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NOTIFICATION

No. C.18011/22/2018 – FST, the 8th August 2018. WHEREAS, the Government of Mizoram is deeply concerned about the destruction of forests and the decline in the quality of the forests in the State resulting in resource depletion and environmental degradation due to illegal felling and logging of trees in the forests which are being facilitated with the uncontrolled use of chainsaws.

WHEREAS, the Government of Mizoram also recognizes that chain-sawing activities in private and Government forests/plantations constitute some source of livelihood for many persons, especially vulnerable, unemployed individuals and poor communities and that it is necessary to formally recognize, control and regulate the purchase, ownership, possession, sale, transfer, and/or use of chainsaws to prevent them from being used in illegal felling or unauthorized clearing of forests in Mizoram.

Now, therefore, in exercise of the powers conferred by Section 42 of the Mizoram Forest Act, 1955, the Governor of Mizoram is pleased to notify the Mizoram Chainsaw (Control & Regulation) Rules, 2018 as follows:-

1. Short title, extent and commencement:

- (i) These rules may be called the Mizoram Chainsaw (Control & Regulation) Rules, 2018.
- (ii) They shall extend to the whole of Mizoram except the three Autonomous District Councils.
- (iii) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions:

- (i) In these rules, unless the context otherwise requires –
 - (a) ‘**Chainsaw**’ means any portable power saw or similar cutting device, rendered operative by an electric or internal combustion engine or similar means, that can be used for, but is not limited to, the felling of trees or the cutting of timber. It shall likewise refer to circular saw capable of cutting timber, provided it is portable.

- (b) **‘Chain sawing’** means felling and/or on-site conversion of logs into timber using chainsaws.
- (c) **‘Chain-sawyer’** means person engaged in chain sawing.
- (d) **‘License’** means a license to purchase, acquire, possess, distribute and/or sell chainsaw granted under these rules;
- (e) **‘PCCF’** means Principal Chief Conservator of Forests, Mizoram.
- (f) **‘DFO’** means Divisional Forest Officer of territorial Forest Divisions in Mizoram.
- (g) **‘Legal purpose’** refers to tree felling, thinning, logging and conversion activities with permission from the competent authority and includes activities such as tree pruning, lopping, landscaping, timber stand improvement and other allied silvicultural activities.
- (ii) Words and expressions used but not defined in these rules, and defined in the Mizoram (Forest) Act, 1955 and the rules framed thereunder shall have the meaning assigned to them in such Act or rules;

3. Restriction on purchase, acquisition, possession and use of chainsaw:

No person shall purchase, acquire, own, possess and use chainsaw for the purpose of chainsawing as defined in sub-clause (b) of clause (i) of rule 2 of these rules without a license and/or Certificate of Registration as provided in these rules.

4. License to purchase, acquire, own, possess and/or sell chainsaw:

(1) Any person who is eligible and who intends to purchase, acquire, own, possess and/or sell chainsaw shall obtain a License for the same from the PCCF, Mizoram in the manner prescribed under rule 7.

(2) Any person who is eligible and who is already in possession of chainsaw prior to commencement of these rules shall obtain No Objection Certificate (NOC) for registration of the chainsaw from the PCCF, provided that the owner of chainsaw fulfils the eligibility criteria.

5. Registration of Chainsaws:

(1) Any person who purchased, acquired, owned, possessed chainsaw(s) for personal or official use on the strength of a license issued by the PCCF, shall register the same with the territorial DFO in the manner prescribed under rule 8:

Provided that the chainsaws purchased for sale/trade will not be registered:

Provided further that chainsaw(s) already acquired/owned before the commencement of these rules shall be registered on the strength of NOC issued by the PCCF within two months of the commencement of these rules.

(2) The Certificate of Registration shall also serve as the permit to own, possess and/or use the chainsaw for legal purpose:

Provided that when the intended use requires permission from any government department/agency/authority/person, such permission shall first be obtained prior to actual use.

6. Persons eligible for license and certificate of registration:

- (1) Persons falling under any of the following categories are eligible for grant/issue of License and/or Certificate of Registration of chainsaw:-
- a) Owner of registered tree plantation/forest and holder of such felling permit.
 - b) Holder of felling permit of trees from other private or Government land.
 - c) Owner/buyer of legal timber/trees sold by Government Department/Agency/Individual.
 - d) Holder of license for wood based industries.
 - e) Government Departments/Agencies and Firms that requires use of chainsaw in some aspect of their functions.
 - f) Individual (chain-sawyer) who obtains an affidavit that chainsaw will be used for personal and for a legal purpose only.
 - g) Registered trader/businessman in Mizoram.

