

No.D.11020/2/2019-FST/93
GOVERNMENT OF MIZORAM
ENVIRONMENT, FORESTS & CLIMATE CHANGE DEPARTMENT

Dated Aizawl, the 25th February, 2025.

To

The Principal Chief Conservator of Forests,
Mizoram, Aizawl.

Subject : 'Guidelines for felling of trees from non-forest areas including conditional harvesting of private plantations inside forest areas.' – reg.

Ref. : No.B.19011/2/2024-PCCF(G)/216 dt.05.12.2024.

Sir,

With reference to your letter No. indicated above, I am directed to send herewith a copy of the Mizoram Gazette Vol-LIV, Issue No.64 dt.04.02.2025 containing 'Guidelines for felling of trees from non-forest areas including conditional harvesting of private plantations inside forest areas' for kind information and circulation to your subordinate offices.

Enclo : As stated.

Yours faithfully,

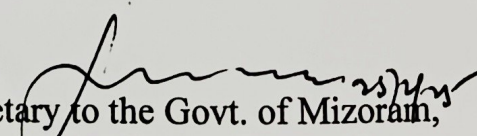
(VANLALRUATA PAUTU)

Under Secretary to the Govt. of Mizoram,
Environment, Forests & Climate Change Department.

Memo No.D.11020/2/2019-FST/93 : Dated Aizawl, the 25th February, 2025.

Copy to :

1. P.S. to the Hon'ble Minister, Environment, Forests & Climate Change Department for kind information.
2. P.P.S. to the Commissioner & Secretary, Environment, Forests & Climate Change Department for kind information.
- ✓ 3. Web Manager, Office of the PCCF, Tuikhuahtlang for kind information and for uploading a copy of the Mizoram Gazette on the Department's official website.


Under Secretary to the Govt. of Mizoram,
Environment, Forests & Climate Change Department.
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EXTRAORDINARY

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NOTIFICATION

No.D.11020/2/2019-FST/80, the the 9th January, 2025: The Guidelines for felling of trees from non-forest areas in compliance with Supreme Court's Order dt.12.5.2001 in Writ Petition (C) No.202/95 duly approved by the Government of India, Ministry of Environment and Forests vide letter No.B-180/NEC/2001-Pt.III dated 05.4.2004 and published vide Mizoram Gazette Notification Issue No. 249 dated 09.8.2004 are hereby amended in pursuance of recommendations made by the Regional Office, Ministry of Environment, Forest and Climate Change, Government of India, Shillong vide letter No. 12-8-72/2010/WP-WS(MZ)/2270-71 dated 05.11.2024 by incorporating conditional harvesting of private plantations raised inside forest areas.

This Notification supersedes previous notification issued under this office letter No.C.18012/3/91-FST, dated 30th July, 2004 and it shall come into force from the date of its publication in the Mizoram Gazette.

(H. LALENGMAWIA)

Commissioner & Secretary to the Government of Mizoram,
Environment, Forests & Climate Change Department.

GUIDELINES FOR FELLING OF TREES FROM NON-FOREST AREAS INCLUDING CONDITIONAL HARVESTING OF PRIVATE PLANTATIONS INSIDE FOREST AREAS

Whereas, by Order dated 12.5.2001 passed in Writ Petition (C) No.202 of 1995, the Hon'ble Supreme Court had directed *interalia*, that guidelines/rules be framed regarding felling of trees from non-forest areas including in respect of plantations on non-forest areas:

Therefore, in pursuance of the directions of the Hon'ble Supreme Court referred to the above said Order dated 12.5.2001 and in exercise of all the enabling powers vested in the State, the Government of Mizoram issued guidelines for felling of trees from non-forest areas vide Notification No. C. 18012/3/91-FST dated 30.7.2004 and published in the Mizoram Gazette Issue No. 249 dated 09.8.2004.

Whereas, many tree planters have raised plantations inside the notified forest areas also on the strength of various land passes and earlier a provision for conditional harvesting of these private plantations

was made in the Working Plan of Kawrthah Forest Division that the ownership of forest land shall remain with the Government.

Therefore, in light of the above and taking into consideration the past labour of private tree planters inside forest areas, an additional exceptional provision for harvesting of private plantations inside forest areas is hereby made with condition that private plantation owners shall vacate the land and handover it to the State Government after harvesting of their private plantations.

- 1.1 These guidelines shall be called the "GUIDELINES FOR FELLING OF TREES FROM NON-FOREST AREAS INCLUDING CONDITIONAL HARVESTING OF PRIVATE PLANTATIONS INSIDE FOREST AREAS"
- 1.2 These shall extend to the whole of the State including the District Council areas in respect of felling of trees from non-forest areas including harvesting of private plantations from forest areas.
- 1.3 They shall come into effect from the date of their notification in the official gazette.

DEFINITIONS:

2. In these guidelines, unless there is anything repugnant to the subject or context.

- (a) "Government" means Government of Mizoram.
- (b) "Forest" means (i) Reserve Forest or Protected Forests or any other areas legally constituted as "Forest" and (ii) Any area recorded as "Forest" in Government records maintained by Forest Department or other Government departments and (iii) Deemed Forest area identified as per Supreme Court Order dated 12.12.96 in Writ Petition (C) No.202/95.
- (c) "Non-Forest Land" for the purpose of these guidelines means area which is not Forest as per 2(b) above. 'Provided that a non-forest area where trees and tree plantations have been raised artificially shall continue to be treated as non-forest land'.

