



FOREST ACT, 1992

Chakma Autonomous District Council
ENVIRONMENT & FOREST DEPARTMENT
KAMAIANAGAR, MIZORAM
Pin Code—796770

Published by—Environment & Forest Department
CADC, Kamalanagar, Mizoram
Printed at PRAGATI PRESS, N. S. Avenue,
Meherpur, Silchar—15

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THE CHAKMA AUTONOMOUS DISTRICT
(FOREST) BILL, 1992

AN
ACT

to provide for the management of forests in the
Chakma Autonomous District ;

Whereas, it is expedient to provide for the
management of forests in the Chakma Autonom-
ous District.

It is hereby enacted by the Chakma Auto-
nomous District Council in the Forty-fourth year
of the Republic of India as follows :—

1. *Short title extend and commencement* :—

(1) This Act may be called the Chakma Aut-
onomous District (Forests) Act, 1992.

(2) It shall extend to the whole of the Cha-
kma Autonomous District except :—

(a) Any area which is a State reserve Forest
or which may be declared as a State reserved
Forest from time to time

(b) Any area which may be declared from
time to time as a sanctuary, National Park,
Game reserve or closed area under the Wild
life (Protection) Act, 1972 (Central Act 51 of 1972,

(3) It shall come into force on the date of its publication in the Mizoram Gazette.

2. *Definition :*

In this Act, unless the context otherwise requires—

(1) "Authorised Officer" in relation to any provision of this Act or the rules made thereunder means the Secretary if he is authorised by the Executive Committee by notification in the Mizoram Gazette, to exercise the power of the Authorised Officer under such provisions.

(2) "Cattle" includes gayal, Mithun, Buffaloes, Mules, Asses, Pigs, Rams, Ewes, Sheep, Lambs, Goats and kids.

(3) "Council Forest" means any forest in the District other than in any of the areas referred in clauses (a) and (b) of Sub-Section (2) of Sect.

(4) "Council Forest Officer" means any person appointed as such by name or as holding an office by or under the orders of the District Council and shall include Deputy Conservator of Forest Assistant Conservator of Forest, Forest Rangers, Deputy Rangers, Foresters, Assistant Foresters, Forest Guards and any other person appointed to discharge the duties and function of a Council Forest Officer under this Act or any rules thereunder.

(5) "Council Reserved Forest" means any forest constituted as such by or under the orders of the District Council.

(6) Deputy Commissioner means the Deputy Commissioner, Chhimitupui District, Saitla.

(7) "District" means the Chakma Autonomous District and the word 'District Council' shall be construed accordingly.

(8) "Executive Committee" means the Executive Committee of the District Council and the terms "Chief Executive Member" and "Member of Executive Committee" shall be construed accordingly.

(9) "Forest Offence" means an offence under any provision of this Act or any rule made thereunder.

(10) "Forest Produce" means forest produce of Council forest and includes—

(a) the following whether found in or brought from, a forest or not, that is to say timber, Charcoal, Catechous, Catechu, woodoil, resin, natural varnish bark, lac, myrabolams, thiroceros and tusks, horns;

(b) the following when found in or brought from a Council Forest that is to say:

(i) trees and leaves, and fruits and all other parts or produce, not here-in-before mentioned, of trees;

(ii) plants not being trees (including grass, creepers, reeds and moss) and all parts or produce of such plants;

(iii) Wild animals skins and horns, bones, silk cocoons, honey and wax and all other parts or produce of wild animals;

(iv) peats, surface oil, rocks and all other products of quarries;

(11) "Forest Village" means a Village established within a Council reserved forest for a specific period to provide suitable source of labour for the purpose of plantation and taungyas;

(12) "Governor" means Governor of the State of Mizoram;

(13) "Land at the disposal of the District Council" means any land at the disposal of the District Council 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 Government of the State of Mizoram;

(14) "President" means the President of a Village Council elected under the provisions of the Pawl-Lakher Autonomous Region (Village Council) Act, 1954;

(15) "River" includes also streams, canals, creeks and other channels, natural or artificial;

(16) "Secretary" means the Secretary to the Executive Committee of the District Council;

(17) "State reserved forest" means the reserved forest as defined in Sub-Paragraph (2) of paragraph 3 of the sixth Schedule to the Constitution of India;

(18) "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;

(19) "Tree" includes palms, bamboos, stumps, brushwood and canes;

(20) " Village Council " means a Village Council Constituted under the provision of Pawi-Lakher Autonomous Region (Village Council) Act, 1954.

3. *Jurisdiction of the District Council :*
The administration of Council forests in the District shall be vested in the District Council.

4. *Reserved Forest*
The trees specified in Appendix - I to this Act, shall be treated as reserved trees- Such trees in Council forest shall not be cut, felled, tapped or injured in any manner without permission of any kind issued in writing by the Executive Committee or the Authorised Officer.

5. *Disposal of forest Produce :*
(1) The cutting, sawing, conversion and removal of trees and timbers and the collection, manufacture and removal of forest produce from a Council forest except for purposes of personal use under such condition as the District Council may, by rules made in this behalf allow, are prohibited, except under a permit granted by the Executive Committee or the Authorised Officer.

(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 Council forest for purpose of trade.