Provided that any person convicted of any offence punishable under any forest or wildlife act or rules shall not be eligible for grant / issue of License and / or Certificate of Registration of Chainsaw.

7. Procedure for obtaining License for chainsaw:

(1) Any person who is eligible and who intends to purchase, acquire, possess, distribute and/or sell chainsaw shall submit application in **Form-I(a)** to the PCCF by enclosing copy/copies of any of the relevant documents in support of his/her eligibility for the license listed under rule 6.

(2) The PCCF, after verifying the genuineness of the application and supporting documents and also the eligibility of the applicant for a license as deemed necessary, may issue a License to purchase and sell chainsaw in **Form-I(b)** or a License to purchase and/or acquire chainsaw in **Form-I(c)** within 30 days of receipt of the application, subject to payment of license fee or refuse issue of the license for reasons to be recorded in writing, and inform the applicant accordingly.

8. Procedure for registration of chainsaw:

(1) Any license holder who had purchased, acquired, owned/possessed chainsaw(s) for personal/official use shall submit application for registration of the chainsaw(s) in **Form-II(a)** duly filled in to the territorial DFO under whose jurisdiction the applicant resides or the chain saw is intended to be used within thirty (30) days from the date of purchase/acquisition.

(2) The application for registration of chainsaw should clearly indicate the brand, model, serial number, horse-power, maximum length of guidebar, date of acquisition, etc. and the place/location with name of Village Council area, Forest Range, Forest Division and District where the chainsaw is intended to be used / operated.

(3) The application for registration should be accompanied by attested copy of the following documents, whichever is relevant in support of his/her eligibility:-

a) proof of ownership of chainsaw (sale/purchase memo/invoice, sale deed, gift deed, acquisition through succession, etc)

b) copy of license to purchase, acquire, possess, etc or NOC issued by the PCCF

c) copy of registration certificate of private plantation

d) copy of tree felling permit (if any)

e) copy of license for wood based industry

f) affidavit that the chainsaw will be used for personal/official and legal purpose only.

g) copy of receipt for payment of registration fee

(4) On receipt of complete application, the DFO will physically inspect and verify the chainsaw and record the details and specification of the chainsaw.

(5) The DFO, after ascertaining the genuineness of the application and the accompanying documents after necessary verification as he deems fit, shall issue a Certificate of Registration of the chainsaw in **Form-II(b)**.

(6) When a chainsaw for which registration is applied and under process is seized or confiscated for violation of law or these rules, the processing of such application shall be suspended and may be resumed only when the case is dismissed and settled in favour of the applicant.

(7) The original copy of the Certificate of Registration of chainsaw shall be kept by the owner while the duplicate copy will be retained in the DFO's office. A certified copy of the original Certificate of Registration must be with the chain sawyer at all times. A copy of the registration certificate will also be given to the PCCF and any other territorial DFOs under whose jurisdiction the chainsaw is also intended to be used.

9. Coding system of registered chain saws:

(1) An alpha-numerical coding system shall be followed as registration number or control number for registered chainsaws which shall be in the following sequence:

The initials provided in rule 9(2) as Division code where the chainsaw was registered followed by the last two digits of the year when the chainsaw was registered, and the assigned number of the chainsaw (e.g., AZL/18/01 for first registration of chainsaw in Aizawl Forest Division during the year, 2018).

(2) The following shall be the division codes for each Forest Division where chainsaws shall be registered:

- a) Aizawl : AZL, b) Thenzawl : TZL, c) Champhai : CPI, c) Darlawn : DRL
 d) Kolasib : KLB e) Kawrthah : KRT f) Mamit : MMT g) Tlabung : TLB
 h) Lunglei : LLI i) N. Vanlaiphai : NVLP

(3) The control number, as described above assigned to every registered chainsaw shall be entered in the Certificate of Registration as registration number.

10. Validity of License and Certificate of Registration:

(1) License to purchase or acquire chainsaw for personal / official use and for trade / business shall be valid for a period of 1 (one) year and 2 (two) years respectively upon issuance renewable for the same period on application subject to eligibility.

(2) Certificate of registration of a chainsaw shall be valid for 2 (two) years upon issuance, renewable for the same period:

Provided that certificate of registration issued to non-commercial orchard and fruit tree farmers, government departments/agencies and similar individuals or entities whose line of business or work are not related to tree farming and / or timber production, processing and trade shall be valid for a period of 5 (five) years upon issuance, renewable for the same period.

