

FORESTS

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE CONSERVATION , PROTECTION AND MANAGEMENT OF FOREST AND FOREST RESOURCES FOR THE CONTROL OF FELLING AND TRANSPORT OF TIMBER AND FOREST AND 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](#) [25th March , 1982]

[84 of 1988](#) [20th December , 1988]

[23 of 1995](#) [15th November , 1995]

[2nd January , 1908]

CHAPTER I PRELIMINARY

Short title. **1.** This Ordinance may be cited as the Forest Ordinance.

Questions of title. **2.** If in any prosecution or proceeding under this Ordinance any question 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 FORESTS

Order
declaring
forest
reserved.

3. 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Repealed by Ordinance No. 20 of 1931]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,

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 Repealed by Act No. 9 of 1950]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.**

Conservation

forests.

[\[4.23 of 1995\]](#)

(1) The Minister may by Order published in the Gazette declare that 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 of Forests subject to such conditions and restrictions as may be prescribed.

Publication to be given to Order made section 3A. **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-

[\[4.23 of 1995\]](#)

- (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 **3C.**

of conservation

forest.

[\[4.23 of 1995\]](#)

(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 of forests to be prima facie proof of facts stated there in. [\[4.23 of 1995\]](#)

3D. Where in any prosecution instituted under this Act, a question arises as to whether any land is within a conservation forest, a certificate issued under the hand of the Conservator of Forests to the effect that the land described in the certificate is within a conservation 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 situated 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 situated, 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 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 watercourses in reserved forest. **5.** A forest officer duly empowered in that behalf may, from time to time, stop any public or private way or watercourse in a 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 such forests. **6.** A person who in a reserved forest

[\[5.23 of 1995\]](#)

(a) trespasses, or permits cattle to trespass;

(b) causes any damage by negligence in felling any tree, or cutting or dragging any timber;

[\[2.13 of 1966\]](#) (c) willfully strips off the bark or leaves from, or girdles, lops, taps, burns or otherwise damages, any tree;

(d) poisons water;

- [2,13 of 1966] (e) quarries stone, burns lime or charcoal, or collects, or subjects
[\[5.23 of 1995\]](#) to any manufacturing process, any forest produce;
[\[5.23 of 1995\]](#) (ee) extracts coral or mollue shells or digs or mines for
plumbago, gems or other minerals; or
[2,13 of 1966] (f) in contravention of any regulations made by the Minister,
pastures cattle, hunts, shoots, fishes or sets traps or snares or
guns, or constructs or uses ambushes, or uses any explosive
substance,

[2,13 of 1966] shall be guilty of an offence, and be liable on conviction to imprisonment for the term
of not less than six months and not exceeding four years or to a fine not less than two
[\[5.23 of 1995\]](#) thousand five hundred rupees and not exceeding twenty-five thousand rupees or to both
[1995\]](#) such fine and imprisonment and where the damage resulting from the commission of
the offence amounts to more than twenty-five thousand rupees in value, in addition to
the penalty imposed, he shall also be liable to a fine amounting to twice the value of the
damage caused by the commission of the offence.

Further **7.**
prohibited
acts.

[2, 56 of 1979]
[\[2, 13 of 1982\]](#)
[\[2, 84 of 1988\]](#)
[\[6, 23 of 1995\]](#)

(1) Any person who

- (a) makes any fresh clearing in a reserved forest; or
(b) sets fire to a reserved forest, or in contravention of
any regulations made by the Minister kindles any fire, or
leaves any fire burning in such manner as to endanger
the reserved forest or any part thereof;

or who, in a reserved forest

- (c) kindles, keeps or carries any fire except at such
seasons and in such manner as a forest officer, specially
empowered in this behalf, may from time to time notify;
(d) fells, cuts, saws, converts, collects, removes or
transports any trees or timber or collects, removes or
transports any forest produce or has in his possession,
custody or control any tree, timber or forest produce;
(e) erects a scaffolding or constructs a saw pit;
(f) clears or breaks up any land for cultivation or any
other purpose or cultivates any land already cleared ;
(g) erects any building whether permanent or temporary,
or occupies any building so erected ; road
(h) constructs or uses any constructed by him; or
[\[6.23 of 1995\]](#) (i) damages, alters or removes, any name board or sign
board or any wall, ditch, embankment, fence, hedge,
railing or other boundary mark.

