mizoram Gazette.

DEFINITIONS :

In these rules, unless the context otherwise requires :

- (a) "Act" means the Mizoram (Forest) Act, 1955;
- (b) "Blank" means an area over which there is no tree growth and includes land covered with grass and shrubs;
- (c) "Conservator" means the Conservator of Forests in charge of a forest circle;
- (d) "Divisional Forest Officer" means an officer in charge of a forest division.
- (e) "Forest Offence" means an offence punishable under the Mizoram (Forest) Act, 1955;

- (f) "Forest Officer" means any forest officer appointed by the State Government or any officer empowered by the State Government in this behalf to carry out all or any of the provisions of these rules;
- (g) "Forest Produce" includes the following which are found in or brought from a forest or not, that is to say:-
 - (i) timber, charcoal, fuelwood, caoutchous, catechu, wood oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds, kuth and myrabolams.
 - (ii) trees and leaves, flowers and fruits and all other parts or produce not herein before mentioned of trees;
 - (iii) plants not being trees (including grass, creepers, reeds and moss) and all parts or produce of each plants;
 - (iv) wild animals and skins, tusks, horns, bones, silk cocoons, honey and wax and all other parts or produce of animals and ;
 - (v) peat, surface soil, sand, rock and minerals (including limestones, laterites, mineral oils and all products of mines and quarries);
- (h) "Landowner" means the owner of private land as per the Revenue Record of right in accordance with the Mizo District (Land and Revenue) Act, 1956 and the Mizo District Agricultural Land Act, 1963.
- (i) "Permit" means permit granted under these Rules;
- (j) "Private Forests" means any forest which is not the property of the Government or over which the Government has no proprietary rights or to the whole or any part of the forest produce of which the Government is not entitled;
- (k) "Timber" means trees when they have been felled or have not been felled and all wood, whether cut up or fashioned or hollowed out for any purpose or not;
- (l) "Range Officer" means an officer in charge of a forest range;
- (m) "Section" means the section of the Act ;
- (n) Words and expression used in these rules and not specifically defined here but defined in the Act shall have the same meanings respectively assigned to them in the Act.

CHAPTER - II

REGULATION OF FELLING IN PRIVATE FORESTS

3. APPLICATION FOR PERMISSION TO FELL TREES :

Application for permission to fell trees shall be made in writing to the Divisional Forest Officer and shall contain the following particulars and accompanied by the following documents :—

- (a) location, name and area of the forests :
- (b) proof of ownership of the forest and of the trees proposed to be felled;

- (c) the route by which and the place to which the felled trees will be removed;
- (d) declaration by the applicant to ensure the regeneration of the area in the places of the trees proposed to be felled as per instruction issued by the Department ;
- (e) the year of planting or sowing with name of species;
- (f) the period which shall not exceed one year within which the felling will be completed ;
- (g) agreement certificate for payment of administrative charge at the rate of Rs. 5/- per tree to be felled.

4. FELLING PERMIT :

On receipt of any application in writing from a land owner for felling permit, and subject to such directions as may be issued from time to time, the Divisional Forest Officer shall detail a Forest Officer, not below the rank of Forest Ranger for spot verification and marking of the trees to be felled. On receipt of the verification report in Form I (a), Marking List in Form I (b) and payment of administrative charges at the rate of Rs. 5/- per tree, a felling permit in Form II attached with marking list may be issued by the Divisional Forest Officer.

5. MARKING AND FELLING : (a) Marking shall be governed strictly by following silvicultural principles. Marking officer shall follow the existing Marking Rules being in force in the State which are incorporated with slight modification in Appendix I.

(b) For the two main species grown by private land owners viz. Teak and Gomary, marking of the trees to be felled shall commence only in tenth year before which the Department shall not entertain any application for felling. The Marking officer shall mark in tenth year only the alternate diagonal lines of plants in square planting i.e. two metres each in the length and breadth respectively and in the case of plantation other than square plantating marking shall be done so that the distance between plant to plant is not longer than 2.3 metres. This is in accordance with the Mechanical Thinning to be applied in Departmental plantations.