11. Renewal of License and Certificate of Registration:

(1) For renewal of license, the license holder may submit application in plain paper to the PCCF stating the reason for not purchasing/not acquiring the chainsaw during the validity of the license and by enclosing documents showing his/her eligibility for the license. The PCCF, after carrying out necessary enquiry, may grant renewal of the license or refuse the renewal of the license for reasons to be recorded in writing, and inform the applicant accordingly.

(2) Application for renewal of Certificate of Registration shall be made to the DFO concerned, at least 30 (thirty) days before the expiry of the validity.

(3) The DFO will enquire into the application and inspect the registered chainsaw. If he is satisfied that the applicant has not violated any of the provisions of these rules and other forest and wildlife laws,

and that the applicant is still eligible for registration of the chainsaw, the DFO may renew the validity of the Certificate of Registration under intimation to the PCCF and other DFO(s) concerned, if any. If there is any ground for refusal of renewal of the registration, he may do so with reasons to be recorded in writing and intimate the same to the applicant.

12. Suspension or cancellation of Registration:

Notwithstanding anything contained in foregoing rules, the DFO concerned, may, if there is sufficient reason to believe that the registered chainsaw is used or operated in contravention of the provision of these rules or conditions of the Certificate of Registration or the owner of the chainsaw or chain sawyer is indulging in activities prejudicial to the interest of the forest conservation or public interest, at any time after giving 30 days notice, suspend or cancel the Certificate of Registration issued under rule 8,

Provided that no such suspension or cancellation shall be made except after giving the holder of the Certificate of Registration an opportunity of being heard.

13. Power of Seizure:

Any forest officer, not below the rank of a Forest Range Officer within his area of jurisdiction, shall have the power to seize any chainsaw which are not registered nor covered by a license including registered chainsaw(s) which are used in illegal felling/cutting of trees and other illegal purposes.

14. Compounding of Offences:

The DFO shall have the power to compound any offence committed by a person under the provisions of these rules, by exacting such amount as compounding fees which shall be equivalent to the value of the seized material, and imposing a fine which shall not exceed Rs.5,000/- (Rupees five thousand). After the compounding, the seized material except timber from Government forests shall be released and no offence shall lie against the person. In case the seized material includes timber from Government forests including naturally grown trees, the same shall stand confiscated. Any offence committed in violation of any of the provisions of these rules, involving the same person, shall not be compounded more than three times and in such case, the license/registration shall become liable for suspension/cancellation, as the case may be.

15. Appeal:

An appeal against an order or decision taken by any authority under these rules shall lie -

- (a) If the order is made by the DFO, with the Conservator of Forests of the Circle concerned;
- (b) If the order is made by the Conservator of Forests of the Circle concerned, with the PCCF.
- (c) If the order is made by the PCCF, with the Principal Secretary to the Government of Mizoram, Environment, Forests & Climate Change Department whose decision shall be final.

Such appeal should be preferred within 60 days of the receipt of the order or decision and the appellate authority shall within 60 days of filing the appeal pass the appropriate order.

16. Fees for Grant or Renewal of License:

(i) The following fees shall be paid by each applicant for the grant or renewal of license and registration:-

Sl. no.	Particulars	Application fee (in Rs.)	License fee / Registration fee (in Rs.)	Renewal fee (in Rs.)
1	For License	50	300	300
2	For Registration	250	750	750

(ii) All fees collected under the provision of these rules may be credited into Government receipt under appropriate head of account without undue delay.

19. Inspection and Verification of Record:

The DFO concerned or any Forest Officer duly appointed by the PCCF may inspect at any time without notice the registered chainsaw(s) or stock of chainsaw(s) within the premises of the license holder (chainsaw dealer).

The holder of Certificate of Registration or License shall, when required to do so, produce immediately the chainsaw(s) and relevant documents to the PCCF/DFO for inspection and verification.

21. Penalties:

Any person contravening any of the provisions of these rules shall be punishable with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both.

Lalram Thanga,
Principal Secretary to the Govt. of Mizoram
Environment, Forest & Climate Change Department

FORM – I(a)
[See Rule 7(1)]

APPLICATION FOR LICENSE TO PURCHASE/ACQUIRE/SELL CHAINSAW

To

The Principal Chief Conservator of Forests
Mizoram : Aizawl

Subj. : Application for License under Mizoram Chainsaw (Control & Regulation) Rules, 2018.