shall be guilty of an offence and in the case of an offence under any
other paragraph of this subsection, to imprisonment for a term not
less than six months and not exceeding one year or to a fine not less
than five thousand rupees and not exceeding, fifty thousand rupees
or to both such fine and imprisonment In addition to such
compensation for damage done to the (forest as may be determined
by the court. Such compensation shall not exceed two hundred
thousand rupees and when awarded may be treated in all respects as

a fine and shall be recoverable as such;

[\[2.13 of 1982\]](#)

(2) Any person who abets the commission of any offence specified in subsection (1) or who causes any such offence to be committed, shall also be guilty of an offence and shall on conviction be liable

(a) in the case of abetting, or causing, the commission of an offence under paragraphs (a), (b), (c), (d) or (e) of that subsection, to imprisonment for a term not less than one year and not exceeding five years; and

(b) in the case of abetting, or causing, the commission of an offence under any other paragraph of that subsection, to the same punishment as is prescribed for such offence by that subsection.

subsection 3

Repealed by

[\[6.23 of 1995\]](#)

Acts which **7A.**
constitute an offence
in a conservation
forest.

[\[7.23 of 1995\]](#)

(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.

(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 of Forests with the sanction of the Minister.

Power of Minister to suspend rights of pasture, etc in certain cases.

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. **10.** 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.

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.

Power to make rules generally. **20.**

[\[3, 13 of 1982\]](#)

[\[9.23 of 1995\]](#)

(1) No person shall clear, set fire to, or break up the soil of, or make use of the pasturage or of the forest produce of, any forest not included in a reserve or conservation or village forest, except in accordance with rules to be made by the Minister. Such rules may, with respect to such forests or with respect to any particular forest

[4, 13 of 1966] (a) regulate or prohibit the cutting of or setting fire to forest, or the issue of grants or leases by the State with respect to land on which trees enumerated in Schedule II are growing;

(b) regulate or prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires;

[3,56 of 1979] (c) regulate or prohibit the felling, cutting, sawing, conversion, collection, removal and transport of trees and timber and the collection, removal and transport of forest produce;

[4, 13 of 1966] (d) regulate or prohibit the building of houses or huts, the occupation of such houses or huts, the quarrying of stone or extraction of coral or molluse shells or the digging or mining for plumbago or gems or the burring of lime or charcoal or blasting of rocks or drilling for minerals;

- (e) regulate or prohibit the cutting of grass and the pasturing of cattle, and regulate the payments (if any) to be made for such cutting or pasturing;
- (f) regulate or prohibit hunting, shooting, fishing, poisoning water, and setting traps or snares or guns, constructing or using ambushes, or the use of explosives;
- (g) regulate the sale or free grant of timber or other forest produce; and
- (h) prescribe, or authorize any forest officer to prescribe, subject to the sanction of the Minister, the fees, royalties, or other payments for such timber or other forest produce, and the manner in which such fees, royalties, or other payments shall be levied whether in transit, or partly in transit, or otherwise.

Nothing in this section shall be deemed to affect any existing rights of any person in or over pasturage.

[3,56 of 1979]
[3.13 of 1982]

(2) Any person who abets the commission of any offence specified in this Chapter or causes any such offence to be committed shall also be guilty of an offence and shall on conviction be liable

(a) in the case of an offence referred to in section 21, other than an offence referred to in the proviso thereto, to a fine not exceeding one thousand rupees or to imprisonment for a term not less than three months and not exceeding one year;

(b) in the case of an offence referred to in the proviso to section 21, to imprisonment for a term not less than six months and not exceeding two years.

(3) The Minister may, by notification in the Gazette from time to time, exempt any person or class of persons or any local area the limits of which shall be defined in such notification, from the operation of any such rule, and may from time to time cancel any such exemption.

Penalties. **21.** 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:

[5,13 of 1966]
[4, 13 of 1982]
[10,23 of 1995]

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 duly authorized in that behalf.

23. Repealed. **23.** Repealed. [§11,23 of 1995]

CHAPTER V

OF THE CONTROL OF TIMBER AND FOREST PRODUCE IN TRANSIT

Power of
Minister to
make
regulations.
[\[12.23 of 1995\]](#)

24.

