

# FORESTS

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE CONSERVATION, PROTECTION AND SUSTAINABLE MANAGEMENT OF THE FOREST RESOURCES AND UTILIZATION OF FOREST PRODUCE; TO PROVIDE FOR THE REGULATION OF THE TRANSPORT OF TIMBER AND FOREST PRODUCE AND OTHER ACTIVITIES RELATED TO SUCH TRANSPORT; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Ordinance Nos,

16 of 1907

11 of 1912

24 of 1918

23 of 1931

16 of 1935

30 of 1945

8 of 1947

Act Nos,

34 of 1951

49 of 1954

13 of 1966

56 of 1979

13 of 1982

84 of 1988

23 of 1995

65 of 2009

## CHAPTER I PRELIMINARY

Short title.

[3, 65 of 2009]

**1.**

This Ordinance may be cited as the Forest Conservation Ordinance;

Questions of title.

**2.**

If in any prosecution or proceeding under this Ordinance any question

[3, 23 of 1995]

shall arise as to the title to the land in respect of which any such prosecution or proceeding shall be taken, the court or officer having jurisdiction to entertain and adjudicate upon any such prosecution or proceeding shall, for the purposes of the said prosecution or proceeding, have jurisdiction to try and determine any such question of title:

Provided that the judgment or decision of such court or officer on any such question shall not be received as evidence of title or pleaded in bar in any civil suit or proceeding or in any proceeding under the Land Settlement Ordinance, in which the title to the land in question may be put in issue.

## **CHAPTER II OF RESERVED AND CONSERVATION FORESTS**

Order declaring  
forest reserved.  
[5, 65 of 2009]

3. (1) When the following events have occurred, namely:
  - (a) when lands have been resumed by the State under the provisions of the Lands Resumption Ordinance;
  - (b) when lands have been declared to be the property of the State by an order passed under 'The Waste Lands Ordinances, 1897 to 1903' or made under the Land Settlement Ordinance; [\* Repealed by Ordinance No. 20 of 1931]
  - (c) when any land has been acquired by the State for public purposes under the provisions of the Land Acquisition Ordinance, or the Land Acquisition Act,
- (2) Where an Order has been made under subsection (1), the Conservator-General of Forests shall prepare a Management Plan for Reserved Forests, in such manner as may be prescribed, for the purposes of conservation of biodiversity, soil and water and for the preservation of its unique ecosystem, genetic resources and as a habitat of rare and endemic species of flora and fauna.
- (3) The Conservator-General of Forests or any other officer authorized in writing in that behalf shall implement the Management Plan for the Reserved Forests, in the manner as may be prescribed for the purposes specified in subsection (2).
- (4) The Minister shall make regulations applicable either to the whole or any specified area of the Reserved Forests in respect of:

- (a) the administration and management of the Reserved Forests;
  - (b) the matters required to be included in the Management Plan and the manner and procedure to be followed in the preparation and implementation of such Management Plan;
  - (c) the preparation of Management Agreements for the purpose of obtaining community and non-state sector participation in the sustainable management of Reserved Forests;
  - (d) the levying of fees or charges in respect of activities implemented under this subsection, which shall in all cases be equivalent to the value of the benefit obtained from the forest, whether monetary or otherwise. Any such benefit not validly declared shall amount to an offence under this Ordinance and shall be charged and recovered, in such manner as may be specified, as a fine imposed by Court;
  - (e) entering into such agreements, cancellation of the same, imposing conditions, levying of fees, formulating strategies for the settlement of disputes in connection with the management of such forest;
  - (f) the development of a benefit sharing mechanism among the management partners or stakeholders;
  - (g) the procedure to be followed in authorizing the use of non-timber forest produce and dead or fallen sticks for fuel in a Reserved Forest, by the local community;
  - (h) the conditions applicable to any activity carried out within the Reserved Forest; and
  - (i) the areas in respect of which and the conditions subject to which scientific research may be permitted in a Reserved Forest
- the Minister may, by Order to be published in the Gazette, declare all or any of such lands or any part or parts thereof to be a reserved forest, and such Order shall specify the limits of the forest which it is intended to reserve, and declare the same to be reserved from a date fixed by such Order. From the date so fixed such forest shall be deemed to be a reserved forest.

Section 16 of the Interpretation Ordinance shall not apply to the interpretation of this section. [ ! Repealed by Act No. 9 of 1950].

Declaration of **3A.** (1) The Minister may be Order publish in the Gazette declare that

Conservation  
forests.  
[4, 23 of 1995]

any specified area of state land or the whole or any specified part of any reserved forest which has unique ecosystems, genetic resource or is the habitat of rare and endemic species of flora, fauna and micro organism and of threatened species, or which needs to be preserved in order to achieve an ecological balance in the area by preventing salinization or drying up of rivers, ensuring adequate rainfall, preventing landslides and fires hazardous to human life, shall from such date as may be specified in the Order be a conservation forest.

(2) From and after the date specified in the Order made under subsection (1), such state land or whole or part of such reserved forest shall become a conservation forest and shall be under the control of the Conservator-General of Forests subject to such conditions and restrictions as may be prescribed.

(3) Where an Order has been made under subsection (1), the Conservator-General of Forests shall for the purpose of preserving the values described in subsection (1) prepare a Management Plan for Conservation Forests, in the manner prescribed.

(4) The Conservator-General of Forests or any other officer authorized by him in writing in that behalf shall implement the Management Plan for the Conservation Forests in respect of which such Management Plan was prepared, in the manner as prescribed for the purposes specified in subsection (1).

(5) The Minister shall make regulations in respect of the matters required to be included in the Management Plan and the manner and procedure to be followed in the preparation, implementation and administration of such Management Plan.

(6) Where any immovable property, not being a State land, which is possessed of any of the features referred to in subsection (1), is required for the existence and preservation of a Conservation Forest that has been declared under subsection (1), such land may be acquired under the provisions of the Land Acquisition Act (Chapter 460) on the recommendation of the Minister.

Publication to be  
given to Order  
made section 3A.  
[4, 23 of 1995]

**3B.** The Divisional Secretary or Secretaries as the case may be of the Divisional Secretary's division or divisions, in which the conservation forest is situated shall, prior to the date specified in the Order declaring the conservation forest, take all steps as may be necessary to give sufficient publicity to such Order within the

respective Divisional Secretary divisions in which any portion of the conservation forest is situated and in every town or village in the immediate neighbourhood of such conservation forest, by-

(a) specifying as far as possible the situation and the boundaries of the proposed conservation forest; and

(b) explaining the consequences which will ensue on the declaration of the proposed conservation forest.

Variation of limits of conservation forest.

[4, 23 of 1995]

**3C.**

(1) The Minister may by Order published in the Gazette, declare that the limits of any conservation forest shall be altered or varied.

(2) An Order made by the Minister under subsection (1) shall have no effect until it has been approved by the President and confirmed by Parliament and notification of such confirmation is published in the Gazette.

Certificate by Conservator-General of Forests to be prima facie proof of facts stated there in.

[3, 65 of 2009]

[7, 65 of 2009]

[4, 23 of 1995]

**3D.**

Where in any prosecution instituted under this Act, a question arises as to whether any land is within a Conservation Forest or Reserved Forest, a certificate issued under the hand of the Conservator-General of Forests to the effect that the land described in the certificate is within a 'Conservation Forest or Reserved Forest, shall be admissible in evidence and shall be prima facie proof of the facts stated therein.

Publication of Order in Sinhala and Tamil.

**4.**

(1) The Government Agent of the administrative district in which the forest so reserved is situate shall, before the date fixed by such Order, cause a translation thereof in the language of the district to be published in the manner following, that is to say:

By a notification in the Sinhala and Tamil languages, which shall be published in every divisional Assistant Government Agent's division of the district in which any portion of the land comprised in the aforesaid Order is situate, and in every town and village in the immediate neighbourhood of such land. Every such notification shall

(a) specify as nearly as possible the situation

and limits of the proposed forest;

(b) explain the consequences which will ensue on the reservation of such forest.

Power of Minister to declare forest no longer reserved. (2) The Minister may, by Order published in the Gazette, direct that from a date fixed by such Order any reserved forest or any portion thereof shall cease to be reserved. From the date so fixed such forest or portion of forest shall cease to be reserved.

Power of forest officer to stop ways and watercourse in a Conservation Forest or Reserved Forest. [8, 65 of 2009]

5. A forest officer duly empowered in that behalf may, from time to time, stop any public or private way or watercourse in a Conservation Forest or Reserved Forest;

Provided that for the way or watercourse so stopped another way or watercourse, which in the opinion of the Government Agent is equally convenient, already exists, or has been provided or constructed by such forest officer;

Provided further, that it shall be lawful for the Government Agent to determine the amount of compensation to be paid, in case he is of opinion that the substituted way or watercourse injuriously affects the interests of one or more individuals to whom on that account compensation should be paid.

Acts prohibited in a Conservation Forest. [9, 65 of 2009] [5, 23 of 1995]

6. (1) No person shall be permitted to enter a Conservation Forest other than under the authority of a permit issued by the Conservator-General of Forests or a person authorized by him in that behalf for the purpose of:

- (a) engaging in scientific research within a Conservation Forest;
- (b) observing the fauna and flora in a Conservation Forest; or
- (c) implementation of the activities prescribed in the Management Plan.

