

L. D.—B. 203/33.

THE FOREST ORDINANCE

Rules under section 20 (1)

RULES made by the Minister of Lands and Land Development by virtue of powers vested in him by section 20 (1) of the Forest Ordinance (Chapter 451), as amended by Act No. 13 of 1966 and Act No. 56 of 1979.

GAMINI DISSANAYAKE,  
Minister of Lands and Land Development.

Colomb. 7.11.1979.

Rules

1. (1) These rules may be cited as Forest Rules, No. 1 of 1979.

(2) These rules shall apply to forests not included in a reserved or village forest.

2. No person shall, for the purpose of cultivation, clear, or break up the soil of any forest except with the written permission of the Government Agent, the Conservator of Forests or an officer not below the rank of Divisional Forest Officer.

3. No person shall cut, clear or set fire to or cause any other person to cut, clear or set fire to any forest without a permit or otherwise than in accordance with the conditions of such permit.

4. (1) Every holder of a permit to clear, cut or set fire to a chena shall be entitled to the free use of timber or other forest produce felled or lying within such boundaries of such chena in accordance with the conditions of such permit.

(2) No holder of any such permit shall remove any timber or other forest produce outside the boundaries of his chena for any purpose whatsoever without a permit for such removal duly obtained or otherwise than in accordance with the conditions of such permit.

5. A permit to clear, cut or set fire to a chena shall be in such form as the Government Agent of each Administrative District may prescribe for the whole or any part of that District and may be issued by any of the following officers:—

- (a) a Government Agent in respect of the forests within his Administrative District;
- (b) an Assistant Government Agent or a Divisional Revenue Officer or a duly authorised Grama Seva Niladhari in respect of forest within his Division.

6. No person shall kindle a fire or cause any other person to kindle a fire in any forest in any circumstances likely to cause any danger of such fire spreading and causing damage to any forest or other property of whatever kind whether belonging to the State or to any other person, or shall omit or cause any other person to omit to take all reasonable precautions to prevent such fire from spreading and doing such damage.

7. (1) No person shall fell, cut, girdle, lop, tap or damage by fire or otherwise collect, remove or transport any tree or saw or convert the timber of any tree or cause any of the foregoing acts to be done, in any Forest except on a permit duly obtained for the purpose or otherwise than in accordance with the conditions of such permit.

(2) Every permit issued under this rule shall be in such form as may be approved for the purpose by the Conservator of Forests and may be signed by a Government Agent, Divisional Revenue Officer, an authorised Grama Seva Niladhari or a duly authorised forest officer, within whose area of authority the forest is situated.

8. (1) No person shall collect, appropriate, remove or transport leaves, plants, flowers, fruits, seeds, roots, juice, catechu, bark, gum, resin, varnish lac, honey, wax, grass, creepers, tusks, horns, shed horns, edible birds' nests or any other forest produce except on a permit duly obtained for the purpose or otherwise than in accordance with the conditions of such permit.

(2) Every permit issued under this rule shall be in such form as may be approved for the purpose by the Conservator of Forests and may be signed by a Government Agent, Divisional Revenue Officer, an authorised Grama Seva Niladhari or a duly authorised forest officer within whose area of authority the forest is situated.

9. (1) No person shall erect or occupy a house or hut in any forest except with the written permission of the Government Agent or a forest officer not below the rank of Divisional Forest Officer.

(2) Any person occupying a house or hut, so erected, shall quit such house or hut within one month of the receipt of a written notice requiring him to do so from any forest officer referred to in paragraph (1).

10. (1) No person shall, quarry, collect, or remove any stone, or coral, or remove any peat, surface soil, or minerals, or subject any of the aforementioned forest produce to any manufacturing process, or cause any other person to do any of the aforesaid acts, in any forests except on a permit duly obtained for the purpose or otherwise than in accordance with the conditions of such permit.

(2) Every permit issued under this rule shall be in such form as may be approved for the purpose by the Conservator of Forests and may be signed by the Government Agent, Divisional Revenue Officer, an authorised Grama Seva Niladhari or a duly authorised forest officer within whose area of authority the forest is situated.