6. *Royalties*

(1) The rates of royalties to be charged on forest produce removed from the Council forest for trade under a trade permit are given in Appendix—III to this Act. The power to increase or decrease any of the rates is vested in the Executive Committee to a limit of twenty five percent of increase or decrease according to distance and difficulties of extraction.

(2) All other forest produce not included in Appendix—III shall be charged at such rates as may be fixed by the Executive Committee.

(3) The Executive Committee 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.

(4) The rate of royalties given in Appendix—III shall remain in force till replaced by such revision rates of royalties as may be ordered by the Governor for the sake of uniformity for the entire State of Mizoram.

(5) No forest Produce shall be extracted for any purpose from any of the Council reserved forest except on payment of royalty and with the written permission of the Executive Committee or the Authorised Officer.

7. *Payment of fees and royalties.*

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

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

8. *Receipt for forest Revenue*

All forest revenue shall be received in the form as prescribed in Appendix—V.

9. *Registration of property marks*

All persons trading in or conveying timber not belonging to State 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/- (five) for each registration thereafter.

10. *Honey and Wax.*

No person shall remove honey and Wax for purposes of trade from the Council forest, save under and subject to, the condition of purchasing licences granted by the Executive Committee or the Authorised Officer. Such licences shall be in the form contained in Appendix—VI to this Act and the amount of the fee for the same, which may, from time to time, be prescribed by the District Council shall be printed on such licence.

11. *Application of section 188 of Indian Penal Code to breach of the provisions of some sections of the Act.*

Breach of the provisions of sections 4, 5, 6, 7 and 10 of this Act shall lead to punishment under section 188 of the Indian Penal Code (Central Act 45 of 1860).

12. *Town Station reserve.*

(1) The District Council may, by notification in the Mizoram Gazette or by publication in any other manner it deems suitable, constitute any Council forest into Town Station reserve and may, in like manner vary or cancel any such notification.

(2) Every such notification shall specify the limits of such Town Station Reserve or Reserves.

(3) No forest produce within a Town Station Reserve shall be removed, collected, 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 Executive Committee or the Authorised Officer.

(4) Any one contravening the provision of this section 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.

13. *Power to constitute Village forest Reserve.*

(1) The District Council shall, by order, constitute in every village, not less than twenty five percent of the land at the disposal of the District Council into a Village forest Reserve for the collective benefit of any Village community or group of Village communities and may, in like manner, every any such order.

(2) Every such order shall specify the limits of such Village forest Reserve.

14. *Village forest Reserve :*

The village forest reserves constituted under section 13 may be of two classes, namely :—

(a) a Village Safety Reserve, that is a reserve for the protection against fire from without or reserve constituted in the interest of health and water supply, no one shall utilise 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 Executive Committee. The President of the Village Council, in consultation with the other members of the Village Council, may dispose of any dead tree in the manner considers most beneficial for the Village.

(b) Village supply Reserve, that is reserve for supply of the need of the Village or Villager. Any person belonging to any Village communities for whose benefits such reserve is constituted may cut trees and bamboos from this reserve for his household needs.

15. *Power to distribute land for jhums :*

(1) The Village Council shall have the power to distribute land for jhums within the Council forest other than the following reserve, namely :—

- (a) the Village Safety Reserve,
- (b) the Village Supply reserve,
- (c) town Station Reserve,

(d) the Council Reserve Forest, and
 (e) the State Reserved Forest.

(2) No Village Council shall have power to distribute dense forest without the permission of the Executive Committee.

16. *Power to constitute protected Forest Reserve:*
 The District Council may constitute any land at the disposal of the District Council as a protected Forest Reserve 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 the protected forest reserve and no trees hereof shall be cut except with the permission of the Executive Committee or the Authorised Officer.

17. *Certain punishment with fine:*

(a) Any person doing anything in contravention of the provisions of section 14, 15 and 16 shall be punishable with a fine not exceeding rupees two hundred.

(b) Subject to clause (a) above, any person doing anything in contravention of any provision of this Act shall be punishable with a fine according to the amount of damage caused.

18. *Power to constitute Council Reserved Forest*
 The District Council may constitute any land at the disposal of the Council as a Council Reserved Forest in the manner hereinafter provided

19. *Forest Notification proposal to constitute a Council Reserved Forest*
 Whenever it is proposed to constitute any land as a Council reserved forest the Executive Committee shall publish a notification—

- (a) declaring that, is proposed to constitute such a land as a Council Reserve Forest, and
- (b) specifying, as nearly as possible, the situation and limits of such land, and
- (c) inviting claim of rights and objections.

20. *Survey of the proposed Council reserved Forest:*

The Executive Committee, as soon as a notification is issued under section 19, it shall cause the area to be surveyed and demarcated by one or more of the Council Forest Officers not below the rank of Forester or any other Officer authorised in this behalf, who shall also enquire into any right of any person in area and shall also submit reports to the Executive Committee and such report shall seal with all points

including compensation involved or alteration of the recommended.

21. Disposal of claims and objections :

All claims of rights on the land and all objections against the proposed Council Reserved Forest shall be submitted in writing to the Executive Committee within 60 days from the date of publication of the notification under section 18

22. Council Forest Tribunal :

The Executive Committee shall appoint a Council Forest Tribunal who shall decide all claims of right on land and all objection against the proposed Council reserved forest. The orders of the Council Forest Tribunal shall be published forthwith in the Mizoram Gazette.