(2) Subject to the provisions of subsection (1), a person who, in a Conservation Forest:

- (a) trespasses or causes trespass or remains therein;
- (b) fells, cuts, saws or causes the felling, cutting or sawing of or alters, converts, collects, removes or transports or marks, lops or girdle, any plant, tree or timber or collects, removes or transports

or has in his possession, custody or control of any forest produce or erects a scaffolding or constructs a saw pit;

(c) removes the bark or leaves from any tree or strips of the bark from any tree or cuts its branches or taps or burns any tree or otherwise damages it;

(d) permits cattle to trespass, cuts grass or any other plant or feeds cattle with such grass or plants;

(e) blocks any waterways within such forest or obtains water from such waterway by means of a pipe line or any other devices or pollutes or poisons water or pollutes the forest environment by dumping and disposing any garbage in the forest;

(f) transports, removes, uproots or destroys any plant or any part of it or causes any loss or damage to any plant or part of it;

(g) sells, exposes, exhibits or offers for sale any plant found within such forest;

(h) kills or attempts to kill any bird, animal, reptile, amphibian or sets traps or snares or guns, constructs and uses ambushes or molests, disturbs or shoots or attempts to molest, disturb or shoot or attempts to remove any such bird, animal, reptile or amphibian;

(i) sells, offers for sale or exposes for sale any bird, animal, reptile or any part of any such bird, animal or reptile;

(j) takes or destroys an egg of any bird or animal or reptile or removes or destroys any dwelling or nest of any bird, animal or reptile;

(k) fires any gun or does any other act which disturbs or is likely to disturb any animal or does any act which interferes or is likely to interfere with the breeding place of any such animal;

(l) possesses or uses any trap or weapon or tool or explosives or poisonous substance which is capable of being used to injure or destroy any animal or plant;

(m) erects any permanent or temporary building or occupies any building so erected;

(n) makes any fresh clearing or quarries stone or extracts coral or molluse shells or digs or mines for plumbago, gems or minerals, burns lime or charcoal or blasts rocks, or collects or removes or transports sand, soil or stones;

(o) kindles or keeps or carries any fire or causes the kindling of

any fire or allows any fire to keep burning or to spread;

(p) clears or breaks up soil or digs any land for cultivation or for any other purpose or cultivates any such cleared land or erects a hut or does any other activity on it;

(q) constructs any road or alters or damages any road so constructed or uses a road so constructed;

(r) damages, alters, removes or disfigures any wall, ditch, embankment, fence, hurdle, gutter, hedge, name board or sign board or any other boundary mark;

shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding seven years or to a fine not less than rupees twenty thousand and not exceeding rupees two hundred thousand or to both such imprisonment and fine. In addition to the above, the court may award compensation for any damage caused to the Conservation Forest. Such compensation shall not be less than the value of the damage caused to the Conservation Forest, and shall be charged and recovered as a fine levied by Court.

(3) Any person who aids or abets in the commission of any offence specified in subsection (1), or causes any such offence to be committed shall be guilty of an offence and shall on conviction be liable to the same punishment as is specified for the commission of that offence.

(4) The Conservator-General of Forests may issue permits to engage in scientific research to any person-

(a) who has made an application in the prescribed form; and

(b) made payment of the prescribed fee, for observation of flora and fauna within such areas subject to such terms and conditions as may be prescribed.

Acts prohibited in 7.  
a Reserved Forest.  
[10, 65 of 2009]  
[6, 23 of 1995]  
[2, 84 of 1988]  
[2, 13 of 1982]  
[2, 56 of 1979]

(1) Any person who in a Reserved Forest-

(a) trespasses or causes trespass or remains therein;

(b) permits cattle to trespass or cuts grass or any other plant or feed cattle with grass or plants;

(c) fells a tree or cuts or drags timber, causes damage by negligence or intentionally strips off bark or leaves from any tree or girdles, lops, taps or burns a tree or does any act to damage or destroy any tree;

(d) blocks any waterways within such forest or obtains water



from such waterway by means of a pipe line or any other devices or pollutes or poisons water or pollutes the forest environment by dumping and disposing any garbage in the forest;

(e) transports, removes, uproots or destroys any plant or any part of it or damages any plant or any part of any plant or sells or exposes for sale or exhibits or offers for sale any plant found within such forest;

(f) kills or attempts to kill, removes, transports, shoots, or attempts to shoot, catches, snares or sets traps to catch, molests or disturbs any bird, animal or reptile or sells or exposes for sale or offers for sale any part of any such bird, animal or reptile or takes or destroys eggs of any such bird, animal or reptile or destroys or removes the dwelling of any such bird, animal or reptile;

(g) quarries stone, burns lime or charcoal, collects any forest produce or subjects them to any process of manufacture, extracts coral or molluse shells digs or mines for plumbago, gems or other form of minerals, collects or removes or transports sand, soil or stones and uses or possesses explosives for such purpose;

(h) kindles or keeps any fire or leaves any fire burning or causes any fire or allows any fire to spread or carries any fire;

(i) fells, cuts, saws, converts, alters, collects, removes or transports any tree or timber or collects, removes, transports or has in his possession, custody or control of any forest produce;

(j) erects a scaffolding or constructs a saw pit;

(k) clears or breaks up soil or digs any land for cultivation or prepares any land for building purposes or cultivates any land already cleared or erects a hut or any building whether permanent or temporary or occupies any building so erected;

(l) constructs any road, alters or damages any road already constructed, uses any road so constructed, damages, alters, disfigures or removes any wall, ditch, embankment, fence, hurdle, gutter, hedge, name board, sign board or any other boundary mark,

shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding five years or to a fine not

less than rupees ten thousand and not exceeding rupees one hundred thousand or to both such imprisonment and fine. In addition to the above, the Court may award compensation for any damage caused to the Reserved Forest. Such compensation shall be equivalent to the actual value of the damage caused to the Reserved Forest and shall be charged and recovered as a fine levied by Court.

(2) Any person who aids or abets in the commission of any offence specified in subsection (1), or causes any such offence to be committed shall be guilty of an offence and shall on conviction be liable to the same punishment as is specified for the commission of that offence.

Acts which constitute an offence in a conservation forest.

[11, 65 of 2009]

[7, 23 of 1995]

**7A.** repealed.

(1) Subject to the provisions of subsection (3) of this section, any person who in a conservation forest:-

- (a) trespasses or permits cattle to trespass;
- (b) fells, cuts, marks, lops, girdles, saws converts, collects or removes any plant, tree or any other forest produce;
- (c) wilfully strips off the bark or from, or otherwise damages or interferes with, any trees;
- (d) cuts grass or pastures cattle;
- (e) pollutes water;
- (f) removes, uproots or destroys or causes;
- (g) sells, exposes or offers for sale any;
- (h) traps or snares, molests or disturbs, any bird or beast or reptile;
- (i) sells, exposes or offers for sale, any bird, beast or reptile or any part of any such bird, beast or reptile;
- (j) takes or destroys, any egg of any bird or reptile or nest of any bird;
- (k) fires any gun or does any other act which disturbs or is likely to disturb, any wild animal or does any act which interferes or is likely to interfere, with the breeding place of any such animal;
- (l) possesses or uses any trap or any explosive or poisonous substance capable of being used for the purpose of injuring

or destroying any animal or plant;

(m) erects any building whether prepayment or temporary, or occupies any building so recited;

(n) makes any fresh clearing or queries stone, or extracts coral or shells or digs or mines for plumage, gems or minerals or burns lime or charcoal or blasts rocks;

(o) kindles or keeps or carry any fire;

(p) clears or breaks up any land for cultivation or any other purpose;

(q) constructs any road;

(r) damages, alters or removes any well ditch, embankment, fence, hedge, railing name board sign beard or any other boundary mark,

shall be guilty of an offence, and be liable on conviction in the case of an offence under paragraphs (b), (f), (m), (n), (o) or (q) of this subsection, to imprisonment for a term not less than two year and not exceeding seven years and in the case of an offence under any other paragraph of this subsection, to imprisonment for a term not less than one year and not exceeding five years or to a fine not less than ten thousand rupees and not exceeding one hundred thousand rupees or to both such fine awl imprisonment.

(2) Any person who aids and abets the commission of any offence specified in sub-section (1) of this section, or causes any such offence to be committed shall be guilty of an offence and shall on conviction be liable to the same punishment as is specified for that offence.

(3) Nothing in subsection (1) of this section shall be deemed to prohibit any act lawfully done in accordance with the provisions of this Ordinance or any regulations made thereunder relating to the administration and management of conservation forests.

Acts excepted from **8.**  
prohibition  
contained in  
sections 6 and 7.  
[3, 65 of 2009]

- (1) Nothing in section 6 or section 7 shall be deemed to prohibit any act done in accordance with any regulation made by the Minister or with the permission in writing of a forest officer empowered to grant such permission.
- (2) The Minister may from time to time make and when made may revoke, vary, or amend regulations with regard to reserved forests or with regard to any particular reserved forest for any of

the purposes mentioned in section 20 (1).

(3) The forest officer granting any permission required by the preceding provisions of this section or by any regulation made thereunder, may charge and recover a fee in respect of such permission according to such rates as may from time to time be prescribed by the Conservator-General of Forests with the sanction of the Minister.

Power of Minister to suspend rights of pasture, etc in certain cases. [11, 65 of 2009]

**9.** Whenever fire is caused willfully or by gross negligence in a reserved forest by any person having rights in such forest, or fee-paying permission to practice chena cultivation therein, or by any person in his employment, the Minister may (notwithstanding that a penalty has been inflicted under section 7 in respect of such fire) direct that in such forest or any specified portion thereof the exercise of all or any of the rights of pasture or to forest produce shall be extinguished or suspended for such period as he thinks fit, and may withdraw any permission to practice chena cultivation in such forest or portion.

Forests reserved under former law. [12, 65 of 2009]

**10.** (1) Any forest which has been declared a reserved forest under any law in force previous to the commencement of this Ordinance shall be deemed to have been reserved hereunder; and all questions decided, orders issued, and records prepared in connexion with the reservation of such forest shall be deemed to have been decided, issued, and prepared hereunder, and all provisions of this Ordinance relating to reserved forests shall apply to such forest.

(2) Any person who aids or abets in the commission of any offence specified in subsection (1), or causes any such offence to be committed shall be guilty of an offence and shall on conviction be liable to the same punishment as is specified for the commission of that offence.

#### FORESTS LEASED BY THE GOVERNMENT

Application of Ordinance to leased forests.

**11.** It shall be lawful for the Minister, by Order published in the Gazette, at any time or from time to time to declare any of the provisions of this Ordinance, and of any regulations or rules made hereunder, to be

applicable to forests leased to the State, and to bring such forests within the operation of such provisions, regulations, or rules, and any such Order to revoke, alter, or amend.

### CHAPTER III OF VILLAGE FORESTS

Constitution of village forests,      **12.** The Minister may, by Order published in the Gazette, constitute any portion of forest a village forest for the benefit of any village community or group of village communities, and may in like manner vary or cancel any such Order. Every such Order shall specify the limits of such village forest.

Trees in Schedule I in a village forest the property of the State.      **13.** All trees enumerated in Schedule I in a village forest shall be deemed to be the property of the State.

