

THE MIZORAM (FOREST) ACT, 1955

1. Short title, extent and commencement -

- (1) This Act may be called, the Mizoram (Forest) Act, 1955. (Vide the Mizoram Forest (Amendment) ordinance 1989 and the Mizoram (Forest) Amendment Act, 1990.
- (2) It extends to the whole of State of Mizoram except the areas under the jurisdiction of the Chakma, Lai and District Council.
- (3) It shall come into force on such date as may be notified by the District Council in the Assam Gazzette herein after refered to as the appointed.

2. Definition –

In this Act, except where it is otherwise expressly provided or the context otherwise requires :-

- (1) “Cattle” includes also buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;
- (2) “Government Forest Officer” means the forest in the State other than the “Reserved Forest”.
- (3) “Government Forest Officer” means any person appointed as such or holding an office by or under the orders of the Government and shall include Forest Guards, Assistant Foresters, Foresters, Assistant Rangers, Forest Rangers and any other person appointed to discharge the duties and function a Forest Officer under this Act or any rule there under.
- (4) “Government Reserved Forest” means any forest constituted as such by or under the orders of the Government of Mizoram..
- (5) “State Government” means an the State Government of Mizoram and the term “Chief Minister” and “Council of Ministers” shall be construed accordingly.
- (6) “Land at the disposal of the Government” means any land at the disposal of the Mizo District Council as it existed immediately before its dissolution on the 29th day of April, 1972 in respect of which no person has acquired a permanent heritable and transferable right of use and accoupancy under any law for the time being in force or any right created by grant of lease made or continued by or on behalf of the State Government.
- (7) “President” means the President of a Village Council appointed under the provisions of the Lushai Hills Autonomous District (Administration of Justice)? Rules, 1953.
- (8) “River” includes also streams, canals, creeks and other channels natural or artificials.
- (9) “Village Council” means a Village Council constituted under the provisions of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953.

3. Town Forest Reserve -

- (1) The Government by notification in the Mizoram Gazette and by publication in any other manner it deems suitable, constitute any forest which is not a Government Reserved Forest into Town Reserve any may in like manner vary or cancel any such notification.
- (2) Every such notification shall specify the limits of such Town Forest Reserve or Reserves.
- (3) The boundaries of the Town Forest Reserve for Aijal Town shall be as described in Appendix V to this Act.
- (4) No trees within a Town Forest Reserve shall be 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 State Government or other officer empowered in this behalf.
- (5) 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.

4. Power to constitute Village Forest Reserve -

- (1) The State Government may by order constituted any forest which is not a reserved forest into Village forest reserve Protected Forest Reserve or Reserves for the benefit of any village community or group of village communities, and may, in like manner, vary or cancel, any such order.
- (2) Every such order shall specify the limits of such village Forest Reserve Protected Forest Reserve or Reserves.
- (3) The State Government shall send a copy of every such order to each Village Council concerned and may direct the Village Council to announce the contents of the order properly to the Villagers by putting a copy to the Village board and by announcement by the Village Tlangau (official Village order). Every such order made under sub-rule (1) shall be punished in Mizoram Gazette.

5. (1) Three classes of Village Forest Reserves-The Village forest reserves constituted under section 12 may be of three classes, namely –

- (a) Village Safety Reserve, that is reserve for the protection against fire from without or reserve constituted in the interest of health and water supply. No one shall utilised 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 State Government. The Village Council may dispose of any dead trees in the manner it considers most beneficial for the Village.

(b) Village Supply Reserve, that is reserve for the supply of the needs of the village. Any person resident in the Village may cut trees and bamboos from this reserve for his household needs.

(c) Protected Forest Reserve : That is reserved 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 this protected Forest Reserve and no tree, shall be cut in the Protected Forest Reserve except with the permission of the State Government.

(2) Any person doing anything in contravention of any of the provision of this section shall be punishable with a fine not exceeding Rs. 50/-

(3) The Boundary of the village Forest Reserve being properly demarcated shall be marked by sign posts and stone pillars. The record of the boundaries, stating places where such posts or marks are made shall be kept by the President. A copy signed by the President shall be submitted to the State Government.

6. Power to constitute Government Reserve Forest -

The Government may constitute any land at the disposal of the Government is a Government Reserve Forest in the manner herein after provided.

7. Notification of proposal to constitute a Reserved Forest -

Whenever it is proposed to constitute any land as Govt. Reserve Forest, the State Government shall publish a notification in the Mizoram Gazette, (1) declaring that it is proposed to constitute such a land a reserved forest, and (2) specifying as nearly as possible the situation and limits at such land and (3) inviting claim of rights and objections.