Sir,

I hereby apply for – license to purchase/acquire chainsaw(s) for the purpose of –

a) personal use i.e., for _____
at/within (location) _____ , _____
_____ under _____ Forest Division, _____ District.

b) official use i.e., for _____)
at/within (location) _____ , _____
_____ under _____ Forest Division, _____ District.

c) trade i.e., for sell to holder of license to purchase, acquire, possess, etc chainsaw from my registered shop at _____ .

Documents enclosed as proof of eligibility (*Tick mark whichever is relevant*):-

- a) Registration Certificate of private plantation
- b) Tree felling permit from competent authority
- c) Documents showing ownership of trees/timber to be operated with chainsaw
- d) Document(s) showing ownership of land where chainsaw is proposed to be used
- e) License for Wood Based Industry
- f) Affidavit that the chainsaw shall be used for personal and for legal purpose only
- g) Registration Certificate of the Firm/Society/Partnership or Company

I hereby undertake to abide by the terms and conditions of the license and relevant provisions of rules, guidelines and instructions issued by the Government from time to time.

Date :

Place :

Signature of the Applicant :
Full Name :
Name of father/husband :

FORM – I(b)
[See Rule 7(2)]

LICENSE TO PURCHASE AND SELL CHAINSAW

No. _____

Photo

Date _____

LICENSE is hereby granted to _____
(name in block letters) S/o _____ R/o _____
_____ (hereinafter to be referred as License holder) whose particulars are given below **to purchase and sell or trade** in chainsaws under the provisions of Mizoram Chainsaw (Control & Regulation) Rules, 2018 subject to compliance of the terms and conditions given on the reverse.

1	Name of Shop/Firm			
2	Trade license/Regn No.			
3	Location of Shop/Firm			
4	Nature of ownership			
5	Postal address of the Shop/ Firm	Building No.		
		Locality		
		City/town		
		District/State		
		PIN		
6	Validity of License	From	To	Signature of issuing authority
	On 1 st Renewal			
	On 2 nd Renewal			
	On 3 rd Renewal			
On 4 th Renewal				

Date :

Place :

Round Seal of DFO

Signature, name and designation of
Issuing Authority with Seal

Terms and conditions:

- 1 *The license shall be valid for a period of two (2) years from the date of issuance and shall be renewed so long as the shop keeps stock of chainsaw for sale/trade.*
- 2 *The license holder shall sell chainsaws only to authorized persons/agencies who are holding valid license to purchase/acquire chainsaw.*
- 3 *The chainsaws and the premises of the shop where chainsaws are sold shall be open to inspection at any time by any Forest Officer authorized by the PCCF.*
- 4 *The shop shall keep and maintain register of stock and sale and submit annual return to the PCCF as prescribed by him.*
- 5 *Any change in the name of the shop and shifting of the shop (change of location of the shop) to another locality shall be intimated to the PCCF.*
- 6 *The licensee shall abide by the relevant local rules and regulations on trading and/or the establishment and running of shop issued by the Government from time to time.*

Date :

Place :

Signature, name and designation of
Issuing Authority with Seal

I have read/read over to me and understood the terms and conditions given above and I undertake that I will abide by the above terms and conditions and the relevant rules, guidelines and instructions issued by the PCCF from time to time, if any, with regard to purchase and sale of chainsaws.

Date :

Place :

Signature of License holder
Phone No

FORM – I(c)
[See Rule 7(2)]

LICENSE TO PURCHASE AND/OR ACQUIRE CHAINSAW

No. _____

Photo

Date _____

LICENSE is hereby granted to _____
(name in block letters) S/o _____ R/o _____
_____ (hereinafter to be referred as License holder) whose particulars are given below **to purchase and/or acquire** chainsaw for personal/ official use under the provisions of Mizoram Chainsaw (Control & Regulation) Rules, 2018 subject to compliance of the terms and conditions given on the reverse.

1	Proposed use of chainsaw			
	Nature of use (personal or official)			
2	Intended place of use/ operation with location, name of VC/LC area, Forest Range, Forest Division and District			
5	Postal address of the License holder	House No./Street		
		Locality		
		City/town		
		District/State		
		PIN		
6	Validity of License	From	To	Signature of issuing authority

Date :

Place :

Round Seal

Signature, name and designation of
Issuing Authority with Seal

Terms and conditions:

1. The license shall be valid for a period of one (1) year from the date of issuance and renewable for another period of one (1) year.
2. The chainsaw purchased/acquired on the strength of this license shall be reported and registered with the DFO under whose jurisdiction the chainsaw is intended to be used or the applicant resides within thirty (30) days from the date of purchase or acquisition.
3. The chainsaw purchased/acquired on the strength of this license, after registration, shall be used for personal/official and legal purposes only.
4. The license holder shall not use the chainsaw or allow it to be used before it is registered with the DFO concerned.
5. In case the license holder, after purchasing/acquiring chainsaw wants to dispose the same before registration, he shall sell/dispose it only to another license holder.