(c) the next fellings, in the form of thinning shall be done in fifteenth, twentieth, twentyfifth, thirtieth and thirtyfifth years in which only the following trees shall be felled :—

- (i) dead, dying, deceased, suppressed trees;
- (ii) whips i.e. trees with very thin bole and very constricted crown;
- (iii) bent over and badly leaning trees;
- (iv) dominated trees with defective crown or stems;
- (v) trees with forked leader;
- (vi) co-dominant trees with defective crowns or stems;

(d) The land owner shall obtain felling permit in Form-II whenever felling is to be done.

(e) Permit for final felling i.e. at 40th year shall be issued in Form II subject to receipt of a deposit at the rate of Rs. 5000/- per hectare from the land owner being cost of regeneration of the felled areas. This amount shall be returned to the landowner if and when the area is regenerated as per the declaration made by him under clause (d) of Rule 3 otherwise, shall be forfeited and used for the same purpose by the Environment & Forests Department in accordance with the paragraph 'C' of the Guidelines for working of private forests from Government of India under the Forests (Conservation) Act, 1980 incorporated in the Appendix III of these rules.

(g) Final felling of remaining originally planted trees shall be done in fortieth year. In case of coppiced crop, final felling may be done in twentieth year from the year of coppicing.

6. NO CLEAR FELLING IN PRIVATE FORESTS :

Under no circumstances, the Department shall issue Felling Permit for clear felling. Extract of National Forest policy, 1988 on essentials of scientific forest management in Appendix - II.

7. FILLING OF BLANK AREAS:

As per provisions of Forest (Conservation) Act, 1980 (i) the land owner shall regenerate blank areas of felled trees by planting the same species or other tree species and shall not put the land to any other use. He shall start filling of blank areas in eleventh, sixteenth, twentyfirst and twenty sixth year.

(ii) No permanent blank/gap should be created.

(iii) In case miscellaneous species come up, they should be retained to avoid the monotony of monoculture thereby having mixed crop.

8. TENDING OF COPPICED CROPS :

Coppiced crops of Teak or any species shall be tended five years after coppicing along with the following thinning operation of the planted crops by reducing the number of shoots per stump to two or one.

9. DIVISIONAL FOREST OFFICER TO PROVIDE TECHNICAL GUIDANCE:

The Divisional Forest Officer concerned shall ensure that the provisions under Rule 7 are followed by inspecting the areas himself or shall detail a Forest Officer under him to inspect and provide necessary technical guidance to the land owners. Extract from Indian Forest Utilisation regarding felling rules to be adopted in Appendix IV.

10. POWER OF FOREST OFFICERS TO ENTER PRIVATE FORESTS:

All Forest Officers shall have power to enter any private forests for the purpose of inspection or securing compliance with these rules.

11. POWER TO CANCEL OR MODIFY THE PERMISSION :

If the Divisional Forest Officer has reason to believe that any person, to whom permission for felling of trees has been granted, has in his application furnished particulars which are materially incorrect or has contravened any provisions of these rules or has violated the conditions under which the permission was granted, he may after giving that person an opportunity of being heard, cancel such permission or modify the same subject to such penalty as he may deem fit to impose such cancellation or modification of the permission granted shall not entitle the owner or the permission holder to any compensation whatsoever.

12. TRANSIT OF TIMBER AND OTHER FOREST PRODUCE FROM PRIVATE FORESTS :

The transit of timber and other forest produce from private forest shall be governed by the existing transit Rules for the time being in force in the State.

FORM—I (a)
(See Rule 5)

VERIFICATION REPORT FOR GRANT OF FELLING PERMIT

I, Pi/Pu _____ Designation, _____
_____ Range _____ Division _____ have physi-
cally verified the private forests/plantation of Pi/Pu _____ of
Town/Village _____ located at _____ and
recommended/not recommended for granting felling permit.

Date : _____

Signature of Verifying Officer.

