

THE FOREST LAW 1967- 2003

The House of Representatives enacts -

1. This Law may be cited as the Forest Law, 1967-2001.

2. In this Law, unless the context otherwise requires-

"cattle" includes bulls, cows, camels, donkeys, goats, horses, mules, oxen, pigs and sheep and the young thereof ;

"Director" means the Director of the Department of Forests;

"forest building" includes any buildings, yard, fold, shed, watertank or reservoir, bench or other structure situated within a State Forest and constructed or acquired for the administration, protection or management of the State Forests;

"Forest Officer" includes any person who is for the time being lawfully discharging the duties of Forest Officer in the Forest Department and any other person who may be appointed by the competent authority to exercise the powers vested in a Forest Officer under the provisions of this Law;

"forest produce" includes the following, when found in or brought from any State Forest or private forest or area for the time being under the protection, control and management of the Government under the provisions of section 10, that is to say, timber, branches, leaves, flowers, fruits, seeds, roots, bark, charcoal, grass, plants, moss, fungus, lichens, gums, oils, resin, pitch, tar, honey, wax, humus, earth, sand, gravel, stones, rocks, minerals and water;

"forest road" includes any road, pathway, bridge and culvert over which a forest road passes and the parapets and battlements of any such bridge or culvert, and any ditch, embankment, drain, causeway, supporting wall or signpost within a State Forest constructed for the administration, protection and management of the forests and not for the general use of the public;

"forest telephone" includes any telephone kiosk, instrument or pole, wire or radio telephone, aerial or mast installed or erected for the administration, protection and management of the forests and not for the general use of the public;

"Main State Forest" means any State Forest which has been declared under the Law repealed by this Law, or may be declared by an Order of the Council of Ministers, to be a Main State Forest;

"Minor State Forest" means any State Forest which has been declared under the Law repealed by this Law, or may be declared by an Order of the Council of Ministers, to be a Minor State Forest;

"Minister" means the Minister under whose Ministry the Forest Department is attached;

"State Forest" means any forest or area declared by an Order of the Council of Ministers made under the Law repealed by this Law or under section 3 to be a Main or a Minor State Forest;

"timber" includes trees and bushes whether standing, fallen or felled, stumps of trees and any wood whether cut up, sawn, fashioned or hollowed out for any

purpose;

3. The Council of Ministers may, from time to time, by Order published in the official Gazette of the Republic, declare that any forest or area specified therein shall be a Main State Forest or a Minor State Forest for the purposes of this Law; Provided that, in order to include any private property within the boundaries of a State Forest so declared, the procedure provided by section 5 of this Law shall be followed.

4. All State Forests shall be the property of the State. Acquisition of Immovable Property by the Government.

5. Where in the opinion of the Council of Ministers it is expedient for the better protection and management of any State Forest that any immovable property within or adjoining any State Forest should be acquired by the Republic, the Council of Ministers may proceed to such acquisition either by agreement with the owner or compulsorily in accordance with the provisions of the law for the time being in force relating to the compulsory acquisition of immovable property for public purposes.

6. The Council of Ministers may, for the public interest, by its Order published in the official Gazette of the Republic, declare any part of a Main or Minor State Forest to be a public road which shall be subject to the provisions of the law for the time being in force relating to public roads.

7. The Council of Ministers may make, in exceptional cases, in the public interest, grants, dispositions or leases of any lands, trees or other immovable property in any State Forest and no title shall be held or acquired in a State Forest, except under a grant or disposition made by the Council of Ministers under this section and subject to such terms and conditions as the Council of Ministers may deem fit to impose; Provided that any Decision of the Council of Ministers regarding grants, dispositions or leases of state forest shall be published in the official gazette of the Republic.

8. (1) The Director and any person duly authorized by him in that behalf may, in accordance with the provisions of Regulations made under this Law, issue in respect of a State Forest licenses for any purpose for which a license is required under the provisions of this Law; and subject to the provisions of section 9 no right whatsoever shall be exercised or acquired in or over any State Forest except under a license issued by the Director or any person duly authorized by him in that behalf under this section and subject to such terms and conditions as the Director may deem fit to impose.