REGISTRATION OF TREE PLANTATIONS:

- 3.1 Trees including tree plantation raised in non-forest areas as well as forest areas by an individual or community or institution or non-government organization or any other agency shall be registered with the Divisional Forest Officer concerned in the manner as may be prescribed in this behalf by the Principal Chief conservator of Forests.
- 3.2 While registering the trees and tree plantation it shall, *interalia*, be ensured that the applicant is the legal owner of the trees /plantations applied for registration.
- 3.3 The Divisional Forest officer shall prepare and make available a certificate of such registration, which shall, *interalia* include a location map/sketch of the plantations with geo-coordinates, to the registered holder with copies to the Village Level body, Deputy Commissioner/ Collector, Conservator of Forests and Principal Chief Conservator of Forests.
- 3.4 The Registration Certificate shall normally be issued within 90 days of the receipt of complete application by the Divisional Forest Officer and after obtaining approval of the Conservator of Forests concerned.
- 3.5 The trees privately raised including tree plantation raised in non-forest area in the past must be registered by the respective owners with the concerned Divisional Forest Officer within a period of 3 years from the date of raising plantation.

TREE SPECIES NOT REQUIRED FELLING PERMIT:

- 4.1 For felling and conversion of trees of following species from non-forest areas, including plantations

of such species, no felling permission from Forest Department under these guidelines are needed: Kothal (*Artocarpus integrifolia*), Tung (*Aleritesfordii*), all species of Bamboo, exempted tree species as notified by the Government from time to time and other Horticultural tree species as specially approved by State Government in consultation with Principal Chief Conservator of Forests.

- 4.2 The State Government shall be the competent authority to add or delete any species in 4.1 above with prior concurrence of the Central Government.

PERMISSION FOR FELLING OF TREES / HARVESTING OF PLANTATION:

5.1(a) Application for permission for felling of trees for commercial purpose including in respect of registered plantations shall be made to the Divisional Forest Officer in the form prescribed by Principal Chief Conservator of Forests. The Divisional Forest Officer on receipt of the application shall satisfy himself as regards ownership of trees, non-overlapping with CSS, CAMPA or other Government tree plantation area and admissibility of felling and on his satisfaction shall endorse the application to a Forest Officer of rank not below the rank of Forest Ranger to mark the trees as per prescribed procedure. The marking Officer shall confirm silviculturally available trees as per prescribed procedure and return the application to the Divisional Forest Officer along with his report and marking lists. The Divisional Forest Officer shall forward the application along with marking details and his recommendation to the Conservator of Forests concerned. The Conservator of Forests after satisfying himself about the ownership of trees and admissibility of felling may accord approval for felling of marked trees under intimation to the Principal Chief Conservator of Forests.

5.1(b) In case of application for felling of trees including tree plantations in non-forest areas for non-commercial purpose and for meeting requirement of timber for domestic consumption, the Divisional Forest Officer on receipt of the marking list prepared as indicated in para 5.1 (a) will issue the formal approval for felling of trees and direct the Range Forest Officer concerned to issue formal permit for felling of the marked trees. The entire process for issuance of the permit for felling trees for such purpose shall be completed within 30 (thirty) days of the receipt of application completed in all respects.

5.1(c) In case of trees / private plantation inside forest area, the harvesting shall be permitted with condition that the plantation owner shall return the forest land to the State Government after harvesting of private plantation. An affidavit in this regard shall be obtained from the legal owner of plantation alongwith the application for felling permission.

5.2 After felling, the trees will be converted into logs and which shall be measured and necessary records prepared as per procedure prescribed by the Principal Chief Conservator of Forests.

5.3 Royalty and Monopoly fee and/or departmental charge as fixed by the State Government shall then be realized before removal of the logs.

TRANSIT OF TIMBER:

6.1 After felling of trees, the transportation of timber shall be done under valid transit passes in accordance with the existing Transit Rules of the Forest Department.

6.2 The transit of timber out of the State shall be governed by the guidelines issued/to be issued by the Special Investigating Team and the High Power Committee appointed by the Supreme Court and the Regional Office of the Ministry of Environment, Forest & Climate Change, Government of India.

CONFISCATION OF TREES FELLED IN VIOLATION OF RULES/GUIDELINES:

7.1 Timber obtained from the trees felled in violation of these guidelines shall be deemed to have been confiscated to the State Government. However, in genuine cases the Divisional Forest Officer shall be at liberty to release the timber obtained from such trees to the legal title holder(s) after recovery of an amount equal to 50% of royalty and monopoly fee payable for the trees/ timber over and above the usual charges as leviable under clause 5.3 above. However, such released timber shall not be eligible for purchase or use by any wood based units, traders or registered timber transporters.

7.2 The confiscation of timber as per 7.1 above is without prejudice to any action or penalty leviable under the relevant Acts or Rules.

H. Lalengmawia

Commissioner & Secretary to the Govt. of Mizoram
Environment, Forests & Climate Change Department.