23. Appeal :

All appeals against the decision of the Council Forest Tribunal shall be submitted to the Executive Committee within 30 days of the order issued by the Council Forest Tribunal. The Executive Committee shall review the case as it deems necessary and pass order which shall be final.

24. Jurisdiction of High Court not affected :

Nothing in section 22 and 23 of this Act shall

interfere with the jurisdiction of any Court, including the High Court and the Supreme Court of India as provided in Sub-Paragraph (2) of paragraph 4 of the Sixth Schedule to the Constitution of India.

25. Final Notification constituting Council Reserved Forest

The Executive Committee shall, after disposal of all appeals, publish in the Mizoram Gazette or in any other manner it deems, suitable, the final notification specifying the limit of the Council reserved forest incorporating therein any change and modification made from the preliminary notification under section 19 of this Act, and declaring the same to be a Council Reserved Forest, from the date fixed by such notification.

26. Right in or over the Council Reserved Forest

No person shall have right of any nature in or over the land within the area of the Council reserved forests, except those that may have been conceded in the final notification referred to in section 25. The Executive Committee or the Authorised Officer may permit or grant rights of any nature to any individual or a community for the benefit of a community or communities.

27. Penalties for trespass or damage :

Any person who, in a Council reserved forest :

- (1) trespasses or pastures cattle 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 this offence amounts to more than twenty five rupees to double the amount of such damage.

28. *Act prohibited :*

Any person, who in the Council reserved forest

- (1) sets fire, or in contravention of any rules made by the Executive Committee 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 Executive Committee may from time to time notify, or
- (3) fells, cuts, girdles mark, lops, or injures by fire or otherwise any tree, or
- (4) quarries stones, burns lime or charcoal, or collects, subject to any manufacturing process or removed any forest produce, or

- (5) clears or breaks up any land for cultivation on or any other purpose, or

- (6) poisons water, or in contravention of any rule made by the Executive Committee, hunts shoots, fishes or sets traps or snares, shall be punished with imprisonment for a term which may extend to six months or with fine may extend to five hundred rupees, or with both.

29. *Jhumming in Council Forests :*

The right to jhumming or any shifting cultivation in the unclassified Council Forests in con-
 sidered subject to any regulation, rules and orders made or prescribed by the District Council, village council or any other body granted by the District Council.

30. *Collection of timber tree royalties or permit for private use :*

Any inhabitant of the District Council is permitted to collect free of royalty or permit such timber and other forest produce other than reserved trees as may require for his own use within the unclassified Council forest, including the Village supply Reserve, but not for sale, trade, mortgage gift for which purposes either permit or royalty or both may be imposed by the Executive Committee as it seems fit.

31. *Forest offence* :—

(1) When there is reasonable belief that a forest offence has been committed in respect of any forest produce, together with all tools and other articles used in the commission of such alleged offence, may be seized, properly in safe custody and report the matter to the appropriate 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 or offenders.

(2) When the offender is not known or traceable, such seized article shall be confiscated and District Council.

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.

32. *Presumption that the forest produce belong to the District Council* :—

When in any proceeding taken under this Act or in consequence of anything done under this Act, the question arises whether forest produce is the property of the District Council, such produce shall be presumed to be the property of the District Council until the contrary is proved.

33. *Power to compound offences* :—

(1) (a) The Executive Committee may accept from any person against whom reasonable suspicion exist that he has committed any forest offence specified in sections 27 and 28 of this Act, a sum of money by way of compensation for the offence which such person is suspected to have committed.

(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 Executive Committee with or without a fine.

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

34. *Procedure for disposal of perishable property* :—

Not with standing anything herein before contained, the court concerned may direct the sale of any property seized under section 31 if it is subject to speedy and natural decay, and may deal with such property as if it has not been sold.

35. *Power to arrest without warrant* :—

(1) Any Council Forest Officer not below the

rank of Assistant Forester or a Police Officer may, without order from a magistrate and without a warrant arrest any person reasonable suspected of having been connected with or concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence or given 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.

(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 period exceeding twenty four hours exclusive of the time necessary for the journey from the place of arrest to the court of the Magistrate concerned.

36. *Power of the Executive Committee to evict unauthorised occupant from reserved forest.*

(1) The Executive Committee or the Authorised Officer may evict any person from any land in a Council reserved forest unless such person has been allowed to settle.

(2) Such person may evicted or ordered to

vacate forth with, and the Executive Committee or Authorised Officer may, sell, confiscate or destroy or other construction erected without authority.

37. *Penalty for counterfeiting or defacing marks trees and timbers etc. :*

Any person, who with the intention 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 counterfeits upon any tree or timber a mark used by Council Forest Officers to indicate that such tree or timber is the property of the District Council or some person, or that it may lawfully be felled or removed by some persons, or

(b) unlawfully affixes to any tree or timber a mark used by Council Forest Officer, or

(c) alters, defaces or obliges rates any such mark placed on any tree or timber by or under the authority of a Council Forest Officer, or

(d) alters, moves destroys or defaces any boundary mark or 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.