(2) A license under subsection (1) may -

(a) be issued or refused at the discretion of the Director;

(b) be issued to any person or persons by name or to any group or class of persons

9. (1) Notwithstanding any provision to the contrary in this Law contained, the inhabitants for the time being of each village, set out in Appendix A attached hereto may, after a license issued by a Forest Officer, and without the payment of any fee or charge,

and for their own domestic needs and not for sale, within the state forest or part of it prescribed in a Minister's Order published in the official Gazette of the Republic in respect of each and every one of such village -

- (a) gather dead and dry fuel but not charred of same; and
- (b) cut the part above the ground of any kind of growing bush prescribed in such Order; Provided that if at any time the Minister is satisfied that the cutting of any such bush as above prescribed or the gathering of dead and dry fuel by the inhabitants for the time being of any of the aforesaid villages is likely to result in the destruction of a state forest or any part thereof or to its denudation of such bush or such firewood, the Minister may by a further Order published in the official Gazette of the Republic either -
 - 2(a) of 49/87 (i) prohibit absolutely the cutting of bushes or the gathering of dead and dry fuel in such area of the state forest and for such period as may be specially prescribed in the Order; or
 - (ii) prohibit the cutting of bushes or the gathering of dead and dry firewood in such area of the State Forest and for such period as may be specifically prescribed in the Order save under the authority of a license issued by the Director and subject to such conditions as the Director may deem fit to impose.

(2) Any inhabitant for the time being of any of the villages set out in First Appendix who -

- (a) cuts any part of any kind of bush specified as above by the Order which is growing below ground or uproots any such bush;
- (b) sells any dead or dry fuel or bush gathered or cut under the provisions of sub-section (1) ;
- (c) acts in contravention of an Order made by the Minister under the provision to sub-section (1) or of the terms and conditions of a license issued by the Director under the authority of any such Order;

10. (1) The owner of any forest may, with the approval of the Director, place it under the protection, control and management of the Department of Forests subject to such conditions relating to the liability for expenses, the duration and termination of such protection, control and management, as may be agreed upon between the owner and the Director.

(2) So long as any forest as in sub-section (1) is under the protection, control and management of the Government, it shall for the purposes of such protection, control and management be deemed to be a State Forest and with the exception of sections 4 and 9 the provisions of this Law and of the Regulations made thereunder relating to Main State Forests shall apply to such forest.

(3) Any forest placed by its owner under the protection, control and management of the Department of Forests under a law repealed by this Law, shall be deemed to have been placed under the protection, control and management of the Department

of Forests under the provisions of this Law, subject to the same conditions with regard to the payment of expenses and the termination of the protection,

control and management as have been agreed upon between the Director and the owner when such forest was placed under such protection, control and management.

11. (1) The Director or any Forest Officer duly authorized by him in this respect may, in his discretion, if he deems it necessary for the protection of a State Forest so to do, without reference to the owner or owners, fight and suppress any fire in any privately owned property endangering such State Forest.

(2) The Director shall, in such case, notify the owner or owners of such property as soon as possible and, if such fire was due to the negligence of such owner or owners or of any servants or agents thereof, he may claim from them the whole or part of the expenditure incurred in fighting or suppressing such fire, which shall be paid by them. Provided that if such fire was not due to any negligence as above, the Director may claim from the owner or owners of such property a part of the expenditure incurred, taking into account the value of the immovable property and the benefit secured by the fighting or suppression of such fire.

12. (1) The felling, uprooting, cutting down, conversion to timber, and the transport and conveyance of the trees referred in the Second Appendix, found in or from any private land, save under a license issued by the Director under the provisions of this Law and the Regulations made under this Law:

78A (I)/2003 Provided that the licensee shall carry the license, and prior to any operation referred in subsection (1) shall acquaint the nearest forest or police station as well as the community council.