Acts prohibited in village forest.      **14.** (1) No person shall in a village forest  
(a) poison water, or injure by fire or otherwise any tree enumerated in Schedule I, or  
(b) in contravention of any regulation made by the Minister under subsection (2), pasture cattle, or cut, mark, lop, girdle, saw, convert, or remove any tree enumerated in Schedule I.  
(2) The Minister may by regulation prescribe the officers who shall be authorized to grant permission to any person in a village forest to do any act mentioned in paragraph (b) of subsection (1), and the circumstances in which and the conditions subject to which such permission may be granted by such officers or any such act may be done.

Power of Minister to make regulations for village forests.      **15.** The Minister may make regulations for the management of village forests, prescribing the conditions under which the community or group of communities for the benefit of which any such forest is constituted may be provided with timber or other forest produce or with pasture, and their duties in respect of the protection and improvement of such forest. The Minister may, by such regulations, declare any of the provisions of Chapter II of this Ordinance to be

applicable to village forests.

Saving of private rights. **16.** Nothing in this Chapter shall be deemed to affect any existing rights of any person in or over any village forest.

Penalty for breach of sections 14 and 15. **17.** Every person who shall act in contravention of the provisions of section 14 or of any regulation made thereunder, and every person who commits a breach of any of the regulations made under section 15, shall be guilty of an offence punishable by a fine not less than one thousand rupees and not exceeding five thousand rupees or to imprisonment for a term not less than one month and not exceeding one year or to both such fine and imprisonment.

[8, 23 of 1995]

#### **CHAPTER IV OF THE PROTECTION OF FOREST AND FOREST PRODUCE**

Reserved trees. **18.** (1) All trees Of the Several Species specified in Schedule II standing in any forest shall be deemed to be reserved trees.  
(2) The Minister may by notification in the Gazette add any species to or delete any species from the said Schedule.

Protection of reserved trees. **19.** No person shall, or shall cause any other person to, cut, mark, lop, girdle, tap, or injure, by fire or otherwise, any reserved tree in any forest, except as provided by rules made by the Minister in this behalf, or unless with the permission in writing of a forest officer empowered by the Minister to grant such permission.

"Acts prohibited in any Forest other than a Conservation Forest, Reserved Forest or Village Forest. **20.** (1) A person who in a forest other than a Conservation Forest, Reserved Forest or Village Forest:  
(a) causes damage by negligence when felling any tree or cutting or dragging any timber;  
(b) strips the bark or leaves from any tree or girdles, taps or burns any tree or otherwise damages any tree;  
(c) blocks any waterways within such forest or obtains water from such waterway by means of a pipeline or any other devices or pollutes or poisons water or pollutes the forest environment by dumping and disposing any garbage

[13, 65 of 2009]

in the forest;

(d) quarries stone, burns lime or charcoal or collects any forest produce or subjects them to any process of manufacture, or extracts coral or mollusc shells, or digs or mines for plumbago, gems or any other mineral and uses or is in possession of explosives for such purposes;

(e) feeds cattle with grass, hunts shoots, catches fish or sets traps, snares or guns;

(f) makes any clearings;

(g) sets fire or kindles any fire in such a manner as to endanger any forest or any part of such forest or leaves any fire burning;

(h) kindles, keeps or carries any fire, except during such seasons and in such manner as may be authorized in that behalf from time to time;

(i) fells, cuts, saws, converts, collects, removes or transports any tree or timber or collects, removes, transports or has in his possession, custody or control of any forest produce;

(j) erects a scaffolding or constructs a saw pit;

(k) clears or breaks up soil or digs any land for cultivation or for any other purpose or cultivates any land already cleared;

(l) erects a hut or any building permanent or temporary or occupies any building so erected;

(m) constructs any road or uses any road so constructed;

(n) damages, alters or removes any name board or signboard or any wall, ditch embankment, fence, hurdle, gutter or any other boundary mark or marks false boundaries,

shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding two years or to a fine not less than rupees five thousand and not exceeding rupees fifty thousand or to both such fine and imprisonment. In addition to the above, the Court may award compensation for any damage caused to such forest. Such compensation shall not be less than the value of the damage caused to such forest and shall be charged and recovered as a fine levied by Court.

(2) Any person who aids or abets in the commission of any

offence specified in subsection (1), or causes any such offence to be committed shall be guilty of an offence and shall on conviction be liable to the same punishment as is specified for the commission of that offence.

Penalties.  
[14, 65 of 2009]  
[10, 23 of 1995]  
[10, 23 of 1995]  
[4, 13 of 1982]  
[4, 56 of 1979]  
[5, 13 of 1966]

21.[repeale] The breach of any of the provisions of, or rules made under, this Chapter shall constitute an offence punishable except as hereinafter provided by a fine not less than two thousand five hundred rupees and not exceeding twenty five thousand rupees or to imprisonment for a term not less than one year and not exceeding four years:

Provided that any person who in contravention of any rule made under subsection (1) of section 20, fells, cuts, saws, converts or removes any trees or timber from any forest or quarries stone or extract coral or molluse shells or digs or mines for pulmhage or grins or burns lime or charcoal or blase rocks or drills for minerals shall be guilty of an offence and on conviction be liable to imprisonment for a term not less than six months and not exceeding four years.

Exemptions

22.No act shall be deemed to be an infringement of any rule made under this Chapter, if done with the permission in writing of the forest officer or any officer duly authorized in that behalf.

Repealed.  
[11, 23 of 1995]

23.Repealed.[§11,23 of 1995]

#### **CHAPTER IV A PROCEDURE OF OBTAINING A CERTIFICATE OF REGISTRATION AND A PERMIT**

Prohibition on carrying on the business of a timber depot and c., without Certificate of Registration and a permit.  
[16, 65 of 2009]

**23A.** No person shall carry on the business of a timber depot otherwise than under the authority of a Certificate of Registration and a permit authorizing such person to carry on the business stated therein for the period specified in such permit, which is issued by the Conservator-General of Forests or any officer authorized by the Conservator-General of Forests in that behalf in writing.

Issue of permit.

**23B.** (1) The Conservator-General of Forests or any officer



[16, 65 of 2009]

authorized by the Conservator-General of Forests in that behalf may, on application being made to him in such form as may be prescribed, and on payment of the prescribed fee, issue a Certificate of Registration and a permit to any person authorizing such person to engage in the business of a timber depot subject to specified terms and conditions.

(2) The said permit shall be valid for the period specified therein and may be renewed on payment of the prescribed fee.

Suspension or  
cancellation of  
Certificate  
registration and  
permit.

[16, 65 of 2009]

**23C.** Where a Certificate of Registration and a permit are issued to any person under section 23B and such person contravenes any of the terms or conditions of the permit, the Conservator-General of Forests or any officer authorized by the Conservator-General of Forests in that behalf may make order suspending the registration of such person for any such period as may be specified therein or cancel such registration.

Penalty.

[16, 65 of 2009]

**23D.** (1) Any person who in contravention of the provisions of section 23A, carries on the business of a timber depot shall be guilty of an offence and shall on conviction be liable-

(a) where the offence is for engaging in the business of a timber saw mill which is fixed to the ground or otherwise, a timber sales outlet or a timber seasoning and processing factory to imprisonment for a term not exceeding two years or to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand or to both such imprisonment and fine; and

(b) where the offence is for engaging in the business of a carpentry shop (mechanical or otherwise), a furniture shop or a shop which sells wooden implements or parts thereof or any wooden articles or a firewood depot, to imprisonment for a term of not exceeding six months or to a fine not less than rupees five thousand and not exceeding rupees fifty thousand or to both such imprisonment and fine.

(2) Where any person convicted of an offence under subsection (1) continues to commit such offence after a period of six weeks from the date of his conviction, the court may, upon an application made by the Conservator-General of Forests or any person authorized by the Conservator-General of Forests in

that behalf for the closure of such trade or business, order the closure of such trade or business until such time person obtains a Certificate of Registration and a permit in terms of section 23A and complies with the conditions stated in the permit.

(3) In any case, where such person fails to comply with the Order of Closure, and continues to engage in the business of a timber depot the Magistrate shall, order such person to pay a sum not exceeding five thousand rupees for each day on which he so continues to carry on his business subsequent to the Order and also require and authorize the Fiscal of the Court to close such business of a timber depot, which is being carried out at such premises before such date, being a date not earlier than three days or later than seven days from the date of issue of such Order. Such Order shall be sufficient authority for the said Fiscal or any Police Officer authorized by him in that behalf to enter the premises with such number of assistants as the Fiscal deems necessary to close down the business of the timber depot which was being carried on at such premises.

## **CHAPTER V**

### **OF THE CONTROL OF TIMBER AND FOREST PRODUCE IN TRANSIT**

Power of Minister to make regulations. **24.**

[17, 65 of 2009]

[12, 23 of 1995]

[5, 56 of 1979]

[6, 13 of 1966]

(1) The Minister may make regulations respecting the transit of all forest produce by land, air or water. Such regulations may, among other matters

(a) prescribe the places at and the routes by which alone forest produce may be exported from, or transported within, Sri Lanka;

(b) prohibit the transport of timber within, into, or out of any specified local area without a permit from any forest officer duly authorized to issue the same or otherwise than in accordance with the conditions of such permit;

(c) prescribe the form of permits, and provide for their issue, production, and return;

(d) fix the fees payable for permits in respect of forest

produce collected or timber cut on land belonging to the State;

(e) in the case of timber formed into a raft or fastened to the shore, prohibit the loosening or the setting adrift of such timber by any person not the owner thereof, or not acting on behalf of such owner or of the State;

(f) provide for the stoppage, and examination of vehicles, boats and rafts or any timber in transit;

(g) establish or authorize any forest officer to establish checking stations at which any vehicle, boat or raft may be required to stop to enable the officer in charge of such station to examine such vehicle, boat or raft for the purpose of ascertaining whether any timber or forest produce is being transported therein, and if so, to deal with such timber or forest produce according to law

(gg) authorize any forest officer to nominate checking stations or places to which timber or forest produce seized in transit may be brought, and to provide for the issue of permits for their transport;

(h) provide for the management and control of such checking stations and places and for regulating the appointment and duties of persons employed thereat;

(i) authorize the transport or removal of timber the property of the State across any land, and regulate the compensation to be paid for any damage done by the transport or removal of such timber;

(j) prohibit the closing up or obstruction of the channel or banks of any river, lagoon, or backwater used for the transit of timber or other forest produce, and the throwing of grass, brushwood, branches, and leaves into any such river, lagoon, or backwater, or any other act which tends to cause the obstruction of such channel;

(k) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river, lagoon, or backwater, and for recovering the cost of such prevention or removal from the person, or by the sale of any timber or other forest produce causing such obstruction;

(l) prohibit absolutely, or subject to conditions within specified local limits, the establishment of sawmills,

sawpits, the converting, cutting, burning, concealing, marking, or super marking of timber, the altering, defacing, or effacing of any marks on the same, and possession or carrying of marking hammers or other implements used for marking timber;

(m) regulate the use of property marks for timber, and the registration of such marks; declare the circumstances in which the registration of any property marks may be refused or cancelled; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration;

(n) provide for the protection of bridges, locks, or other public works by regulating the floating of timber or forest produce and the storing of timber or forest produce on river banks, and by authorizing the seizure of timber or forest produce floated or stored in contravention of any rule for the time being in force in that behalf, or by which any damage to such works may have been caused, and the detention and disposal of such timber or forest produce until compensation has been made for the damage done;

(o) provide for the issue of licenses, for the use and possession of marking hammers, and for the levy of fees for such licenses.