38. *Compensation for damage used by commission of offences :*

(1) When any person is convicted of falling, cutting, girdling, lopping or lapping trees, or of injuring them by fire or otherwise in contravention of this Act, or of any rule made thereunder, the convicting Court, may in addition to any other punishment which it may award, order that person to pay to the District Council such compensation according to the amount of damage caused.

(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 the 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 may by the convicting Court are ordinarily appealable and the orders passed on the appeal shall be final.

39. *Forfeiture of lease :*

When the holder of any lease, licence or contract whatsoever granted or continued by, or on behalf of the District Council for any of the purposes of this Act or any rule made thereunder, or when any such offence is committed by any agent or servant of the holder of any such lease, licence or contract and the District Council 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 District Council may, by order, in writing declare the lease licence, 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.

40. *Council Forest Officer not to trade*

No Council Forest Officer shall, as principal or agent, trade in forest produce, or be or become, interested, in any lease, or mortgage, or any forest, or in any contract for working any forest.

41. *Persons bound to assist Council Forest Officer*

Every person who exercise any right in any class of Council 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 'continuous to such forest shall be bound to furnish, without unnecessary delay, to the nearest Council Forest Officer any information which he may possess respecting the occurrence of a fire in or near such forest, or the commission of or intention to, commit any forest offence, and shall assist any Council 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 offence, and
- (d) when there is reason to believe that any such offence had been committed in such forest, in discovering and arresting the offenders.

42. *Recovery of money due to District Council :*

All money, other than fines, payable to the District Council under this Act, or under any rule made thereunder or on account of the price of any forest produce, or of expenses incurred in the execution of this Act or rule, made

thereunder in respect of any forest produce may, if not paid when due, be recovered as an encumbrance on the land revenue.

43. *Liens of 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 of such produce may be taken possession of by a Council Forest Officer specially empowered in this behalf by him until such amount has been paid.

(2) If such amount is not paid when due, such Council 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 there-to, shall be forfeited to the District Council.

44. *District Council and its Officer not liable for loss or damage in respect of certain forest produce :*

The District Council shall not be responsible for any loss or damage which may occur in respect of any forest produce while at the

Ravenue stations established under this Act or rules made thereunder or while collected or detained elsewhere for the purpose of this Act, and no Council Forest Officer shall be responsible for such loss or damage unless he shall have caused the same negligently.

45. *Recovery of penalties due as land revenue.*

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 obtain from any Act, the whole sum mentioned in such instruments as the amount to be paid in case of a breach of any condition thereof may be recovered as an arrear of land revenue.

46. *Distribution of jhum.*

(1) The extent of area to be allotted for distribution for jhum under section 15 shall be notified by the Village Council, in the manner it deems fit and submitted to the District Council, and the District Council may issue any direction in this regard.

(2) Except for any special privilege granted under this Act to any person, distribution of jhum to a Village shall rest with the Village Council.

(19) No jhum 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 the Chief Executive Member of the Executive Member concerned.

47. *Opening wet Cultivation.*

No new cultivation shall be opened of the Council Forest except under a pass granted by the Executive Committee on such conditions as it may deem fit to impose. In granting such pass, the Executive Committee shall take into consideration the recommendation of the Village Council.

48. *Establishment and control of forest Villages.*

(1) For the purpose of providing a source of suitable local labour for forming and maintaining plantations and taungyas, the District Council may establish forest village within the limits of any Council reserved forest on such sites as may be selected for such period (not exceeding three years) as may be laid down, by the Executive Committee, with an allotment of 1.5 acres of land for homestead or 'bari' for each resident household.

(2) The boundaries of all forest Village shall be demarcated by boundary pillars and shown

in maps together with all interior details, such as fields, homesteads, and the like and a register shall be maintained of the houses in each village:

(3) Jhum in the Council Reserved forest shall not be allowed to the forest village except on the following conditions, namely:

(a) the site of the Village will be selected by the Council forest Officer with the approval of the Executive Committee and full information as in sub-section (2) shall be supplied by such officer to the Deputy Commissioner;

(b) an allotment of maximum (3) three acres of jhum land shall be allowed annually for each resident household by the Council Forest Officer for cultivation and cultivation in particular jhum land shall be at intervals of not less than five years;

(c) the villagers themselves will sow or plant with their crops the seeds or plants of such Forest trees in such manner as the Council Forest Officer may direct.

(4) Building materials and fuels will be given to the villagers free of charge but they will be liable to render ten days free labour, if called

upon, in the next instance at a rate of wages to be fixed by the Council Forest Officer.

(5) The sub-letting of land by a forest villager is not permissible.

(6) The forest villager admitted into the reserved forest shall execute an agreement in such form as may be prescribed from time to time by the Executive Committee.

(7) The Executive Committee may appoint a person among the forest villager as a Headman and prescribe his duties.

(8) The Executive Committee may evict summarily from a forest village without payment of compensation, any one who does not comply with the provisions of the Act, or who refuses to carry out the orders of the Council Forest Officers so far as they are consistent with provisions of this Act, or whose conduct in the opinion of the said Officer, impair the harmonious working of the Village.

49. *Penalties*

If any person infringes any of the provisions of sections 45, 46 and 47 he shall be punishable with a fine not exceeding two hundred rupees.

50. *Appeal from decision of Authorised Officer :*

All appeals against the decision of the Authorised Officer shall be submitted to the Executive Committee within 30 days of the order issued by the Authorised Officer. The Executive Committee shall review the case as it deems necessary and pass order which shall be final.