(3) The conditions set out in any permit issued under this rule may include a condition requiring the permit holder to fill up any pit dug by him in the course of any of the acts authorised by the permit or to drain off any water collected in such pit into the nearest natural depression.

(4) Where the condition referred to in paragraph (3) is to be inserted in any permit, the Government Agent or the Divisional Forest Officer may before issuing such permit require the applicant to deposit with him a sum of money equal to the estimated cost of filling up or draining off such pits as may be dug in the course of the acts to be authorised by the permit, as security for the performance of that condition.

(5) (a) Where the conditions referred to in paragraph (3) is fulfilled to the satisfaction of the Government Agent or the Divisional Forest Officer, the deposit made by a permit holder under this rule shall be refunded to the permit holder by such officer.

(b) Where the condition is not fulfilled to the satisfaction of the Government Agent or the Divisional Forest Officer, such officer may cause to be carried out all such work as the permit holder may be bound to carry out under the aforesaid condition, and may recover the cost thereof from the deposit made by the permit holder, and refund such balance as may then remain to the permit holder.

(6) The Government Agent or the Divisional Forest Officer may refuse to issue a permit if an applicant fails to make the deposit required under paragraph (4).

11. (1) No person shall burn charcoal or lime or make bricks or tiles or cause any other person to do any such act, in any forest except on a permit duly obtained for the purpose or otherwise than in accordance with the conditions of such permit.

(2) Every permit issued under this rule shall be in such form as may be approved for the purpose by the Conservator of Forests and may be signed by the Government Agent or the Divisional Revenue Officer or any authorised Grama Seva Niladhari or a duly authorised forest officer within whose area of authority the forest is situated.

12. (1) The Government Agent may with the sanction of the Minister by notification published in the Gazette and in such other manner as may be calculated to give publicity thereto, declare any specified portion of a forest to be an area reserved for the pasturing of cattle, and prescribe the fees to be paid for the pasturing of cattle, therein or for the cutting and removal of grass therefrom.

(2) No person shall pasture cattle or cut grass in any area so declared or remove grass therefrom, or cause any other person to do any such act, except on a permit duly obtained for the purpose or otherwise than in accordance with the conditions of such permit.

(3) Every permit issued under this rule shall be in such form as may be approved for the purpose by the Conservator of Forests and may be signed by the Government Agent or the Divisional Revenue Officer or an authorised Grama Seva Niladhari within whose area of authority the forest is situated.

13. (1) The Government Agent may, with the sanction of the Minister, by notification published in the Gazette and in such other manner as may be calculated to give publicity thereto, declare any forest or any specified portion of a forest to be an area in which the pasturing of cattle and the cutting of grass are prohibited.

(2) No person shall pasture cattle or cut grass in any area so declared or remove grass therefrom.

14. No person shall use poison of any kind whatsoever for the capture or the destruction of fish in any waters situated in any forest.

15. (1) No person shall use explosives of any kind for the destruction of animals or of fish within any forest.

(2) No person shall use explosives of any kind for blasting rocks or for any other similar purpose in any forest without special permission therefor obtained from the Divisional Forest Officer or the Government Agent in writing.

16. (1) The Conservator of Forest or the Government Agent may issue a free grant, from any forest, of any trees or timber to meet the requirements of the Forest Department, and of non-scheduled trees to—

- (a) the Survey Department for the purpose of putting up camps and erecting stages in connection with surveys; and
- (b) the Department of Agriculture and the Department of Animal Production and Health for the construction of huts, well sweeps, fences and the like in any agricultural station or farm.

(2) No free grant of timber shall be made to any Government Department other than the Departments referred to in paragraph (1).

17. (1) It shall be lawful for the Conservator Forests, any officer not below the rank of Divisional Forest Officer or the Government Agent to allow free grants of scheduled or non-scheduled trees or timber, stone, coral, peat, surface soil, or minerals, and for any Divisional Revenue Officer authorised thereto in writing by the Government Agent to allow free grants of non-scheduled trees or timber, from any forest for any of the following purposes:—

- (a) the construction of village huts or well-sweeps or of fence and cattle pens and the like for domestic or agricultural purposes by resident villagers or owners of fields in villages; or
- (b) works of public utility such as village bridges, ferry boats and canoes, ambulams (when these are not erected by private persons as works of piety), and in other special cases of interest in which the Conservator of Forests or the Government Agent may deem it proper to give such aid: Provided that no free grant shall be allowed for any purpose of trade or for the construction of any building for religious purposes or of any house, bridge, ferry or boat for the use of which fees or tolls are levied: Provided further that no free grant shall be

made to any Village Council, or other public body to which an annual grant is made from public revenue or to any public institution maintained by the Government or for the maintenance of which a contribution is made from the public revenue.