8. Survey of the proposed Government Reserved Forests -

The State Government, as soon as a notification is issued under section 15 shall cause the areas to be surveyed and demarcated by one or more of the Government Forest Officers not below the rank of Forester, shall also acquire into any rights of any person in the area and shall also submit reports to the State Govt. which report shall deal with all points including compensation involved or alternation of the area recommended.

9. Disposal of claims and objections -

All claims of rights on the land all objections against the proposed Government Reserved Forest shall be submitted in writing to the State Government within 120 days from the date of publication of the Notification under section 15.

10. Government Forest Tribunal -

The State Government shall appoint a Government Forest Tribunal who shall decide all claims of right on land all objections against the proposed Reserved Forest. The orders of the Government Forest Tribunal shall be published forthwith in the Mizoram Gazette.

11. Appeal -

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

12. Nothing contained in section 18 and 19 of this Act shall bar the jurisdiction of a competent Civil Court.

13. Final Notification constituting Govt. Reserved Forest -

The State Govt. shall after disposal of all appeals, publish in the Mizoram Gazette, the final notification specifying the limit of the Govt. Reserved Forest incorporating therein any changes and modifications made from the preliminary notification under section 15 of this Act and declaring the same to be a Govt. Reserved Forest from the date of fixed by such notification.

14. Right in or over the Govt. Reserved Forests -

No person shall have rights of any nature in or over the land within the area of the Govt. Reserved Forest except those that may have been conceded in the final notification referred to on section.

15. The State Govt. or any other officers empowered in this behalf may permit or grant rights of any nature to an individual or a community for the benefit of a community or communities.

16. Penalties for trespass or damage -

Any person who in a Govt. Reserve Forest :-

- (1) trespass or pastures cattles, or permits cattle totrespass or
- (2) causes any damage by negligence in felling any tree or cutting or dragging timber: shall be punished with fine which may extent to fifty rupees, or when the damage resulting from his offence amounts to more than twenty five rupees to double the amount of such damage.

17. Acts prohibited -

Any person who in the Govt. Reserve Forest:-

- (1) Sets fire or in contravention of any rules made by the State Govt. 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 State Govt. may from time to time notify, or
- (3) fells, cuts, girdles, marks, lops, taps or injures by fire or otherwise any trees or
- (4) quarries stones burns lime or charcoal or collects, subject to any manufacturing process or any forest produce, or
- (5) clears or breaks up any land for cultivation many other purpose, or
- (6) poisons water or in contravention if any rule made by the State Government, fishes or sets traps or snares 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.

18. Penalty for offences committed by persons having rights in the forest -

Whenever fire is caused willfully or by gross negligence in Government Reserved Forest, by any person having rights in such forest or permission to jhum despite the infliction of any punishment under this Act, direct that in such forest, or any specified portion thereof, the exercise of all or any of the right of pasture or to forest produce shall be terminated, or for such period as it think fit be suspended.

19. Dereservation of forest -

Any area constituted as Government Reserved Forest will be preserved only by or under the orders of State Government.

20. Jhuming in Govt. Forest -

The right to jhuming or any shifting cultivation in the unclosed Government Forests is considered subjects to any regulation, rules or orders that may be made or prescribed by a Village Council or any other body granted powers similar to a Village Council by the Government of Mizoram.

21. Distribution of Jhum -

- (1) The extent of the area to be allocated for distribution for jhums, under section 13(1) (b) shall be notified by the Village Council in the manner it deem fit and submitted to the Government and the Government may issue any direction in this regard.
- (2) Except for any special privileges granted under this Act to any person distribution of jhums to a Village shall rest the Village Council.
- (3) No Jhumming shall be permitted within one hundred feet either side of all Government roads, except with the written permission of the Deputy Commissioner in consultation with Chief Minister or the State Government.

22. Opening wet cultivation-

No new cultivation (Leilet) shall be opened in the district except under a pass granted by the State Government on such conditions as it may deem fit to impose. In granting such pass, the State Government shall take into consideration the recommendation of the Village Council.

23. Penalties -

If any person infringed any of the provisions of section 39 and 40 he shall be punishable with a fine not exceeding Rs. 50/-

24. Powers to make rules-

Subject to the approval of the Governor of Mizoram Government may frame rules for carrying out the provisions of this Act.

25. Repeal -

(1) The Lushai Hills District (Forest) Act, 1953 (Lushai Hills Act No. VI of 1953) is hereby

repealed with effect from the appointed day.

(2) Notwithstanding such repeal all action taken, order made or directions given under the provisions of the Lushai Hill District (Forest) Act, 1953 shall be deemed to be taken, made or given under the respective provisions of this Act and subsequent actions. If any, with regard to any action, order or direction shall be in accordance with the provisions of this Act.