51. *Power to make rules :*

Subject to the approval of the Governor, the District Council may frame rules for carrying out the provisions of this Act.

52. *Power of Governor to give direction :*

The Governor may, if he is of opinion that it is expedient in the public interest so to do, give such directions as he may deem necessary to the District Council, regarding the carrying into execution of the provisions of this Act, and in particular regarding distribution land for jhum, reafforestation of jhum land and prohibition of jhumming in specified areas, and the District Council shall comply with such directions.

53. *Repeal and savings*

(1) With the commencement of this Act, the following Acts shall stand repealed, namely :

- (a) The Pawl-Lakher Autonomous Region

- (Notified) Act, 1954; (Forests) Act, 1957;
 (b) The Pawl-Lakher Autonomous Region (Forest Amendment) Act, 1957;
 (c) The Pawl-Lakher Autonomous Region (Forest Amendment) Act, 1960.

Notwithstanding such repeal, all actions taken or orders made or directions given under the provision of the Acts, so repealed shall be deemed to be taken made or given under the corresponding provision of this Act and subsequence section, if any with regard to any action, order or direction, shall be in accordance with the provisions of this Act.

APPENDIX—1

Reserved Trees

(See Section 4)

All trees or the underneath kinds standing on any at the disposal of the District Council shall be reserved trees :

Sl No.	Vernacular name	Botanical name
1.	Tia Sopa/Charip	Michelia Champaca
2.	Nahor, rage sear	Mesua ferrea
3.	Chaulmugra	Taraktogenos/Kurxii

4.	Makria sal, Nagable	: Sebima Wallichii
5.	Hollong	Dipterocarpus,
		Marcrocapus
6.	Sal	Shorea Robusta
7.	Mekai	Shorea Assamica
8.	Simul	Samalio Malabarica
9.	Amari	Ammoora Wallichii
10.	Bogipaoma	Chikrasa Tabularies
11.	Sissoo	Balbargia Sisson
12.	Sonarū	Cassia fistula
13.	Khair,	Acacia catechu
14.	Koroi	Albizzia procera
15.	Jusuli	Altingia Excelsa
16.	Hollock	Terminalia
		Myriocarpa
17.	Jamuk	Eugenia jannolana
18.	Sida	Lagerstroemia parvi
19.	Ajhar	Lagerstroemia flosreginae
20.	Kikhan	Dyabanza
		Sonnaratioides
21.	Kadam	Anthociphalus cadamo
22.	Haldu	Adina Cordifolia
23.	Mohidal	Cardia fragrantissima
24.	Ahoi	Vitex pardancularis
25.	Gomari	Gnelina Arborea
26.	Bonsum	Phoebe Coalparensis
27.	Agar (Sasi)	Aguilaria Agallocha
28.	Kuhir	Bridelia Retusa
29.	Urtam	Bischofia jayantica
30.	Indian Rubber	Ficus elastica

31. Sam
32. Bola

Artocarpus chaplasha
Morus levigata
including all medicinal plants.

APPENDIX-III

Trade Permit for timber and other forest produce to be collected from Chākma Autonomous District.

(See Section 5 (2))

Name.....
Residence.....
Forest Description: Amount (Remarks)
Date of Quantification of timber
of timber quantity & other
expiry produce

Date..... Signature and designation
of the Issuing Officer.

Conditions under which this permit is issued :
(1) This permit must be in the possession of the
person removing forest produce under it, and
must be produced by such person whenever
called upon to do so by the Council Forest

Officer, ...
 (2) Only trees marked with the District Council Hammer may be felled. No log or Sawn timber may be removed from felling sites unless it has been measured and marked with the prescribed hammer, i. e., passing hammer, if royalty is to be paid at site.

NOTE: Logs may not be converted to sites unless they have been measured and unless the sale is at converted timber rate.

(3) All timber and other Forest produce must be removed from the forest within the time granted in the permit.

(4) This permit must be returned to the nearest forest office within one month of the date of its expiry.

(5) Any advance royalty paid at the time of taking out a permit will lapse to the District Council will the lapsing of the permit unless application for extension has been made to the Executive Member incharge Forests within one month from the date of expiry and the Executive Member i/c Forests, Chakma District Council exercising his discretion, has granted an extension which may not exceed a further

period of one year after realisation of an extension fee not exceeding twenty five percent of the royalty on the forest produce to be removed under permit.

(6) Breach of any of the above conditions will render this permit liable to be cancelled and the forest produce confiscated, notwithstanding any other penalties incurred by the permit holder under the Chakma Autonomous District Forest Act, 1991 or Rules made thereunder.