(2) Notwithstanding the preceding provisions of this rule, the Conservator of Forests or any officer authorised by him for the purpose may, upon application made in that behalf allow a free grant of schedule or non-scheduled trees or of timber for the purpose of constructing a school building for any school or for the purpose of making any extensions to any existing buildings of any school, if—

- (a) the application is made by any Rural Development Society or by the Parent Teachers' Association of such school or by any other similar body, and
- (b) the plans and specifications relating to such building or such extensions, as the case may be, have been approved and the application has been recommended, by the Director of Education.

(3) Notwithstanding the preceding provisions of this rule, the Conservator of Forests or any officer authorised by him for the purpose may, upon application made in that behalf by a Rural Development Society or other similar body, allow a free grant of timber for the purpose of constructing a building for any weaving centre, industrial centre or any work of public utility for the purpose of making any extensions to any such existing building, if—

- (i) the case is one where the labour for such construction work is provided free by such Society or other body and the Government contributes only the materials or the cost thereof, not exceeding seventy five per centum of the total cost;
- (ii) the plans and specifications relating to the building have been approved by the appropriate department; and
- (iii) the application has been recommended by the Government Agent of the Administrative District from where the timber is to be obtained.

(4) The Conservator of Forests or any other officer authorised by him for the purpose may, upon application made in that behalf allow, a free grant of scheduled or non-scheduled trees or poles to any resident villager whose house has been damaged by floods, or by natural disaster if—

The application has been recommended by the Government Agent of the Administrative District in which he resides and by the Government Agent of the Administrative District from where the timber is to be obtained.

18. Any resident villager may collect free of royalty and without a permit, any forest produce other than trees, tush, ruk vomica, avaram (ranawara) bark, rock, stone, coral, peat surface soil or mineral from any forest situated within a radius of three miles of the place in which he resides.

19. Any resident villager may gather dead or fallen sticks for fuel from any forest situated within a radius of three miles from the place in which he resides or owns or cultivates land.

20. The Conservator of Forests may, with the sanction of the Minister, allow free grants of royalties, or other payments in respect of the collection of forest produce and the manner in which such fees, royalties, or other payments shall be made.

21. (1) Every permit issued under these rules shall be subject to such conditions as may be specified in such permit and any infringement of any of the said conditions shall be deemed to be an offence punishable under section 21 of the Forest Ordinance.

(2) Any permit may be re-issued for such further period as may be endorsed thereon by the Government Agent or Divisional Forest Officer and such re-issue—

- (a) may be free of charge in any case where no charge was made for the issue of the permit originally; and
- (b) shall be subject in all other cases to such further fee or royalty, not exceeding ten per centum of the fee or royalty payable in respect of the original permit, as may be prescribed under rule 20.

22. The rules relating to forests published in Gazette Extraordinary No. 14,707/7 of August 29th 1966, as subsequently amended, are hereby rescinded.

23. In these rules unless the context otherwise requires—

"Government Agent" with reference to an Administrative District includes an additional Government Agent, or an Assistant Government Agent of such Administrative Districts;

"authorised Grama Seva Niladhari" means any Grama Seva Niladhari duly appointed by the Government Agent to discharge any functions of a forest officer under these rules in respect of any forest situated within his Grama Seva Niladhari Division;

"major forest produce" means timber and firewood, roots of trees, charcoal, tusks, shed horns, seeds of nux vomica and the barks of Cassia (rana-wara or avaram) and Rhisophora (kadol);

"minor forest produce" means all forest produce other than "major forest produce";

"scheduled tree" means any tree for the time being included in Schedule II to the Forest Ordinance; and

"non-scheduled tree" means any tree other than a "scheduled tree".

"forest produce" means major and minor forest produce.