(p) regulate the import and export of timber and forest produce and the levying of fees;

(q) prohibit the export from Sri Lanka of any timber or forest produce, except under the authority of a permit issued for such purpose by the Conservator-General of Forests; and

(r) prohibit the export of any specified timber or forest produce.

The Minister may direct that any regulation made under this section shall not apply to any specified class of timber or other forest produce or to any specified local area.

(2) In this section the terms 'forest produce' and 'timber' shall, unless the context otherwise requires, include timber cut in any land or property, whether the property of the State or any private

individual and the expression 'forest tree species' means any of the trees referred to in Schedule I or Schedule II and any other trees as may be specified by the Minister from time to time by Order published in the Gazette.

Application of the Customs Ordinance. [18, 65 of 2009] **24A.** (1) It shall be lawful for an officer of the Department of Customs to levy a fee in respect of all timber or forest produce exported from Sri Lanka, at the port of shipment, at such rates, as are prescribed from time to time.

(2) This section shall be enforced as if it forms part of the Custom Ordinance (Chapter 235) and the provisions of that Ordinance shall apply accordingly.

Penalties. [19, 65 of 2009]  
[13, 23 of 1995]  
[5, 13 of 1982]  
[6, 56 of 1979]  
[7, 13 of 1966] **25.** (1) The breach of any of the provisions of, or regulations made under, this Chapter shall constitute an offence punishable, except as hereinafter provided, by a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand, or by imprisonment for a term not exceeding four years, or to both such fine and imprisonment:

Provided that any such regulation may, within the above limits, prescribe any punishment, or maximum or minimum punishment, for the breach of all or any of the provisions thereof;

Provided, further, that offences under this Chapter shall be punishable to a fine not less than rupees fifteen thousand and not exceeding rupees one hundred and fifty thousand, or by imprisonment for a term not exceeding four years or to both such fine and imprisonment in cases where the offences are committed after sunset and before sunrise, or after the offender shall have made preparations for resistance to lawful authority, or if the offender has been previously convicted of any offence under this Ordinance.

(2) Notwithstanding anything in the preceding provisions of this section, any person who transports timber, within, into or out of any specified local area in contravention of any regulation made under section 24 (1) shall be liable on conviction to imprisonment for a term not exceeding five years or to a fine not less than rupees twenty thousand and not exceeding rupees two hundred thousand or to both such imprisonment and fine

Provided that where the person so convicted proves to the

satisfaction of the court that the timber in respect of which the offence was committed is private property, he shall be liable to imprisonment for a term not exceeding two years or to a fine not less than rupees five thousand and not exceeding rupees twenty five thousand or to both such fine and imprisonment.

(2A) Any person who allows any tool, vehicle or machine of which he is the owner or which is in his possession, to be used in the commission of an offence under this Chapter, shall be guilty of an offence and shall on conviction liable to imprisonment for a term not exceeding two years or to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand or to both such imprisonment and fine'; and

(3) Any person who abets the commission of an offence specified in this Chapter or any regulation made thereunder, or causes any such offence to be committed shall also be guilty of an offence and shall on conviction be liable to the same punishment provided for the offence.

Power of District Secretary, Divisional Secretary or Forest Officer not below the rank of a Range Forest Officer to order a definition of boundaries in certain cases.  
[20, 65 of 2009]  
[14, 23 of 1995]

**26.** (1) The District Secretary, Divisional Secretary or Forest Officer not below the rank of a Range Forest Officer, in case there is reasonable ground for supposing that any timber for the removal of which a permit is desired has been felled on land which is not private property, may require the person claiming to be the owner of the land on which the timber has been felled to mark or renew the boundaries of the said land in manner provided by the proviso to section 8 of the Definition of Boundaries Ordinance; and issue of any permit to remove the timber may be deferred until such requisition has been complied with to the satisfaction of the District Secretary, Divisional Secretary or Forest Officer not below the rank of a Range Forest Officer, unless the claimant shall give security to the satisfaction of the forest officer in an amount equal to the value of such timber.

(2) Any person who makes an application for a permit to transport timber or forest produce stating that such timber or forest produce was obtained from a private property and there is evidence of proof to the contrary that such timber or forest produce was obtained from a forest declared under the provision of this Ordinance or State land, such person shall be guilty of an offence, and shall on conviction, be liable to the same punishment as is specified in subsection (1) of section 25. The application shall be admissible as evidence against such person in a court of law in.

Power of forest officer, &c, to examine timber and forest produce in transit.

[21, 65 of 2009]

[15, 23 of 1995]

[6, 13 of 1982]

[8, 13 of 1966]

27. (1) The forest officer or police officer or any other officer thereto authorized shall have power to stop and examine any vehicle during its transit for the purpose of ascertaining whether such vehicle is being used to transport or remove any timber and forest produce or forest produce, and to detain it, if it is in his opinion being removed contrary to the provisions of this Ordinance, and deal with it as provided in Chapter VII.
- (2) Where any forest officer, police officer or any other officer thereto authorized has reason to believe that any timber and forest produce referred to in subsection (1) is being removed in any cart, boat or motor vehicle, trailer, raft, tug or any other mode of transport motorised or otherwise, contrary to the provisions of this Ordinance, he may
- (a) give such order, direction, signal or use such devices to take such measures as may be necessary to stop any vehicle or cause such vehicle to be halted;
  - (b) detain for any vehicle inspection and search;
  - (c) seize any timber and forest produce or forest produce found in a vehicle and deal with the timber and forest produce and forest produce as provided for in Chapter VII.
- (3) Where any order, direction or signal is given under subsection (2) for the stopping of any cart, boat or motor vehicle, trailer, raft, tug or any other mode of transport motorised or otherwise the driver, boatman or other person, who is for the time being in charge of the cart, boat or motor vehicle, trailer, raft, tug or any other mode of transport motorised or otherwise, shall forthwith stop the cart, boat or motor vehicle, trailer, raft, tug or any other mode of transport motorised or otherwise or cause such cart, boat or motor vehicle, trailer, raft, tug or any other mode of transport motorised or otherwise to be halted in accordance with the order, direction or signal. Any driver, boatman or other person who fails or refuses to comply with the order, direction or signal or obstructs the inspection and search, shall be guilty of an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding five years, or to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand, or to both such fine and imprisonment.

Inspection of private timber depots and timber yards.  
[22, 65 of 2009]  
[16, 23 of 1995]  
[9, 13 of 1966]

- 28.** (1) Any forest officer not below the rank of range forest officer or any police officer not below the rank of sub-inspector shall have power to enter any private timber depot or timber yard and to remove any unstamped or unmarked timber found therein other than timber converted in such premises from logs brought thereto on permits and to deal with such timber in the manner provided in Chapter VI.
- (2) Any person who obstructs or in any way interferes with any forest officer or police officer, in the exercise of his powers under this section, or who causes the obstruction of, or interferes with the exercise of the powers under this section shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine not less than rupees twenty thousand and not exceeding rupees two hundred thousand or to both such imprisonment and fine.
- (3) The Minister may make regulations applicable either to the whole Island or to any specified area providing for the registration and inspection of private timber depots and timber yards, the registration of property marks, the maintenance of registers relating to such timber depots and timber yards and the examination of such registers and property marks by duly authorized officers.

All persons bound to aid in case of accident at any place where timber is detained or kept by any forest officer.

- 29.** In case of any accident or emergency involving danger to any property at any place where timber is detained or kept by any forest officer for the purposes of this Ordinance, every person employed at such place, whether by the State or by any private person, shall render assistance to any forest officer or police officer demanding his aid, in averting such danger and securing such property from damage or loss.

## **CHAPTER VI OF THE COLLECTION OF DRIFT, STRANDED, AND OTHER TIMBER**

Certain kinds of timber to be deemed property of the State until title

- 30.** (1) (a) All unclaimed timber found adrift, beached, stranded, or sunk;  
(b) all timber bearing marks which have not been registered



thereto proved.  
[8, 56 of 1979]

under regulations made under section 24;

- (c) all timber which has been supermarked, or on which the marks have been obliterated, altered, or defaced by fire or otherwise; and
- (d) in such areas as the Minister directs, all unmarked or unstamped timber,

shall be deemed to be the property of the State unless and until any person establishes his right thereto as provided in this Chapter.

- (2) Such timber may be collected by any forest officer or other person authorized to collect the same and may be brought to such place as a forest officer empowered in this behalf may nominate.
- (3) The Minister may, by notification in the Gazette, exempt any class of timber from the provisions of this section, and withdraw such exemption.

Publication of notice as to, and claims to, timber collected under section 30.

- 31.** Public notice shall from time to time, as occasion may require, be given by a forest officer empowered in this behalf of timber collected under section 30. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than one month from the date on which such notice is given, a written statement of such claim.

Procedure on claim preferred to such timber.

- (1) When any such statement is presented as aforesaid, the forest officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.
- (2) If such timber is claimed by more than one person, the forest officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the civil court and retain the timber pending the receipt of an order from such court for its disposal.

On rejection of claim to such timber claimant may institute suit.

- 33.** (1) Any person whose claim has been rejected under section 32 may, within one month from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation against the State or against any forest officer on account of such rejection, or the

detention or removal of any timber, or the delivery thereof to any other person under this section.