I understand and accepted the above conditions.
 Signature of the permit holder

Signature of the Council Forest Officer

APPENDIX-III

RATE OF ROYALTIES ON FOREST PRODUCE

(See Section 6 (2))

Timber and trees are Classified as follows :

I. CLASSIFICATION OF TIMBERS

BOTANICAL NAME HINDI NAME

A I	
Tectona grandia	Teak
A-II	
Michelia Champaca	Titasopa/Champ

Shorea robusta Sal,
 Phoebe gaolpensis Bonsom
 Morus leavinate Bela
 Balbergia Sissoo Sissu
 Pinus insularis Pine

B. CLASS

Diptarocarpus marotocrapus Nékai
 Albizzia adoratissima Hiharu
 Artocarpus Chaplasha Sam/eham
 Chikrassia Tabulris Genserai
 Gamelina arborea Gamani
 Messua forrea Nahar, Hogeswar
 Talauma myriocarpa Tita so-pa
 Yemihalla myriocarpa Hóllock

C. CLASS

Bombax ceiba Simul
 Acrocarpus fraxinifolius Mendhanian
 Adina cordifolia Haldu, Taraksopa
 Albizzia procera Kiroi
 Alseodapne Owdedniti Noricha sundi
 Ammora walllichii Annari
 Aotocarpus integrifolia Kthal
 Castanopsis species Hingori
 Cynometra polyantra Ping
 Eugenia jambolana Juntut
 Lagerstroemia folscreginoe Ajhar, Jarul
 Magnolia species Scpa

Pleocbe cooperina Makhahi
 Pteropernum lacerifolium Hatipolla
 Selima walliellii Makria sal
 Albizzia olebbök Kikojaris
 Bischia javanice Urimpa
 Cassia nodosa Sonari

D. CLASS

Galophyllum Kuta
 Cinnamomum obtusifolium Meduridiam?
 Cordia fragrantissima Modidal
 Durbanget conneratofides Kihokän
 Garuga pinnata Thutmela, Himala
 Suppium baccatum Sellong
 Podacarpus nerifolia Jitari
 Ammora species Rata, Bandordima
 Anthocephalus cadamba Kadami
 Bursera Serratata Mitenge
 Canarium bengalense Dhunaratata
 Kydia calyçina Pichala
 Nysa sessiliflora Gaharisopa
 Mangifera indiaa An
 I—CLASS
 Cedrela tocona Jatipoma
 Albizzia stipulate Saw, Harish

Alstonia Scholaris	Satjana, stajana
Bombax insigne	Dumboil
Tetrameles nudiflora	Bhalaj, Tula
Trewia nudiflora	Bhelkor, Bhura
Vitex penduncularis	Ahor
Zanthoxylum budrunga	Bajrong, Bojoani
Echynocarpus assamicus	Jabahingoria, seta
Ficus nervosa	Khipan,
	Khaitapan
Heritiera acuminata	Bharoidhamin
Hibiscus macrophylla	Chamia
Sterculia villosa	Udal

II SCHEDULED RATES OF ROYALTY OF

TIMBER :

Class : Rate for log below 1 metre in girth	Rate for log for 1 metre in girth	Above 1.5 metre in girth
A-I Rs. 85 00	Rs. 175-00	Rs. 350-00
A-II " 35-00	" 55-00	" 75-00
B- " 17-00	" 30-00	" 42-00
C- " 10-00	" 17-00	" 24-03
D- " 7-00	" 12-00	" 16-00
E- " 5 00	" 7-00	" 10-00

2. The classification will be based on didgirth

measurement. The cubic contents of logs will be calculated by multiplying the square of the quarter girth taken in the middle of the logs by the length of the log.

3. The above rates are for girth measurements taken over bark. For barked and dressed logs rates will be 20 percent more than the above rates.

Over 11 metre	A— Rs. 150-00
	A—II " 100-00
	B— " 70-00
	C— " 35-00
	D— " 25-00
	E— " 20-00

Above rates are for each dugout.

III. RATES FOR MINOR FOREST PRODUCE

Bamboos :	
Bamboosa vilgeris (Barhala)	Rs. 7-50 percent
Bambusa Tulda (trati mirtega)	" 5-00
Bambusa Balcuua (Baris)	" 7-00
Bambusa palliada (Jati)	" 3 00
Dendro Calamus Hamiltöni	" 7-50
(Kako)	" 7-50
Dendrocalamus Strictus (Karabans)	" 5-00

Melocanna bambusoides (Mull)	Rs. 3.00
Bajal Bamboo	Rs. 1.00
Dalu Bamboo	Rs. 1.50

Above rates as per hundred in each case.

IV. SUN OR THATCHING GRASS :

30m girth	Rs. 3.75 per	61.00 undies
45m "	8.60	—do—
60m "	15.00	—do—

V. CANE :

Calamus Gurryba (Sundi)	Rs. 1.00 per 10 m
Calamus tenuis (Jati)	
Calamus Flagellum (Raidarag)	
Calamus latifolius (Horna)	
Galla Cane	

All above rates are for whole cane.

VI. EKCA AND OTHER REEDS :

Up to 15m girth	Rs. 1.00 per 100 hundred
Over 15 to 30m girth	3.00 —do—
Over 30m to 45m girth	6.00 —do—

VII. SAND AND BOULDER :

Rs. 1.00 and 2.00 per cubic metre, 5 Quintals respectively

VIII. GRAVAL BROKEN STONE AND SHIN- (1)E :

Rs. 16.00 per cubic metre

IX. SQUAREL STONE AND CLAY :

Rs. 2.00 and Re. 1.00 per cubic metre respectively.

X. ROOFING LEAVES :

Palak Rs. 1.00 per 1000 leaves jang and other leaves Rs. 0.75 per 1000 leaves.