FORM—I (b)
(See Rule 5)

MARKING LIST

Name of land owner : _____
Area (in hectares) : _____
Location : _____

Sl. No.	Name of Species	Tree No.	Girth at Breast height (in centimetres)	Signature of land-owner.	Signature with remarks of Marking Officer
1	2	3	4	5	6

Date : _____

Signature of Marking Officer

FORM-II
(See Rule 5)

FELLING PERMIT

Pt/Pu _____ son/daughter/wife of _____
 of _____ town/village/Veng in the conditions given
 below is allowed to fell and remove trees included in Marking List (enclosed)
 from his/her private forest/plantation situated within territorial range of _____
 under _____ Division.

This permit is valid upto _____
 (Maximum one year)

Round Seal of
 the Division.

Divisional Forest Officer
 _____ Division.

Date : _____

Conditions under which the permit in Form II is issued :

1. Permit is personal and non-transferable.
2. The permit must be produced on demand by any Forest Officer or Police Officer.
3. The permit is valid only for the forest areas entered therein.
4. The permit may be cancelled at any time by the Conservator Divisional Forest Officer and the permit holder shall immediately stop felling, conversion and removal of the forest produce.
5. Only those trees should be felled which are included in the Marking List.
6. Felling shall not be wasteful or careless.
7. Roots of trees shall not be dug except with the written permission of the Divisional Forest Officer.

_____ Permit No.

APPENDIX-I
(See Rule 5(a))

MARKING OF TREES FOR FELLING

1. STAND MARKING :

After deciding which trees are to be felled and left standing, stand marking has to be done. This should be done with due care and the Marking Officer who will be a Forest Officer not below the rank of Forest Ranger must be present at the site of the operation.

While doing Stand Marking, two blazes are to be made on the trunk of individual tree of which one is to be made at the base, preferably at the down hill side of the slope so that while felling the tree, the blaze remains at the stump. The second blaze is to be made at a height of about 1 meter above ground level so that the blaze remains with the first logs after conversion into logs. The Marking Officer should also make hammer impressions on the two blazes.

On the two blazes, identical marking is to be made i.e. if it is first marking of the year 1990-91, the following makings are to be made.

To indicate serial number of tree 01
To indicate year of marking '90-'91

The Marking Officer should maintain a Marking Register in which the following measurements are to be recorded.

Sl. No.	Tree No.	Species	Girth at breast height in full words (in cm)	Signature of land owner	Signature with remarks of marking officer.
1	2	3	4	5	6

2 LOG MARKING :

After Stand Marking and felling, the trees are to be log marked. Log marking should be done soon after completion felling. Marking impression is to be given on every cut surfaces and care is to be taken that marking is done and serial number given on the basis of stand marking.

The following procedure is to be followed while doing log marking.

(1) Marking is to be done at both end of individual logs i.e. at both the cut surfaces of the logs.

For first log of tree No. 01

To indicate log No. 1

To indicate tree No. 01

To indicate year of marking '90-'91

Similarly for second log 2

..... 01

..... '90-'91

Third log 3

01 and so on

'90-'91

First log = 1

Second log = 2.02

'90-'91

and so on.
'90-'91

If three logs are obtained from three No. 01
To indicate total logs obtained3
To indicate tree No.01

While such marking is done, individual log measurements are also to be recorded in field book and the same entered in log marking register.

LOG MARKING REGISTER

Sl.	Tree No.	Species.	Log No.	Length of the log (in metres).	Mid girth (in centimetres)	Volume (in cubic metres).	REMARKS
1	2	3	4	5	6	7	8

In all cases, marking hammer impression of the Marking Officer is to be impressed as distinctly as possible in all the cut/cut end surfaces.

A Stand Marking and Log Marking Register shall be maintained for each land owner in the office of the Divisional Forest Officer.

APPENDIX-II

EXTRACT OF THE NATIONAL FOREST POLICY, 1988.

Para 2:2. THE PRINCIPAL AIM OF NATIONAL FOREST POLICY.

To ensure environmental stability and maintenance of ecological balance including atmospheric equilibrium which are vital for sustenance of all life forms-human, animal and plant. The derivation of direct economic benefit must be subordinated to this principal aim.