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

[6, 13 of 1966] (a) prescribe the places at and the routes by which alone forest produce may be exported from, or transported within, Sri Lanka;

[6, 13 of 1966] (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;

[6, 13 of 1966] (c) prescribe the form of permits, and provide for their issue, production, and return;

[6, 13 of 1966] (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;

[6, 13 of 1966] (f) provide for the stoppage, and examination of vehicles, boats and rafts or any timber in transit;

[6, 13 of 1966] (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

[5,56 of 1979] (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;

[5,56 of 1979] (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 of timber the property of the State across any land, and regulate the compensation to be paid for any damage done by the transport 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.

[\[12.23 of 1995\]](#)

(p) regulate the import and export of timber and seeds of forest, tree species and other forest produce and provide for the issue of permits for the same.

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.

[\[12.23 of 1995\]](#)

(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.

Penalties. 25.

[7,13 of 1966]

[\[5, 13 of 1982\]](#)

[\[13,23 of 1995\]](#)

(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 the fine not less than five thousand rupees and not exceeding fifty thousand rupees, or by imprisonment for a term not less than three months and not exceeding six months, 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;

[7,13 of 1966]

[\[13,23 of 1995\]](#)

Provided, further, that offences under this Chapter shall be punishable by a fine not less than ten thousand rupees and not exceeding one hundred thousand rupees or by imprisonment for a term not less than six months and not exceeding two 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.

[7,13 of 1966]

[\[13,23 of 1995\]](#)

(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 less than six months and not exceeding five years:

[\[13,23 of 1995\]](#)

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 a fine not less than two thousand five hundred rupees and not exceeding ten thousand rupees or to imprisonment for a term not less than three months and not exceeding one year or to both such fine and imprisonment.

[\[13,23 of 1995\]](#)

(2A) Notwithstanding anything in the preceding provision of this section, where any person referred to in subsection '2) is convicted of an offence referred thereto, any other person who allows any tool, boat, cart, cattle, or motor vehicle of which he is the owner or which is in his possession to be used for the commission of such offence, shall himself be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding one hundred thousand rupees or to imprisonment for a term not less than three months and not exceeding two years.

[6,56 of 1979]

(3) Any person who abets the commission of an offence specified in this Chapter, 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 Government Agent to order a definition of boundaries in certain cases.

26. The Government Agent, 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

[\[14.23 of 1995\]](#)

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 Government Agent, unless the claimant shall give security to the satisfaction of the forest officer in an amount equal to the value of such timber.

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

[\[8.13 of 1966\]](#)

[\[6.13 of 1982\]](#)

[\[15.23 of 1995\]](#)

[7, 56 of 1979]

- 27.**
- (1) The forest officer or police officer or any other officer thereto authorized shall have power to stop and examine any timber during transit, 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 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 or take such other measures as may be necessary to 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 ;
 - (b) detain for inspection and search the cart, boat or motor vehicle, trailer, raft, tug or any other mode of transport motorised or otherwise; and
 - (c) detain any timber found in the cart, boat or motor vehicle, trailer, raft, tug or any other mode of transport motorised or otherwise and deal with the timber as provided in Chapter VII.
- [7, 56 of 1979]
[\[15.23 of 1995\]](#)
- (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 a fine not less than

five thousand rupees and not exceeding fifty thousand rupees or to imprisonment of either description for a term not less than three months and not exceeding six months, or to both such fine and imprisonment.

Inspection of private timber depots and timber yards. **28.**

[9, 13 of 1966]
[\[16.23 of 1995\]](#)

(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.

[\[16.23 of 1995\]](#) (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 shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not less than three months and not exceeding one year or to a fine not less than five thousand rupees and not exceeding fifty thousand rupees 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 thereto proved. **30.**

(1)

(a) All unclaimed timber found adrift, beached, stranded, or sunk;

(b) all timber bearing marks which have not been registered 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. Power of forest officers to collect the same.

[8.56 of 1979] (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. **32.**

(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.

[\[17.23 of 1995\]](#)

(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.

[\[17.23 of 1995\]](#) (2) The breach of any of the provisions of, or regulations made under, this Chapter shall constitute an offence punishable by a fine not less than five thousand rupees and not exceeding one hundred thousand rupees or by imprisonment for a term not less than three months and not exceeding two years.

CHAPTER VII

PENALTIES AND PROCEDURE

Seizure of property liable to confiscation. **37.** When there is reason to believe that a forest offence has been committed in respect of any timber or forest produce, such timber or produce, together with all tools, boats, carts, cattle, motor vehicles, trailers, rafts tugs or any other mode of transport, motorised or otherwise Implements and machines used in committing any such offence, may be seized by any forest officer or police officer.