XI. RATE FOR FIRE WOOD :

- (1) Fire wood removal by head load on monthly permit.
- (2) Fire wood removal by head loads on yearly permit.
- (3) For removal by buffalo cart Rs. 2.00
- (4) For removal by Bullock Cart/Pony Cart Rs. 1.50
- (6) For removal by 3 ton truck Rs. 9.00
- (7) For removal by 5 ton truck Rs. 15.00

XII. Increase and decrease or any of the rates is vested in the Executive Committee to a limit of 50% of decrease and 50% of increase according to distance and difficulties of extraction.

XIII. All other minor forest produce not listed above will be charged royalty at 12.5% ad-valorem.

Forest Department, Chakma District Council
Transit Pass.

(See Section 7 (2))

Station.....Lane/Beat.....Revenue

1. Name and residence of permit or agreement.....

2. Number and date of permit or agreement.....

Kind of produce	Number	Measurement	Marks	Rate	Amount
of for- est pr- oduce	of places, or handles	contents or weight.	hammer or other		

3	4	5	6	7	8
---	---	---	---	---	---

(9) Locality from where collected.....

(10) Place from which to be transported.....

(11) Destination.....

(12) Route of transport.....

(13) Date of expiry.....

(14) Date of issue.....

Signature and designation of issuing officer.

Condition :—

Any person removing timber or other forest produce without a transit pass in this form in contravention of any rule made under section

of the Chakma Autonomous District Forest Act, 1991 is liable for punishment.

The transit pass must be produce whenever call upon to do so by the Council forest Officer.

APPENDIX—V

LICENCE TO PURCHASE HONEY AND
WAX FROM COUNCIL FOREST IN THE
AUTONOMOUS CHAKMA DISTRICT.
(This section 8)

No. of Book No. of Licence

Subject to the provisions of section 9 of the Chakma Autonomous District Council Forest Act, 1991 this Licence of purchase honey and Wax has been granted for one year from..... (both days inclusive) under the conditions specified on the reserve.

To.....
of.....
Village.....
District/Region.....
Thana.....

Signature and designation
of the Officer granting the Licence

The conditions under which this Licence is granted are :—

- (1) That the Licence is not transferable.
- (2) That the Licence shall always be in the personal possession of the Licence when purchasing honey and wax.

/ PPENDIX—VI
 (See section—10)

RECEIPT BOOK IN TRIPPLICATE

Forest Department receipt... .. Chakma
 District Council No Date... ..
 receipt from... .. the sum of
 Rupees... .. in cash on account of... ..
 payment... .. Rs... ..

Designation..

STATEMENT OF OBJECT AND REASONS

The existing law for the management of Forest in Chakma District is considered inadequate and it is considered to reframe better laws for the effective management of the forests of Chakma District.

Hence the Bill

P.K. Chakma
 Executive Member i/c forest
 Chakma District Council
 Kamalanagar

certified that the bill on the Chakma Autonomous District (Forest) Act, 1991 was passed in the Standing on 19/12/91 of the 8th General Session by the 4th Chakma, District Council in consensus and signed in authentication on other day of Tenth February one thousand nine hundred ninety two Anno domini.

At Kamalanagar, the
 Month Feb 92

Sd/
 P. Chakma,
 Chairman,
 Chakma District Council,
 Kamalanagar.

If assent to the above Bill
 on the 2nd October 1993

Sd/
 Governor,
 Administrator,
 Mizoram

FOREST (CONSERVATION) ACT. 1980
 WITH AMENDMENT MADE IN 1988

Am Act to provided for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by parliament in the Thirty-first year of the Republic of India as follows :—

I. I) This Act may be called the forest (Conservation) Act, 1980

II) It extends to the whole of India except the state of Jammu and Kashmir.

III) It should be deemed to have come into force on the 25th day of October 1980.

2. Notwithstanding anything contained in any other law for the time being in force in a state no state government or other authority shall make, except with the prior approval of the Central government, any order directing.

i) That any recovered forest (within the meaning of the expression "reserved forest" in any law for the timber being in force in that state) or any portion thereof shall cease to be reserved :

ii) That any forest land or any portion thereof may be used for any non forest purpose ;

iii) That any forest or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority,

corporation; agency or any other organisation; not owned, managed or controlled by Government.

(v) That any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, or the purpose of using it for reforestation

Explanation : For the purpose of this sanction, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for—

i) The cultivation of tea, coffee, spices, rubber, palms, sil-bearing plants, horticultural crops of medical plants ;

b) Any purpose other than reforestation ; but does not include in any work relating or ancillary to conservation development and management of forest and wildlife, namely, the establishment of check-post, fire lines, wireless communication and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purpose.

3. The Central Government may constitute a Committee consisting of such number of person

as it may deem fit to advise that Govt. with regard to—

- i) The grant of approval under section 2 ; &
 - ii) Any other matter connected with the conservation of forest which may be referred to it by the Central Government.
- Which ever contravenes or avets the contravention of any of the sions of Section 2 shall be punishable with simple imprisonment for a period which may extend to fifteen days.