(2) No such timber shall be subject to process of any civil court until it has been delivered, or a suit brought under this section has been decided.

Disposal of unclaimed timber.

**34.** If no statement is presented in the manner and within the period prescribed by the notice issued under section 31, or, where such statement having been so presented and the claim having been rejected, the claimant omits to institute a suit to recover possession of such timber within the further period mentioned in section 33, the ownership of such timber shall vest in the State free from all encumbrances; or, when such timber has been delivered to another person under section 33, in such other person, free from all encumbrances not created by him.

Payments to be made by claimant before timber is delivered to him.

**35.** No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the forest officer, or other person entitled to receive it, such sum on account thereof as may be due for collecting, moving, storing, and disposing of the same.

Power of Minister to make regulations and prescribe penalties. [23, 65 of 2009]  
[17, 23 of 1995]

**36.** (1) The Minister may make regulations respecting the following matters, namely:

(a) the collection and disposal of all timber mentioned in section 30;

(b) the amount to be paid for salving, collecting, moving, storing, and disposing of such timber; and

(c) the use and registration of branding irons and other instruments to be used for marking such timber.

(2) The breach of any of the provisions of, or regulations made under, this Chapter shall constitute an offence punishable by imprisonment for a term not exceeding two years, or by a fine not less than rupees ten thousand and not exceeding one hundred thousand rupees.

## CHAPTER VII PENALTIES AND PROCEDURE

Power to seize timber or forest produce or vehicles.

[24, 65 of 2009]

[18, 23 of 1995]

**37.** (1) Any Forest Officer or Police Officer may, after due inquiry if he has reason to believe that an offence in respect of any timber or forest produce has been committed or is being committed, seize and detain such timber or forest produce, together with all tools, vehicles and all implements cattle and machines used in the commission of such offence.

(2) The Forest Officer or Police Officer referred to in subsection (1) shall produce, such timber or forest produce, together with all tools, vehicles, implements cattle and machines used in the commission of the offence together with the relevant documents before the Magistrate having jurisdiction, within seven working days from the date of such seizure or detention:

Provided however, that a Certificate under the hand of the Conservator-General of Forests or any officer not below the rank of a Range Forest Officer or any Police Officer not below the rank of a Sub-Inspector of Police, who is personally aware and satisfied that it is not practicable to remove and produce in Court, any timber or forest produce from the place where such timber or forest produce is seized or detained, by reason of the fact that the cost to be incurred in the hauling and transportation of such timber or forest produce for production exceeds the value of the timber or forest produce so seized, shall be admissible in evidence and shall be prima facie proof of the facts stated therein.

Procedure on seizure.

[10, 13 of 1966]

**38.** Every officer seizing any property under section 37 shall place on such property, or the receptacle, if any, in which it is contained, a mark indicating that the same has been so seized and shall, as soon as may be, make a report of the circumstances to the divisional forest officer of the area in which such property has been seized.

Release of certain property seized or a certificate given under section 37.

[25, 65 of 2009]

[19, 23 of 1995]

**38A.** (1) A court may, at anytime after the production before such court, of any tool boat, cart, cattle, vehicle, machine, cattle and implement, or any other mode of transport motorised or otherwise (in this section and section 42 referred to as 'production') seized or a certificate given under section 37, by notice, issued to the owner or the registered owner, as the case may be of such production, direct that it be released to the owner or the registered owner as the case may be thereof within such period as may be specified in such

notice, on his depositing in court the value of the production being released, as security.

(2) If any production released to its owner or registered owner under subsection (1) is subsequently seized thereafter under section 37, the same may be released to the owner or the registered owner thereof in the manner specified in subsection (1).

(3) An amount deposited in court as security under subsection (1) or (2) for the release of any production, shall be forfeited to the State on conviction of a person of a forest offence in respect of, or by the use of, such production, whether or not such person is the owner or registered owner thereof.

Forfeiture of  
timber, forest  
produce, &c.  
[26, 65 of 2009]  
[20, 23 of 1995]  
[7, 13 of 1982]  
[9, 56 of 1979]  
[12, 13 of 1966]

**40.** (1) Where any person is convicted of a forest offence-

(a) all timber or forest produce which is not the property of the State in respect of which such offence has been committed; and

(b) all tools, vehicles, implements, cattle and machines used in committing such offence,

shall in addition to any other punishment specified for such offence, be confiscated by Order of the convicting Magistrate:

Provided that in any case where the owner of such tools, vehicles, implements and machines used in the commission of such offence, is a third party, no Order of Confiscation shall be made if such owner proves to the satisfaction of the Court that he had taken all precautions to prevent the use of such tools, vehicles, implements, cattle and machines, as the case may be, for the commission of the offence.'

(2) Any property forfeited to the State under subsection (1) shall

(a) if no appeal has been preferred to the Court of Appeal against the relevant conviction, vest absolutely in the State with effect from the date on which the period prescribed for preferring an appeal against such conviction expires;

(b) if an appeal has been preferred to the Court of Appeal against the relevant conviction, vest absolutely in the State with effect from the date on which such conviction is affirmed on appeal.

In this subsection, 'relevant conviction' means the conviction in consequence of which any property is forfeited to the State under

subsection (1)!

Section 306 of the **40A.**  
Code of Criminal  
Procedure Act, No.  
15 of 1979, not to  
apply to, person  
who pleads guilty  
to, or is found  
guilty of, a forest  
offence.  
[3, 84 of 1988]

The provisions of section 306 of the Code of Criminal Procedure Act, No. 15 of 1979, Shall not apply to, or in relation to, any person who pleads guilty to, or is found guilty of, a forest offence.

The provisions of **40B.**  
section 433A of the  
Code of Criminal  
Procedure Act, No.  
15 of 1979, not to  
apply to persons  
who plead guilty to  
or are found guilty  
of a forest offence.  
[27, 65 of 2009]

The provisions of subsections (1) and (2) of section 433A of the Code of Criminal Procedure Act, No. 15 of 1979, as amended by Act, No. 12 of 1990, shall not apply to or in relation to any person who pleads guilty to, or is found guilty of a forest offence.

Disposal, on  
conclusion of trial  
for any forest  
offence, of timber  
or forest produce  
which was the  
subject-matter of  
the trial.  
[8, 13 of 1982]  
[13, 13 of 1966]

**41.** When the trial in respect of any forest offence is concluded, any timber or forest produce which was the subject-matter of the trial, shall, if such timber or forest produce is the property of the State or has vested in the State under subsection (2) of section 40, be delivered by the court to any forest officer empowered in that behalf and in any other case may be disposed of in such manner as the court may order:

Provided that, where any timber or forest produce is subject to speedy and natural decay the court may direct, at any stage prior to the conclusion of the trial, the sale of such timber or forest produce and that the proceeds of the sale be deposited in court to be dealt with at the conclusion of the trial in such manner as the court may direct.

Disposal of  
perishable  
property.  
[21, 23 of 1995]  
[14, 13 of 1966]

**42.** Any forest officer empowered in that behalf may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 37 which is subject to seedy and natural decay or which has not been released to the owner or registered owner thereof under section 38A, and may deal with the proceeds as he

might have dealt with such property if it had not been sold:

Provided that if the claimant shall give security to the satisfaction of such forest officer equal to the value of such property, such forest officer shall forthwith release the seizure and allow such property to be removed by the claimant.

Appeal from orders.  
[9, 13 of 1982]

**43.** Any person claiming to be interested in property seized under section 37 may, within thirty days from the date of any order passed under section 41, present an appeal therefrom to the Court of Appeal, and such Court shall deal with the case in the same way as if it were an appeal from a Magistrate's Court in its ordinary jurisdiction.

44. Repealed.  
[10, 13 of 1982]

**44.** Repealed  
by [10,  
13 of  
1982]

Powers of Minister to order release of seizure.

**45.** Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the Minister from directing at any time the immediate release of any property seized under section 37, and the withdrawal of any charge made in respect of such property.

Penalty for wrongful seizure.  
[22, 23 of 1995]

**46.** (1) Any forest officer or police officer who vexatiously and unnecessarily seizes any property, on pretence of seizing property liable to confiscation under this Ordinance, shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.  
  
(2) Any fine so imposed, or any portion thereof, shall, if the convicting Magistrate so directs, be given as compensation to the person aggrieved by such seizure.

Penalty for counterfeiting or defacing marks on trees and timber, and for altering boundary marks.

**47.** Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Penal Code  
  
(a) unlawfully affixes to any timber or standing tree a mark used by forest officers; or  
  
(b) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a forest

[28, 65 of 2009]  
[23, 23 of 1995]  
[15, 13 of 1966]

officer; or

(c) alters, moves, destroys, defaces or forges any boundary mark or boundary post or prepares false survey plans or tenders any such false survey plan of any forest to which the provisions of this Ordinance apply; or

(d) keeps in his possession or custody unlawfully stamped timber or timber with counterfeit stamping.

shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine not less than rupees five thousand and not exceeding rupees fifty thousand or to both such imprisonment and fine.

Power of forest officer, ;c, to arrest without warrant.  
[29, 65 of 2009]  
[24, 23 of 1995]  
[5, 84 of 1988]

48.(1) Any forest officer or police officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence or gives a name or residence 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 unnecessary delay, produce the person arrested to the nearest police station together with a statement stating the commission of the offence with which the accused is charged. The Officer-in-Charge of the police station shall, forthwith, take or send the person arrested to the nearest Magistrate:

Provided however, that where the arrest of any person under this section is made by a Forest Officer or any Officer of the Department of Wild Life Conservation, such person shall be taken to the Range Forest Officer or a Wild Life Ranger respectively who shall produce the arrested person before the nearest Magistrate without any delay.

Penalty for being in possession or use of forged documents for counterfeit or unauthorized marking hammers

**48A.** (1) Whoever

(a) tenders or has in his possession in support of any claim any forged document purporting to be a permit issued under this Ordinance or any regulation made thereunder, or

(b) has in his possession or uses a counterfeit or unauthorized stamping or marking hammer, shall be

and presumption as to commission of offences.

[30, 65 of 2009]

[25, 23 of 1995]

[16, 13 of 1966]

guilty of an offence, and shall on conviction be liable to imprisonment for a term of not exceeding five years or to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand or to both such imprisonment and fine.