Para 3:1 ESSENTIALS OF FOREST MANAGEMENT

Existing forest and forest land should be fully protected and their productivity improved. Forest and vegetal cover should be increased rapidly in hill slopes, in catchment areas of rivers, lakes and reservoir and ocean shores and on semi-arid, arid and deserts.

Para 3:2 Diversion of goods and productive agricultural lands to forestry should be discouraged in view of the need for increased food production.

Para 3:3 For the conservation of total biological diversity, the network of National Parks, Sanctuaries, biosphere reserves and other protected areas should be strengthened and extended adequately.

Para 3:4 Provision of sufficient fodder, fuel and pasture specially in areas adjoining forest is necessary in order to prevent depletion of forests beyond the sustainable limit. Since fuelwood continues to be the predominant source of energy in rural areas, the programme of afforestation should be intensified with the special emphasis and augmenting fuelwood production to meet the requirement of the rural people.

Para 3:5 Minor forest produce provided sustenance to tribal population and to other communities residing in and around the forests. Such produce should be protected, improved and their production enhanced with due regard to generation of employment and income.

Para 4:2:4 Appropriate regulations should govern the felling of trees on private holding.

APPENDIX—III

1. EXTRACT OF THE FOREST (CONSERVATION) ACT. 1980.

(a) GUIDELINES FOR WORKING OF PRIVATE FORESTS.

If the private forest is large, a proper scheme/working plan for its management should be prepared by the Forest Department and the private forests owner should be permitted to carry out work in accordance with this scheme/working plan. The marking for felling of tree should be done by Forest Department in accordance with the scheme/working plan and the Department should watch the implementation of prescriptions laid down.

(b) If the area of private forest is small, the method of working should be stipulated by the Forest Department while granting permission for felling of trees. This working should normally be in accordance with the working of the forest areas in the locality and sufficient safeguards should be laid down to ensure regeneration of the forest.

(c) It is difficult to ensure that the private forest owner will adhere to the stipulated conditions laid down for ensuring the regeneration which requires monetary inputs. It would therefore, be desirable to take a deposit from the private forest owner of an amount to fully regenerate the area, the Forest Department will carry out the work from the amount of money deposited by the private owner.

(d) No further permission for felling should be granted unless the stipulated conditions or regeneration of the area are fulfilled.

APPENDIX—IV

EXTRACT FROM INDIAN FOREST UTILISATION

1. GENERAL RULES FOR ECONOMIC FELLING.

In felling trees in the forest, the woodman should be guided by three chief considerations, (1) the production of the maximum amount of material with the minimum amount of waste.

(2) the avoidance of damage to the felled tree and to the surrounding forest and undergrowth.

(3) the nature of locality as regards to facility of export.

On the basis of these three considerations, certain rules for the conduct of felling operations, which may be termed "felling rules" can be laid down. These rules are as follows:-

(a) Trees should be felled in a manner and in the direction in which they will do least damage to the forest growth.

(b) Trees should be felled in a manner and in the direction in which they will do least damage to themselves in felling. The best direction to fell is uphill, because the damage to the tree being least owing to the short distance through which it has to fall. Where falling directly uphill cannot be conveniently carried out, the next best direction is to fell in a horizontal direction.

(c) Trees should be felled in such a direction that the logs can be extracted most easily. For this reason, trees should not be felled into ravines or other places from which it is difficult to extract the timber.

(d) Trees should not be felled during a strong wind, this is necessary as the direction of felling cannot be guided during a strong wind.

(e) Trees should be felled as low as possible. The objective of this important rule is to prevent unnecessary waste.

(f) As a general rule, only as many trees should be felled at a time as can be converted and removed within the next few days. This is particularly necessary where there is danger of insects attacking the felled timber. In the case of timber not liable to insect attacks this rule does not hold.

(g) Valuable trees should be felled by the saw or by the saw and axe combined and not by the axe alone. Felling by the axe alone causes much waste.

Sd- C.P. OBERAI,
Secretary to the Govt. of Mizoram,
Environment & Forests Deptt.