Date :

Place :

Signature, name and designation of
Issuing Authority with Seal

I have read/read over to me and understood the terms and conditions given above and I undertake that I will abide by the above terms and conditions of the license and the relevant rules, guidelines and instructions issued by the PCCF from time to time, if any.

Date :

Place :

Signature of License holder

FORM – II(a)
[See Rule 8(1)]

APPLICATION FOR REGISTRATION OF CHAINSAW

To

The Divisional Forest Officer
_____ Forest Division

Subj.: Application for issue of Certificate of Registration of chainsaw.

Sir,

I hereby apply for issue of Certificate of Registration to own, possess and use chainsaw of the following description under Mizoram Chainsaw (Control & Regulation) Rules, 2018.

Brand	Model	Horsepower	Engine No.	Max ^m length of guidebar

Date of acquisition: _____ From whom acquired: _____

The chainsaw is for personal/official use and legal purpose, i.e., _____
at _____

_____ under _____ Forest Division, _____ District.

I enclose the following documents as proof of eligibility for necessary verification:-

- a) Copy of License No. _____ to purchase and acquire chainsaw.
- b) Affidavit that the chainsaw will be used for personal and legal purpose only.
- c)
- d)

I hereby undertake that I will abide by the terms and conditions of the Certificate of Registration and the relevant rules, guidelines and instructions issued by the PCCF from time to time, if any, with regard to the use and disposal of chainsaws.

Date :

Place :

Signature of the Applicant :

Name (in capital letter) :

Name of Firm/Society :

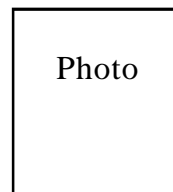
Address :

Phone No. :

FORM – II(b)
[See Rule 8(4)]

CERTIFICATE OF REGISTRATION OF CHAINSAW

No. _____



Date: _____

Under the provision of the Mizoram Chainsaw (Control & Regulation) Rules, 2018, this **Certificate of Registration** to own, possess or use a chainsaw of the following description is hereby issued to:

Date: _____ (Name of owner in block letters)

_____ (Address)

subject to compliance of the terms and conditions given on the reverse:

1	Details of chainsaw registered	Brand				
		Model				
		Horsepower				
		Maxm length of guidebar				
		Date of acquisition				
2	Reference No. of License issued by the PCCF					
3	Nature of use					
4	Purpose of use					
5	Proposed place of use of chainsaw (location, VC/LC area, Range, Division and District)					
6	Validity of registration	From	To	DFO's approval letter No	Signature of DFO	
7	1 st renewal of validity					
8	2 nd renewal of validity					
9	3 rd renewal of validity					
10	4 th renewal of validity					

Round Seal
of DFO

Signature, name and designation of
Issuing Authority with Seal

Terms and Conditions:

1. This Certificate of Registration is not transferable.
2. The registered chainsaw shall be used for legitimate purpose only but shall not be used for unauthorized and illegal felling and cutting of trees in any forest/land.
3. The DFO concerned or the nearest Range Office should be informed in writing within three days if the registered chainsaw is lost or damaged.
4. In case of unserviceable chainsaw, the owner shall immediately report the same to the DFO concerned and request for the revocation of the registration certificate provided that if the registration certificate has expired, the owner shall notify the DFO in writing that he is no longer renewing the registration.
5. The registered chainsaw and place of use of the chainsaw shall be subject to inspection at any time by any Forest Officer not below the rank of a Forester.
6. The ownership of the chainsaw shall not be changed or transferred without the prior permission of the PCCF/DFO.
7. The chain Sawyer or the owner of registered chainsaw shall not do any activity causing pollution and health hazard to the local people.
8. In case the chainsaw is proposed to be used at locations other than the location(s) specified in this Certificate of Registration, the chainsaw owner shall intimate the intended place of use with supporting documents for legitimate use of the chainsaw and obtain prior permission of the DFO/Range Officer concerned before starting the operation.

Place :

Date :

Signature, name and designation of Issuing Authority with Seal

I hereby undertake that I will abide by the above terms and conditions of the Certificate of Registration and the relevant rules, guidelines and instructions issued by the PCCF from time to time, if any, with regard to the use and disposal of chainsaws.

Place :

Date :

Signature of License holder

Phone No. _____