(2) If, in any prosecution under this section against any person, there is produced a certificate from the Government Analyst to the effect that the stamping or marking hammer or the document for the possession or use of which such person is being charged, is a counterfeit or unauthorized stamping or marking hammer, or a certificate from the Government Analyst to the effect that the document for the possession or use of which such person is being charged is a forged document, as the case may be, then it shall be presumed, until the contrary is proved, that the document in question is a forged document or that the stamping or marking hammer in question is a counterfeit or unauthorized stamping or marking hammer, as the case may be.

(3) In subsection (2) ' Government Analyst' means the person for the time being holding the office of Government Analyst, and includes any person for the time being holding the office of Deputy Government Analyst or Assistant Government Analyst.

Power of forest officer to prevent commission of offence.

49. Every forest officer and police officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest offence.

Penalty for Obstructing or assaulting forest officers & C.

[26, 23 of 1995]

[4, 84 of 1988]

[11, 56 of 1979]

**49A.** Any person who threatens, intimidates, assaults or obstructs or in any way or interferes with a forest officer, police officer or any other officer authorized to act in that Behalf in the exercise, performance and discharge of his powers, duties and functions under this Ordinance shall be guilty of an offence and shall on conviction be liable to imprisonment of either description for a term not less than three years and not exceeding seven years or 'to a fine not less than fifty thousand rupees and not exceeding one hundred and fifty thousand rupees, or to both such fine and imprisonment:

Provided that a prosecution shall not be instituted under this section, except with the sanction of an officer not below the rank Divisional



Forest Office Govern Superintendent of Police.

- Operation of other laws not barred. 50. Nothing in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest offence, or from being liable under such other law to any higher punishment or penalty than that provided by this Ordinance or the regulations or rules made hereunder:  
Provided that no person shall be punished twice for the same offence.
- Compounding of offences. [17, 13 of 1966] 51. (1) Any forest officer empowered by the Minister in that behalf may accept from any person reasonably suspected of having committed any forest offence other than an offence under sections 46, 47 or 48A, a sum of money by way of compensation for the offence which may have been committed.  
(2) In any case where compensation is accepted under subsection (1)  
(a) if any property has been seized and such property does not belong to the State, such property shall be released to the offender;  
(b) if any property which belongs to the State has been seized, the officer compounding the offence may accept a further sum of money as being the estimated value of the property so seized and release the property to the offender; and  
(c) if the offender is in custody, he shall forthwith be discharged and no further proceedings shall be taken against such person or property.
- Presumption that timber and c., belongs to the State. [31, 65 of 2009] 52. Where in any proceedings under this Ordinance, or in consequence of anything done under this Ordinance, a question arises as to whether any timber or forest produce, is the property of the State, such timber or forest produce, shall be presumed to be the property the State until the contrary is proved.
- Offences to be triable summarily. [32, 65 of 2009] [18, 13 of 1966] 53. Any forest offence under this Ordinance shall be triable by a Magistrate's Court, and the Magistrate shall have power to inflict the full penalty prescribed for the offence, notwithstanding any limitation of his ordinary jurisdiction contained in the Code of Criminal Procedure Act, No. 15 of 1979:

Provided that a Magistrate may, in any case in which he thinks such a course is expedient, order that the proceedings shall be non-summary, and in any such case he shall proceed under Chapter XV of the Code of Criminal Procedure Act, No. 15 of 1979 and the High Court shall have jurisdiction to try the offence.

Ejectment from State Land.  
[33, 65 of 2009]  
[27, 23 of 1995]  
[19, 13 of 1966]

**53A.** Where any person unlawfully clears or encroaches or is in unlawful or unauthorized possession of a portion of, any Conservation Forest, Reserved Forest, Village Forest or any Forest not included in those categories, as the case may be, such person shall be guilty of an offence and he shall in addition to the punishment for such offence be ejected from such land and the provisions of the State Lands (Recovery of Possession) Act, No. 7 of 1979 shall, mutatis mutandis, apply to any such ejectment. Every reference to Divisional Secretary in that Act shall be read and construed as a reference to the Divisional Forest Officer of the area in which such land is situated.

## **CHAPTER VIII CATTLE TRESPASS**

Power of forest officer, ;c to seize trespassing cattle.

54. Cattle trespassing on a forest plantation under the control and management of forest officers may be seized and impounded by any forest officer or police officer.

Power of Minister to levy fines.  
[34, 65 of 2009]  
[28, 23 of 1995]

55. The Minister may, by notification in the Gazette, direct that there shall be levied for each head of cattle impounded under section 54 of this Ordinance such fines as he thinks fit, but not exceeding the following, that is to say: Rs. c. 10 0

(a) for each elephant or buffalo - Rs. 15,000.00

(b) for each calf, ass, pig, sheep, lamb, goat or kid - Rs. 3,000.00

(c) for every head of cattle other than the above - Rs. 7,500.00

Procedure if fine not paid.

56. If the amount of the fine be not paid within seven days from the time of impounding of any such head of cattle, together with the costs of its agistment, it shall be lawful for the forest officer to sell such head of cattle by public auction, and after deducting from the proceeds of such sale the amount of the fine, the costs of the agistment, and of

such sale, such forest officer shall pay the surplus (if any) to the owner of the cattle.

Power to shoot  
cattle on forest  
plantation.

57. If it shall be shown to the satisfaction of any Government Agent that cattle are in the habit of trespassing on any forest plantation situated wholly or in part within his district and cannot be seized, it shall be lawful for him to authorize, by licence in writing under his hand, some fit person or persons to proceed to such plantation, and if after reasonable exertion such person shall find it impracticable to seize such animals, to shoot or otherwise destroy the same, or cause the same to be shot or otherwise destroyed in his presence, and this notwithstanding that in the endeavour to seize such animals they may have been driven off such plantation:

Provided that such licence shall not be subject to any stamp duty, and shall not be in force for more than one month from the date thereof.

## **CHAPTER IX OF FOREST OFFICERS**

Appointment of  
Conservator-  
General of Forests,  
&c.  
[3, 65 of 2009]  
[35, 65 of 2009]  
[6, 84 of 1988]  
[11, 13 of 1982]

58. (1) There may be appointed from time to time a Conservator-General of Forests and such forest officers as are required for the purposes of this Ordinance.
- (2) Notwithstanding the provisions of subsection (1), the Minister may authorize
- (a) any employee of the State Timber Corporation established under the State Industrial Corporations Act, No. 49 of 1957. to perform the functions of a forest officer for the purposes of sections 24, 27, 37 or 48 of this Ordinance; or
  - (b) any employee of the Sri Lanka State Plantations Corporation established under the Sri Lanka State Plantations Corporation Act, No. 4 of 1958, or the Janatha Estate Development Board or the Agricultural Development Authority established under the State Agricultural Corporations Act, No. 11 of 1972, to perform the functions of a forest officer for the purposes of sections 27. 37 or 48 of this Ordinance,

(c) any employee or officer of the Department of Wild Life Conservation to perform the functions of a Forest Officer for the purposes of sections 24, 27, 37, or 48 of this Ordinance;

(d) a District Land Officer, Land Officer, Kachcheri Surveyor, Grama Niladhari and a Colonization Officer of the Land Commissioners Department to perform the functions of a Forest Officer for the purposes of sections 27, 37 or 48 of this Ordinance; or

(e) a District Secretary, Divisional Secretary, Assistant Divisional Secretary to perform the functions of a Forest Officer for the purposes of sections 24, 27, 28, 30, 31, 32, 37 or 48 of this Ordinance.

and any such employee or officer shall while engaged in the performance of these functions be deemed to be a forest officer.

Power of Minister to invest forest officer with certain powers.  
[36, 65 of 2009]

59.(1) The Minister may invest any forest officer by name or as holding an office with the following powers, that is to Say:

(a) the powers of a commission appointed under the provisions of the Commissions of Inquiry Act to compel the attendance of witnesses and the production of documents;

(b) power to issue search warrants under the Code of Criminal Procedure Act;

(c) power to hold inquiries into forest offences, and in the course of such inquiries to receive and record evidence;

(d) power to notify seasons and manner in which fire may be kindled, kept, or carried in a reserved forest;

(e) power to grant any permission referred to in sections 8, 13, 19, 24, 30 or 69;

(f) power to give public notice of timber collected under section 30;

(g) power to take possession of property under this Ordinance;

(h) power to direct the release of property or withdrawal of charges;

(i) power to accept compensation for forest offences,

(j) power to name and appoint the category of officers empowered to issue permits for specified timber and forest

produce and to specify the corresponding specific areas in relation to paragraph (b) of subsection (1) of section 24 of this Ordinance;

(k) power to classify the category of timber and the forest produce in relation to paragraph (p) and (r) of subsection (1) of section 24.

and the Minister may withdraw any powers so conferred by him.

(2) Any evidence recorded under paragraph (c) of subsection (1) shall be admissible in any subsequent trial before a Magistrate of the alleged offender:

Provided that it has been taken in the presence of the accused person, and recorded in the manner provided by law.

Conservator of Forest to delegate his powers.  
[3, 65 of 2009]  
[29, 23 of 1995]

**59A.** The Conservator-General of Forests may in writing delegate to any forest officer, any power vested in him or duly conferred upon him by this Ordinance or any regulation made hereunder.

General directions by the Conservator-General of Forests.  
[3, 65 of 2009]  
[29, 23 of 1995]

**59B.** In the exercise of their duties under this Ordinance or any regulation made thereunder, all forest officers appointed under subsection (1) of section 58 and all employees and officers authorized to perform the functions of a forest officer under subsection (2) of section 58, shall be subject to the general direction and control of the Conservator-General of Forests.

Forest officers deemed to be public servants peace officers.  
[30, 23 of 1995]

60. All forest officers shall be deemed to be-

- (a) public servant within the meaning of the Penal Code;
- (b) peace officers within the meaning of the Code of Criminal Procedure Act No, 15 of 1977.

Indemnity for acts done in good faith.

61. No suit or criminal prosecution shall lie against any public servant for anything done in good faith or omitted by him in good faith under this Ordinance.

Forest officers not to trade,

62. Except with the permission in writing of the Minister no forest officer shall, as principal or agent, trade in timber or forest produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest.

Control of forest may be delegated to Conservator. [3, 65 of 2009]

63. The Minister may, by notification in the Gazette, declare any reserved forest to be solely under the control of the Conservator-General of Forests, subject to such restrictions as the Minister may from time to time think fit to impose.