[\[18.23 of 1995\]](#)

Procedure on seizure. **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.

[10, 13 of 1966]

Release of certain property seized under section 37. **38A.**

[\[19.23 of 1995\]](#)

(1) A court may, at anytime after the production before such court, of any tool boat, cart, cattle, motor vehicle, machine, implement, raft, tug, trailer or any other mode of transport motorised or otherwise (in this section and section 42 referred to as " production") seized 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.

40.

[12, 13 of 1966]

[[9, 56 of 1979]

[\[7, 13 of 1982\]](#)

[\[20, 23 of 1995\]](#)

(1) Upon the conviction of any person for 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

[\[20, 23 of 1995\]](#)

(b) all tools, boats, carts, cattle, motor vehicles, trailers, rafts, tugs or any other mode of transport motorised or otherwise and all implements and machines used in committing such offence whether such tools, boats, carts, cattle, motor vehicles, trailers, rafts, tugs or other modes of transport motorised or otherwise are owned by such person or not;

shall, by reason of such conviction, be forfeited to the State.

(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 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.

[\[3, 84 of 1988\]](#)

40A. 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.

Disposal, on conclusion of trial for any forest offence, of timber or forest produce which was the subject-matter of the trial.

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

[13, 13 of 1966]
[8, 13 of 1982](#)

empowered in that behalf and in any other case may be disposed of in such manner as the court may order:

[10, 56 of 1979] 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. **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 speedy 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:

[14, 13 of 1966]
[21, 23 of 1995](#)

[14, 13 of 1966] 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. **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.

[9, 13 of 1982](#)

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

[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. **46.**

[22, 23 of 1995](#)

(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

[15, 13 of 1966]
[23, 23 of 1995](#)

(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 officer; or

(c) alters, moves, destroys, or defaces any

boundary mark of any forest to which any provisions of this Ordinance apply, shall be liable on conviction to imprisonment for a term not less than six months and not exceeding two years or to a fine not less than ten thousand rupees and not exceeding fifty thousand rupees or to both such imprisonment and fine.

Power of forest 48.

officer, ;c, to arrest without warrant.

[\[5.84 of 1988\]](#)

[\[24.23 of 1995\]](#)

(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.

[\[5.84 of 1988\]](#)

(2) Every officer making an arrest under this section shall without unnecessary delay take or send the person arrested to the nearest police station in the division before the divisional together with the statement showing in the offence with which the accused is charged. The officer-in-charge of the police station of the divisional revenue officer shall without unnecessary delay 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 any Forest Officer, such person shall be produced before the nearest Magistrate by a forest officer not below the rank of range forest officer if he is of opinion that undue delay is likely to be caused if such person is to be produced before the magistrate through the officer in charge of the police station or the divisional revenue officer.

Penalty for being in possession 48A.

or use of forged documents for counterfeit or unauthorized marking hammers and presumption as to commission of offences.

[\[16, 13 of 1966\]](#)

[\[25.23 of 1995\]](#)

(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

[\[25.23 of 1995\]](#)

(b) has in his possession or uses a counterfeit or unauthorized stamping or marking hammer, shall be guilty of an offence, and shall on conviction be liable to imprisonment for a term of not less than one year and not exceeding five years or to a fine not less than twenty-five thousand rupees and not exceeding one hundred thousand rupees 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.

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:

[11, 56 of 1979]
[\[4, 84 of 1988\]](#)
[\[26,23 of 1995\]](#)

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

51.

[17, 13 of 1966]

(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 or forest produce belongs to State. **52.** When in any proceedings taken 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 produce shall be presumed to be the property of the State until the contrary is proved.

Offences to be triable summarily. [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:

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, and the High Court shall have jurisdiction to try the offence.

Ejectment from State land. [19, 13 of 1966] [127,23 of 1995](#) **53A.** Any person convicted of an offence under section 7 or section 7A or section 14 or section 20 of this Ordinance shall, if such person is in unlawful or unauthorized possession or occupation of any State land in respect of which such offence has been committed, be ejected from such land; and the provisions of Chapter IX of the Land Development Ordinance shall apply mutatis mutandis in the case of every such ejectment, and every reference in that Chapter to the Government Agent shall be 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, 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. [128,23 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 5,000.00
- (b) for each calf, ass, pig, sheep, lamb, goat or kid 2,500. 00
- (c) for every head of cattle other than the above 5,000.00

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 of Forests, &c. **58.**

[\[11, 13 of 1982\]](#)
[\[6, 84 of 1988\]](#)

(1) There may be appointed from time to time a Conservator of Forests and such forest officers as are required for the purposes of this Ordinance.