3. B. i) Where any offence under this Act has been committed.

- a) By any department of Government, the head of the department : or
 - b) By any authority, every person who, at the time the offence has committed, was directly in-charge of, and was responsible to the authority for the conduct of the bussiness of the authority as well as the authority
- Shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall under the head of the department or any person referred to in clause (b),

liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- 2) Notwithstanding any thing contained in sub-Section (i) where an offence punishable under the Act has been committed by a department of Government of any authority preferred to in clause (b) of sub-section (i) and it is prove that the offence has been committed with the consent or connivance of ; or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (i), such officer or person shall also be deemed to be guilty of that offence & shall be liable to be proceeded against and punished accordingly.

4. (i) The Central Government may, by notification in the Official Gazette, makes rules for carrying out the provisions of this Act.

ii) Every rule made under this Act shall

be laid, as soon as may be after it is made, before each house of parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and it, before the expiry of the session immediately following the session of the successive sessions aforesaid, both houses agree in making any modification in the rule or both house that rule not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification from or annulment shall be without prejudice to the validity of anything done under that rule.

(1) The forest (conservation) Ordinance, 1980, is hereby replaced.

2. Notwithstanding such repeal, anything done or any action taken under the provision of the said ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

APPLICATION OF FOREST (CONSERVATION) ACT, 1980

1. Definition :

(i) The term 'Forest' land mentioned in section 2 of the refers to reserved forest, protected or any area recorded as forest in the Government records Lands which are notified under section 4 of also the Indian Forest Act would come within the purview of for diversions of such areas to any non-forest purpose. Even if the area is privately owned, would require the prior approval of the central Government.

(ii) The term "tree" for the purpose of this Act will have same meaning as defined in section 2 of the Indian Forest Act 1927 or any other Act which may be in force in the forest area under question.

1. 1. Clarification :

The case in which specific orders for the deservation or diversion of forest areas in connection with any project were issued by the state Government prior to 25.10.1980, need not be referred to the administrative approval for the project was issued without specific

orders regarding the reservation and/or diversion of forest lands, a prior approval of the central Government would be necessary.

1. 3 Investigation and survey :

Investigation and surveys carried out in connection with development projects such as transmission lines, hydro-electric, projects, seismic survey, exploration for oil drilling etc. will not attract the provisions of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches after purpose of sighting.

ii) If, however, investigations and surveys involve clearing of forest areas or felling of trees, prior permission of the central Government is mandatory.

iii) Notwithstanding the above, survey, investigation and exploration shall not be carried out in wildlife sanctuaries, national parks and simple plots demarcated by the forest Department without obtaining the prior approval of the central government, whether or not felling of trees is involved.

iv) The work of actual construction would however, fully attract the provisions of the Act and prior clearance of the central

government must be obtained even if such work does not require felling of trees.

v) It is clarified that the permission to survey exploration or prospection would not also facts imply any commitment on the part of the central Government for diversion of forest land.

1. 4 Explanation regarding Non-Forest purpose :

1) Cultivation of tea, coffee, species rubber attracting and palm is a non-forestry activity, the provisions of the Act.

ii) Cultivation of fruit-bearing trees or oil bearing plants or medicinal plants would also require prior approval of the central Government except when ;

a) The species to be planted are indigenous to the area in question ; and

b) Such planting activity is part of an overall afforestation programme for the forest area in question ;

1.7 Clarification on sub-clause 2 (III) of the Act;

1) The sub-clause shall not be attracted when any forest land or any portion thereof is assigned to any authority, corporation, agency

or any other organisation wholly owned, managed or controlled authority/corporation/agency, which has been assigned such forest land shall not reassign it or any part thereof to any other organisation or individual.

ii) any scheme or project which involves assignment of any forest land by way of lease or similar arrangement, for any purpose whatsoever, including afforestation, to any private person or to any authority/agency, Organisation not wholly owned, managed or controlled by the Government (such as private or joint sector ventures) shall attract the provisions of this sub-clause.

1. 8 1) Sub clause 2 (4) of the Act prohibits clearing of naturally grown trees in forest land for the purpose of using it for reforestation. The provisions of this sub-clause will be attracted if the forest area in question bears naturally grown trees and are required to be clear-felled, irrespective of their size, for hampering existing crop and/or raising plantation through artificial regeneration techniques which may include coppicing, pollarding or any other made of vegetative propagation.

ii) All proposonal involving clearing of naturally grown trees in any forest area, includ-

ing for the purpose of reforestation, shall be sent to the concerned state/UT Government in the form of management, plants/working plans to the Regional Chief Conservator of Environment and Forests.

ii) All proposonals in respect of sanction of working plans/management plans shall be finally disposed of by the regional office, under section 2 of the Act. While examining the proposal, the Regional office would ensure that the final decision is in conformity with the National Forest Policy, working plan guidelines issued by the central Government from time to time. The Regional office will however invariably seek prior clearance of the Ministry whenever the proposal involves clearing of forest area saving density above 0.4 irrespective of the area involved. Also, prior clearance would be required when the proposal is for clear felling of an area of size more than 20 ha in the plans and 10 hac. in the hilly region, irrespective of density.

1. 9 Clarification on Section 3 3 of the Act.

ii) The report of violation shall be described in a self-contained note and supported by requisite documents, including particularly the names and designations of the officials/persons who

are prima-facts responsible for the contraven-
tion of the Act.

iii) In case it is not possible to fix the responsi-
bility for commission/commission of any action
leading to the violation of the Act, a full expl-
anation with relevant supporting documents
shall be appended to the report.