## CHAPTER X MISCELLANEOUS

Regulations. [37, 65 of 2009]  
[7, 84 of 1988]

64. (1) The Minister may make regulations in respect of matters required by this Ordinance to be prescribed or in respect of which regulations are authorized or required to be made.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations-

- (a) to declare the forest officer or class of forest officers, who shall exercise or perform the powers or duties conferred or imposed by this Ordinance;
- (b) to regulate and administer the 'Forest Department Fund' for the purpose for which such Fund was established;
- (c) to provide for the payment into such fund of the whole or part of-
  - (i) sums received as compensation for offences committed under this Ordinance and proceeds of fines imposed by Court and proceeds from the sale of confiscated vehicles;
  - (ii) sums received through activities undertaken by the Forest Department; and
  - (iii) such other contributions as may be made to the fund by the Government, any public or private corporation or any individual;
- (d) to provide for the payment out of the fund, subject to such conditions as may be specified in the regulations,-
  - (i) of rewards to informers under the Informers Reward Ordinance (Chapter 28) and to forest officers;
  - (ii) of compensation for bodily injury caused to forest officers, police officers or other officers in the exercise, performance and discharge of their powers, duties and

functions under this Ordinance, or

(iii) when death results from such injury, for compensation to their heirs;

(iv) of travelling expenses properly incurred in attending courts for the purposes of this Ordinance;

v) of expenses for carrying on raids to abate illicit fellings and illicit transport, of timber; and

(vi) of expenses incurred in forest protection activities including the conduct of training programmes for forest officers enabling them to carry out their functions efficiently under this Ordinance;

(e) to implement an insurance scheme for the benefit of the forest officers of the Forest Department;

(f) to generally carry out the provisions of this Ordinance, which would include a levy of the fee to be paid for any licence or permit issued under this Ordinance or under any regulation made thereunder, and the mode and manner of payment or recovery of any such fee; and

(g) in respect of the matters set out below within any forest which is not a Conservation Forest, Reserve Forest or Village Forest:-

(i) levying of fees or charges in respect of activities to be carried out within the forest;

(ii) activities to be carried out for the purpose of conservation and development of degraded forest areas with community and private sector participation including the procedure for the preparation of Management Agreements indicating their purpose, scope and extent;

(iii) entering into such agreements, cancellation of the same, imposing conditions, levying of fees and formulating strategies for the settlement of disputes in connection with the management of such forest;

(iv) the development of a benefit sharing mechanism among the management partners or stakeholders;

(v) the procedure to be followed in authorizing the use of forest produce in such forest, by any local

community and the conditions applicable thereto;

(vi) the conditions applicable to any activity within the forest; and

(vii) the areas in respect of which and the conditions subject to which any scientific research may be permitted.

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(4) Every regulation made by the Minister shall, within one month after its publication in the Gazette, be brought before Parliament for approval.

(5) Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder.

(6) Notification of the date on which any regulation is deemed to be rescinded shall be published in the Gazette.

Court to direct payment of share of fine to the Fund. [38, 65 of 2009]

**64A.** The Court may

(a) where an offence relates to the imposition of a fine, direct that an amount equivalent to not less than one-half of the amount of such fine; and

(b) where an offence relates to the confiscation of the vehicles used in connection with the commission of the offence, direct that an amount equal to not less than one-half of the proceeds recovered from the sale of such vehicle,

be credited to the Forest Department Fund established under the provisions of this Act.

Purposes for which the moneys of the Fund may be applied. [38, 65 of 2009]

**64B.** (1)

(a) sustained by such officer while on duty; or

(b) sustained by such officer while travelling-

(i) from his place of residence to his place of work to report for duty; or

(ii) from his place of work to his place of residence after



duty; or

(c) sustained by such officer, while not on duty in the performance of some act which is within the scope of his ordinary duties; or

(d) sustained by such officer in consequence of any act or performance in the execution of his duties; or

(e) sustained by such officer as a result of any act of reprisal occasioned by, or arising out of, any action taken by him in the execution of his duties.

(2) Any compensation granted in accordance with regulations made under the preceding provisions of this section in respect of the disablement, incapacitation or death of a forest officer shall be in addition to any pension, gratuity, compensation, allowance or other benefit granted in respect of such disablement, incapacitation or death under the Minutes on Pensions or any other written law applicable thereto.

Rules.

[39, 65 of 2009]

65. The Minister may make rules in respect of matters required by this Ordinance to be made. Every rule so made shall be published in the Gazette.

Powers of Minister  
exercisable from  
time to time.

66. All powers conferred by this Ordinance on the Minister may be exercised from time to time as occasion requires.

Persons bound to  
assist forest officer  
and police officer.  
[40, 65 of 2009]

67. Every person who exercises any right in a Conservation Forest or Reserved Forest or Village Forest or any Forest not included in those categories, or who is permitted to take any forest produce from or to cut and remove timber, or to pasture cattle, or to carry on chena cultivation in, such forest, and

(i) every person who is employed by any such person in such forest; and

(ii) every person in any village contiguous to such forest who is employed by the State, or who receives emoluments from the State for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest forest officer, police officer, or headman any information 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 forest officer, police officer or grama seva niladhari

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 has been committed in such forest, in discovering and arresting the offender.

Reward for informers.  
[41, 65 of 2009]

**67A.** It shall be lawful for the Conservator-General of Forests to determine in accordance with specified criteria, the sum of money to be paid to persons as rewards from the Forest Department Fund for the protection of the forest, where such persons provide-

(a) voluntary information in relation to any offence under this Ordinance;

(b) voluntary assistance in extinguishing any fire occurring within any forest.

Recovery of money due to the State.

**68.** All money other than fines, payable to the State under this Ordinance, or under any regulation or rule made hereunder, or on account of the price of any timber or forest produce, or of expenses incurred in the execution of this Ordinance in respect of timber or forest produce, shall, if not paid when due, become a debt due to the State and be recovered under the provisions contained in sections 72, 73, 74, 75 or 76 of this Ordinance.

Lien on forest produce for such money.

**69.** (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 on such produce; and such produce may be taken possession of by a forest officer empowered by the Minister in this behalf, and may be retained by him until such amount has been paid. Power to sell such produce.

(2) If such amount is not paid when due, such forest officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount. The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to the State.

The State not liable for loss or damage in respect of certain timber. 70. The State shall not be responsible for any loss or damage which may occur in respect of any timber while at a station established under a regulation made under section 24, or while detained elsewhere for the purposes of this Ordinance, or in respect of any timber collected under section 30; and no forest officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously, or fraudulently.

Disposal of property seized. [20, 13 of 1966] 71. Without prejudice to the provisions of section 51, where any forest produce or property has been seized under the provisions of this Ordinance, such forest produce or property may be disposed of in accordance with such regulations as may be made in that behalf by the Minister.

Property of State debtors under section 68 may be sold. 72. It shall be lawful for the Government Agent to seize any property whatsoever belonging to the person by whom any debt is due to the State, under the provisions of section 68 of this Ordinance, wheresoever the same may be found within the administrative district of such Government Agent, and if the amount due in respect of such debt and the costs and charges of seizure be not sooner paid or tendered, to sell the property so seized by public auction at any time not less than ten or more than thirty days from the time of such seizure.

Overplus to be restored to owner. 73. In the event of a sale of property seized, the Government Agent at whose instance such seizure was made shall, after deducting the amount due by the debtor and also the costs and charges attending the seizure and sale (which said costs and charges such Government Agent is hereby authorized to retain), restore the overplus arising from such sale, if any there be, to the owner of the property sold.

Certificate of sale of immovable property 74. If land or other immovable property be sold under the provisions of this Ordinance, a certificate substantially in the form given in Schedule III, signed by the Government Agent, shall vest such property absolutely in the purchaser free from all encumbrances. Such certificate shall be liable to the stamp duty for the time being fixed on conveyances of immovable property and to registration fees, such duty and charges being payable by the purchaser.

Certificate of sale 75. If the land so sold be purchased by the Government Agent, who is

in case of purchase  
by State.

hereby authorized to bid for and purchase the same on behalf of the State, a certificate substantially in the form given in Schedule IV, signed by the Government Agent, shall vest the property absolutely in the State free from all encumbrances:

Provided that such certificate shall not be liable to stamp duty or other fees.

State may take  
credit for amount  
due from defaulter.

76. Whenever the State purchases any land under the provisions of section 75, the State shall not be required to pay the whole of the purchase money of such land but shall be entitled to take credit for the amount due from the defaulter under this Ordinance:

Provided that in the event of the land sold realizing a less sum than the amount due, nothing herein contained shall preclude the State from instituting any civil action or process against the defaulter for the recovery of the balance due by him after deducting the purchase money realized by the sale of the land.

Regulations and  
rules to be laid  
before Parliament.  
[42, 65 of 2009]

77. [repealed] All regulations and rules under this Ordinance made and approved by the Minister, shall be laid before Parliament within one month if Parliament is in session and if not in session within one month of the commencement of the session next after the making of such regulations or approval of such rules, and shall cease to have any force or effect if disapproved by Parliament within two months of being so laid on the table.

Interpretation.  
[43, 65 of 2009]  
[31, 23 of 1995]  
[8, 84 of 1988]  
[14, 56 of 1979]

78. In this Ordinance, and in all rules made hereunder, unless there is something repugnant in the subject or context

'animal' means any member of the animal kingdom at any stage of the life cycle or any part thereof;

'cattle' includes elephants, buffaloes, neat cattle, horses, ponies, mules, asses, pigs, sheep, goats, and the young of the same;

'classification mark' means a mark placed on timber to denote its origin, or the agency by which it has been handled and the class to which such timber belongs;

'Conservation Forest' means any specified area of state land or the whole or any specified part of any reserved forest declared under section 3A to be a conservation forest;

'District Secretary' means the District Secretary in charge of an Administrative District;

'Divisional Secretary' means the Divisional Secretary in charge of a Divisional Secretary's Division;

'forest officer,' means any person appointed by name or as holding an office, to be Conservator-General of forests, Conservator of Forests, Senior Deputy Conservator of Forests, Deputy Conservator of Forests, Assistant Conservator of Forests, Divisional Forest Officer, Additional Divisional Forest Officer, Assistant Divisional Forest Officer, Special Forester, Forester, Range Forest Officer, Additional Range Forest Officer, Beat Forest Officer, Forest Field Assistant, Forest Watcher, Forest Labourer, Plantation Labourer and any other person by name or by office appointed to discharge any function of a forest officer under the provisions of this Ordinance or any regulation or rule made thereunder;

'forest plantation' means any plantation made in any forest;

'forest produce' includes the following things when found in or brought from a forest, that is to say:

(a) trees and leaves, flowers and fruits, seeds, roots, juice, timber, charcoal, caoutchouca, catechu, wood oil, resin, natural varnish, bark, lac, gum, myrabolans and extracts from plants, animals and birds.