[\[11, 13 of 1982\]](#) (2) Notwithstanding the provisions of subsection (1), the Minister may authorize

[Cap. 208] (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

[Cap. 264]
[[Cap. 268] (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,
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. **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,

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 **59A.** The Conservator of Forests may in writing delegate to any forest officer, any power vested in him or duly conferred upon him by [\[29.23 of 1995\]](#) this Ordinance or any regulation made hereunder.

General directions **59B.** In the exercise of their duties under this Ordinance or any regulation by the Conservator 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 of Forests. [\[29.23 of 1995\]](#)

Forest officers deemed to be public servants **60.** All forest officers shall be deemed to be- [\[30.23 of 1995\]](#)

- (a) public servant with in the meaning of the Penal Code;
- (b) peace officers within the meaning at 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. **63.** The Minister may, by notification in the Gazette, declare any reserved forest to be solely under the control of the Conservator of Forests, subject to such restrictions as the Minister may from time to time think fit to impose.

CHAPTER X MISCELLANEOUS

Additional powers to make regulations. **64.** The Minister may make regulations consistent with this Ordinance

[\[7, 84 of 1988\]](#)

(a) to declare by what forest officer or class of forest officers the powers or duties conferred or imposed by or under this Ordinance on a forest officer shall be exercised or performed;

(b) to establish and regulate a Forest Department fund;

[\[13, 56 of 1979\]](#)
[\[7, 84 of 1988\]](#) (c) to provide for the payment into such fund of the whole part of sums received in composition of offences under this ordinance and awards made under the informers Reward ordinance to informers in case of such offences, and such other contributions as may be specified in the regulation of rewards to informers and the forest officers, of compensation for bodily injury caused to forests officers police officers in the exercise performance and discharge of their powers, duties and ordinance

(d) generally to carry out the provisions of this Ordinance.

Powers of Regulations when to have force of law. **65.** All regulations or rules made or approved by the Minister under this Ordinance shall be published in the Gazette, and shall thereupon have the force of law.

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. **67.** Every person who exercises any right in a reserved forest or a village forest, 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.

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. **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 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 **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 **77.** All regulations and rules under this Ordinance made and approved by rules to be laid the Minister, shall be laid before Parliament within one month if before Parliament. 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. **78.** In this Ordinance, and in all rules made hereunder, unless there is something repugnant in the subject or context

[\[8.84 of 1988\]](#)

[\[31.23 of 1995\]](#)

[\[31.23 of 1995\]](#)

" animal" means any vertebrate or invertebrate animal and includes a bird, fish or reptile;

" cattle" includes elephants, buffaloes, 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, or the value class to which it has been accorded ;

[\[31.23 of 1995\]](#)

" 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;

[14, 56 of 1979]

[\[8.84 of 1988\]](#)

[\[31.23 of 1995\]](#)

" forest officer " means all persons appointed by name or as holding an office, to be Conservators, Additional Conservators, Deputy Conservators, Assistant Conservators, Divisional Forest Officers, Additional Divisional Forest Offices, Foresters, Range Forest Officers, Additional Range Forest Officers, Forest Rangers, Overseers, Beat Forest Officers, Forest Guards, Forest Watchers, Forest Labourers 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, and myrobalans,

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

(c) tusks, horns, shed horns, and edible birds' nests, and

[14,56 of 1979]

(d) peat, surface soil, rocks and minerals, including limestone, coral, laterite, bitumen, bituminous shale, asphalt, minerals, oils and all products of mines or quarries;

" Government Agent " means Government Agent of the administrative district;

" 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;

"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;

[31.23 of 1995]

" plant " means any member of the vegetable kingdom and includes the seed or any other part of any plant;

" police officer" includes grama seva niladharis and constables;

" 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;

" 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;

[14,56 of 1979]

" 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;
" tree " includes bamboos, stumps, and brushwood, palms, canes, and trees in all stages of their growth;

[\[31.23 of 1995\]](#) "wild animal" means any animal which is not a domestic animal.