



# **The Mizoram Gazette**

## **EXTRA ORDINARY**

### **Published by Authority**

REGN. NO. NE—313 (MZ)

---

Vol. XXXI Aizawl, Friday, 8. 2. 2002, Magha 19, S.E. 1923, Issue No. 63

---

#### **NOTIFICATION**

No.C.18014/21/96-FST/Pt. III, the 8th February, 2002. The following Guidelines for felling of trees from non-forest areas (Issued in compliance of Supreme Court Order Dated 12.5.2001 in Writ Petition (C) No. 202/95) is hereby published for general information.

Gitanjali G. Kundra,  
Joint Secretary to the Govt. of Mizoram,  
Environment & Forests Department.

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

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-forest areas;

Therefore, in pursuance of the directions of the Hon'ble Supreme Court referred to in the above said order dated 12. 5. 2001 and in exercise of all the enabling powers vested in the State, the Government of Mizoram hereby issue the following guidelines:

- 1.1 These guidelines shall be called the "Guidelines for felling of trees from non forest areas".
- 1.2 These shall extend to the whole of the State 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.

#### DEFINITION :

2. In these guidelines, unless there is anything repugnant in the subject or context
- (a) "Government" means Government of Mizoram.
  - (b) 'Forest' means (i) Reserved Forest or Protected Forest or any other areas legally constituted as 'Forest'; and (ii) any area recorded as 'Forests' in Governments records maintained by Forest Department or other Govt. 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.

#### REGISTRATION OF TREE PLANTATIONS

- 3.1 Tree plantations raised in non-forest areas by an individual or community or institution or non-government organisation or any other agency may be registered with the Divisional Forest Officers in the manner as may be prescribed in this behalf by the Principal Chief Conservator of Forests.
- 3.2 While registering a plantation it shall inter-alia be ensured that the applicant is the legal title holder; and it is a 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 inter-alia include a location map/sketch of the plantations, to the registered owner with copies to the Village Level body, Deputy Commissioner/Collector, Conservator of Forests and Principal Chief Conservator of Forests.
- 3.4 The Registration Certificates shall normally be issued within 90 days of the receipt of complete application by the DFO.

#### TREE SPECIES NOT REQUIRING FELLING PERMISSION

- 4.1 For felling & 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: Aam (*Mangifera indica*), Jamun (*Syzygium cumini*), Kothal (*Artocarpus integrifolia*), all species of Bamboo, Leteku, Paniol and Madhuriam.
- 4.2 The State Govt. shall be competent to add or delete species in 4.1 above, with prior concurrence of the Ministry of Environment & Forests.

## PERMISSION FOR FELLING OF TREES — FOR NON COMMERCIAL PURPOSES

- 5.1 Application for permission for felling of trees for non commercial purposes, including in respect of registered plantations shall be made to the Divisional Forest Officer after marking of the trees proposed to be felled in the proforma prescribed by the Principal Chief Conservator of Forests.
- 5.2 Application shall be submitted alongwith (i) the marking list containing details of species, number of trees to be felled, tree-wise measurements of trees proposed to be felled (ii) copy of the registration certificate, if applicable and (iii) any other details prescribed by the Principal Chief Conservator of Forests.
- 5.3 The Divisional Forest Officer shall, as soon as possible, and not later than 30 days from the date of receipt of the application complete in all respects, shall take necessary decision in the matter, failing which, the approval shall be deemed to have been accorded.

## PERMISSION FOR FELLING OF TREES-FROM REGISTERED PLANTATIONS

- 6.1 Application for permission for felling of trees shall be made to the Divisional Forest Officer after marking of the trees proposed to be felled in the proforma prescribed by the Principal Chief Conservator of Forests.
- 6.2 Application shall be submitted alongwith (i) the marking list containing details of species, number of trees to be felled, tree-wise measurements of trees proposed to be felled (ii) copy of the registration certificate and (iii) any other details prescribed by the Principal Chief Conservator of Forests.
- 6.3 The Divisional Forest Officer shall, as soon as possible, and not later than 60 days from the date of receipt of the application complete in all respects, shall accord permission for felling of such trees, failing which the approval shall be deemed to have been accorded. Such permission shall be refused only if the applicant is not found to have rightful title to the plantation or the area is not a non forest area or the plantation were not found to be registered plantations.
- 6.4. In respect of plantations registered for more than three years, the felling permission shall be accorded within thirty days after receipt of application complete in all respects, failing which, the approval shall be deemed to have been accorded.

## PERMISSION FOR FELLING OF TREES-FOR COMMERCIAL PURPOSES.

- 7.1 Application for felling of trees from non-forest area for commercial purposes other than in respect of registered plantations, shall be made by the person having title over such trees in the proforma prescribed by the person having title over such trees in the proforma prescribed by the Principal Chief Conservator of Forest, to the Divisional Forest Officer.
- 7.2 The application shall be submitted along with marking list containing species-wise details of trees to be felled, map of the non forest area from which

trees are proposed to be felled, land ownership certificate issued by the competent authority and other details prescribed by the Principal Chief Conservator of Forests.

- 7.3 The Divisional Forest Officer after verifying the ownership of the land, marking list of the trees to be felled, and other details and after physical verification of the area shall forward the application to the concerned Conservator of Forests along with his recommendations about silvicultural maturity, trees that may be allowed to be felled, and other relevant details. While recommending the application, he shall also certify that the land is not 'Forest' as per 2(b) above and that physical verification of the trees/areas proposed to be felled has been got done from the field staff not below the rank of Asstt. Conservator of Forests.
- 7.4 The Conservator of Forests may, after satisfying himself that conditions laid herein before have been complied with fully, accord approval for felling of trees under intimation to Principal Chief Conservator of Forests.
- 7.5 After felling of trees, the transportation of such timber shall be done under valid transit passes unless & until exempted under the relevant act/rules/regulations.

#### TRANSIT OF TIMBER

- 8.1 The transit of timber from the non-forest land shall be regulated as per provisions of relevant acts/rules/ regulations/ guidelines regarding movement of timber or timber products.

#### CONFISCATION OF TREES FELLED IN VIOLATION OF RULES/ GUIDELINES

- 9.1 Timber obtained from trees felled in violation of these instructions, shall be deemed to have been confiscated to the State Government. However, 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 the royalty payable for the tree/timber. However, such released timber shall not be eligible for purchase or use by any wood based unit, traders or registered timber transporters.
- 9.2 The confiscation of timber as per 9.1 above is without prejudice to any action or penalty leviable under the relevant acts or rules.