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

(c) tusks, horns, shed horns, edible bird's nests, animal skin and parts of animals,

(d) peat, surface soil, rocks and minerals, sand, stones, gems or soil excavated from the gem pits; including limestone, coral, laterite, bitumen, bituminous shale, asphalt, minerals, oils and all products of mines or quarries;

(e) water from natural springs, fountains and other natural resources of water;

'Grama Niladhari' means the Grama Niladhari in charge of a Grama Niladhari Division;

'grama seva niladhari' means any person holding appointment as grama seva niladhari;

'imprisonment' means either rigorous or simple imprisonment as the court adjudging the same may impose;

'person' includes a body of persons, corporate or unincorporate;

'land at the disposal of the State' includes

(a) all forest, waste, chena, uncultivated, or unoccupied land, unless proof is adduced to the satisfaction of the court that some person

(i) has acquired, by some lawful means, a valid title thereto, or

(ii) has acquired a right thereto as against the State by the issue to him of any certificate of no claim by the State under the State Lands Encroachments Ordinance or the Definition of Boundaries Ordinance, or

(iii) is entitled to possess the same under a written grant or lease made by or on behalf of the British, Dutch, or Sri Lanka Governments, and duly registered in accordance with law;

(b) all lands resumed by the State under the provisions of the Land Resumption Ordinance, and all lands which have been declared to be the property of the State by any order passed under 'The Waste Lands Ordinances, 1897 to 1903', the Land Settlement Ordinance, or to which the State is otherwise lawfully entitled;

'plant' means any member of the plant kingdom inclusive of any part of its life cycle of plants and also includes climbers or creepers wooden or otherwise, trees, ferns, lichens, epiphytes or any part thereof, seed, fruit or flowers or any part thereof;

'Police Officer' means any officer appointed under the Police Ordinance (Chapter 53) and serving in the Police Department in the Regular Service, Reserve Service or Special Task Force, as the case may be;

'property mark' means a mark placed on timber to denote that after all purchase money or royalties due to the State shall have been paid the owner of the mark has or will have a right of property in such timber;

'reserved forest' means and includes

(a) a forest and every part of a forest declared to be a reserved forest under the provisions of section 3 of this Ordinance, or the corresponding provisions in any enactment repealed by Ordinance No. 16 of 1907, or in any enactment to be hereafter enacted for the purpose of defining reserved forest,

(b) plantations, forest depots, and chenas planted with forest trees;

'river' includes streams, canals, creeks, reservoirs, tanks, lakes, ponds, and other channels natural or artificial;

'State Land' means any land defined under the Crown Lands Ordinance (Chapter 454);

'timber' includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not;

'timber depot' or 'timber yard' means a place where timber is stored

- (a) for the purpose of sale; or
- (b) for the purpose of transport; or
- (c) for the purpose of being sawn by machinery or otherwise; or
- (d) for the purpose of being subjected to any process of manufacture;

'A timber depot' includes any firewood shed, any shop or showroom where wooden furniture or wooden articles are kept for sale and place where carpentry work is being carried out using machines or otherwise any timber sales outlet, timber saw mill fixed to the ground or otherwise, or timber seasoning and processing factory. It shall also include a hand tractor if it is used as a mobile timber saw mill but it shall not include any temporary carpentry work shop in a construction site where wooden articles are made or wood is being fashioned utilizing timber brought to such site on a permit legally issued by an officer authorized in that behalf;

'tree' includes bamboos, stumps and brushwood, palms, canes, creepers, climbers woody, or otherwise, reeds and trees in all stages of their growth;

'vehicle' includes boats, carts, motor vehicles, tractors, trailers, containers, rafts, tugs or any mode of transport motorized or otherwise;

'wild animal' means any animal which is not a domestic animal.

[Cap.283]

\*Substituted by [32, 23 of 1995]

**'SCHEDULE I \***

[Section 13]

<i>Sinhala Name</i>	<i>Tamil Name</i>	<i>Botanical Name</i>
Acacia	Acacia ..	Aciacia auriculiformia
Acacia	Acacia ..	Acacia Mangium
Aralu	Kadukkai	Terminalia chebula
Beli	Vilvam ..	Aegle marmelos
Bulu	Thanri Maram	Terminalia belarica
Buruta	Mutirai	Chioroxylon Swietenia
Del or Bedi-del	Asinippila	Artcarpus nobilis
Divikaduru	or Angilimarm Kand Jaippalai	Pagiantha dinhotoma
Divul	Nilavilla	Cimonia acidissima
Domba	Punnai	Calophyllum inophulum
Dun	Koongiliyamaram	Doona Zeylanica
Ela Kadol	Kandal	Rhizopora mucronata
Ethdemuta	Kumila Maram ..	Gmelina arborea
Eucalyptus	Sanjeevi ..	All the eucalyptus species
Gammalu ..	Venkai	Pterocarous marsupium
Gliricidia	Seemai Kilawal ..	Gliricidia sepium
Halmilla	Chavandalai ..	Berrya cordifolia
Hulanhik	Aglai or Kaloti	Chuckrassia velutina
Ipil-Ipil	Ipil	All Laucaena species
Kadol	Kandal	Rhizopora apiculata
Kalumediriya ..	Pukarunkali ..	Diospyros quaesita
Kaluwara	Karunkali	Dopposit-ifolia Diospyros Ebenum
Kas a	Savukku	Causarina Eqisetifolia Callophyllum
K i n a	Kinna	tomentosum Calophyllum walkerii
K i n a		Sonnnaratia caseolaris
Kirala		
Kohomba	Vembu	Azadirachta indica
Kos	Pila	Artocarpus heterophyllus
Lumbuk	Marutu ..	Termiralia arjuna
Lunumidella	Malaivempu	Melia dubia
Malkadol	Sigapukokandam	Bruguiera gymnorhiza



Malma	Mayaram ..	Delonyxregia
ra		Vatica chinesis
Mendo	Illuppai ..	Madhuca longifolia
ra		
Mi		
Milla	Kaddmanakku or Mayilal	Vitex altissima
Mudilla	Kadambu	Barringtonia asiatica
Na	Naka	Mesua ferres
Neduu	• •	Pericopsis mooniana
Nelli	Nelli	phyilanthus emblica
Palu	Palai	Maniklara hexaodra
Pihimbiya	Sithirai Vempa	Filicium deciplens
<i>Pines</i>	Pinus ..	All Pinus species
Pinimara ..	Inal vakai	Samanea saman
Punkaranda ..	Chirukandal	Ceirops tagal
Ruk Attana	Elilai Palai	Alatonia scholaris
Sapu, Hapu, Ginisapu	Chanpaka	Michelia Champaca
	m .. Puli	Tamarindus Indica
Suriyamara,	Ponnaimurankai ..	Albizzia odoratissima
Tamma	Tampannai	Mischodon zeylanicus
Tekka	Tekku	Tectona grandis
Wai Ehela	Veugai	Pterocarpus indicus
Walsapu or		Michelia nilagrica.
Walburu	—	
ta	Ranai or Yavarana	Alseodaphne seeocarpifolia
Wewara		Peltophorum
na		
[45,65 of 2009]	Eyalwahei ..	pterocarpum .'

### FORESTS

[Cap. 283

### SCHEDULE III

(Section 74)

Whereas the sum of Rs .....was due to the State under the provisions of the Forest Ordinance, from .....of.....which said sum has not been paid by the said .....

And where the land ..... being the property of the said .....was seized in conformity with the provisions of the said Ordinance, and sold also in conformity therewith on the . . .

..... day of ..... The land was purchased by .....of .....  
..... for the sum of Rs. .... which has been duly paid by the said .....

Now know ye that I,.....District Secretary, by virtue and in exercise of the powers vested in me in this behalf by the said Ordinance, do hereby certify that the following property, to wit (described herein with special accuracy as to boundaries), has been sold to and purchased by the said . . . . . for the sum of Rs.....which he has duly paid, and that the said premises are and shall hence forward be vested in the said.....his heirs, executors, administrators and assigns, free of all encumbrances.

Given under my hand this day of

(Signature) .....

District Secretary.

**SCHEDULE IV**

[Section 75.]

Where the sum of Rs. . . . . was due to the State under the provisions of the Forest Ordinance, from . . . . .  
 . . of . . . . . which said sum has not been paid by the  
 said . . . . .

And whereas the land . . . . . being the property of the said . . . . . was seized in conformity  
 with the said Ordinance, and sold also in conformity therewith on the . . . . . day of . . . . .  
 and the same was purchased by . . . . . District Secretary, for the sum of Rs. . . . . which has been  
 credited to the Government of Sri Lanka in part satisfaction (or full, as the case may be) of a sum of Rs. . . . .  
 due to the State.

Now know ye that I, . . . . . District Secretary, by virtue and in exercise of the powers vested in me in this  
 behalf by the said Ordinance, do hereby certify that the following property, (described herein with special accuracy as  
 to boundaries), which has been sold to and purchased by the said . . . . . District Secretary, for and on  
 behalf of the State, for the sum of Rs. . . . . which said sum has been duly credited to the State as  
 aforesaid, and that the said premises are and shall hence forth be vested in the State, free of all encumbrances.

Given under my hand this day of  
 (Signature) . . . . .  
 District Secretary.

**SCHEDULE V**

The principal enactment is hereby amended in the sections specified in  
 Column I by the substitution, for the word or expression specified in the  
 corresponding entry in Column II, of the word or expression specified in  
 the corresponding entry in Column III of that Schedule.

Column I	Column II	Column II	Column III
Column III	III	Words to be deleted	Words to be substituted
4	Government Agent		District Secretary
24(1)	Ceylon		Sri Lanka
49A	Government Agent		District Secretary
53A	Government Agent		District Secretary

57	Government Agent	District Secretary
72	Government Agent	District Secretary
73	Government Agent	District Secretary
74	Government Agent	District Secretary
75	Government Agent	District Secretary