13. (1) Any person who without authority in any State Forests -

(a) kindles a fire in such forest or within a distance of one kilometer from the edge thereof, or

(b) leaves unextinguished a fire kindled by him in such forest or within a distance of one kilometer from the edge thereof, or

(c) throws in such forest or within a distance of one kilometer from the edge thereof, a lighted match, cigarette, or other object likely to cause fire, or

(d) causes fire as a result of his inconsiderate or negligent use of a cigarette or other inflammable matter or by his omission to take adequate precautions in connection therewith,

shall be guilty of an offence, and shall be liable, in case of conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand pounds, or to both such sentences - Provided that the provisions of paragraph (a) shall not constitute an offence if it is made -

(i) with the written consent of a Forest Officer; or

(ii) by an excursionist and exclusively for the preparation of food within the spaces specially allowed and arranged by the Forest Department; or

78A (I)/2003 (iii) by the occupier of a house situated within such forest or

within a distance of one kilometer from the edge thereof, and exclusively for the preparation of food with in spaces specially arranged for this purpose, inspected and approved by the Director

78A (I)/2003 Further, provided that the Director or any other forest officer duly authorized by him in that behalf, may enter at reasonable time in any private property with the consent of the legitimate occupier of that property or any representative of the occupier.

(2) Any person not otherwise authorized under the provisions of this Law or of the Regulations made thereunder nor acting under a license issued by the Director or any person authorized by him in that behalf, who in any State Forest 5(b) or 49/87 (a) clears, digs, cultivates, plants, cuts or excavates any land or deposits thereon any matter for any purpose; (b) fells, cuts, uproots, taps or in any way destroys or damages any tree shrub or bush; (c) grafts or tends any tree or shrub; (d) extracts, collects or removes any forest produce; (e) trespasses with, or grazes, any cattle or fails to prevent any cattle to trespass or graze therein; (f) erects any building, fold, kiln, still, advertisement or publicity poster or any other structure; (g) sinks a well, opens water channels, lays pipes, constructs dams, erects water tanks or reservoirs, diverts or otherwise uses any water therein; or (h) occupies or uses any land or forest building situated in such forest for any purpose, shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding nine months or to a fine not exceeding thousand pounds or to both such imprisonment and fine.

(3) Any person who in any State Forest -5(e) of 49/87 (a) removes, defaces or injures any boundary or survey mark made or erected by or under the direction of the Director;

(b) counterfeits upon any timber or forest produce a mark used by Forest Officers to indicate that such timber or produce is the property of the Republic, or that it may be lawfully cut or removed or that it has been graded by a Forest Officer; (c) counterfeits or issues without due authority in this respect any license for the cutting, removal or sale of timber or forest produce; (d) alters, obliterates or defaces any stamp, mark, sign or license used or issued by the Forest Department or under the authority of this Law or of the Regulations made thereunder; (e) interferes with, cuts, destroys or in any way damages any forest telephone; (f) interferes with, destroys, obstructs or in any way damages any forest road; 3(b) of 27(I)/99 (g) interferes with, occupies, destroys or in any way damages any forest building; (h) throws, dumps, or stores any refuse rubbish; 5(d) of 49/87 shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding four hundred and fifty pounds or to both such imprisonment and fine.

2 of 44/91 (3A) On contravention of any of the provisions of the paragraphs (a), (f) or (g) of subsection (2) and notwithstanding any other proceedings which may be taken against the offender, the

Director may, if the offender is known -Schedule. (a) Serve on the offender a written notice, in the form set forth in the Schedule A of this Law and require within a

reasonable time under the circumstances the moving away, demolition, dissolution and dismantlement of any structure and the removal of any other matter deposited or used for the committing of the offences provided in the said paragraphs.

(b) In the event of non-compliance to the written notice provided by the paragraph (a) of this subsection, move away, demolish, dissolve or dismantle any structure and remove any other matter deposited or used for the committing of the offences provided in the said paragraphs and claim by action against the offender all necessary expenses for the moving away, demolition, dissolution, dismantlement or removal.

(4) In addition to the imposition of any penalty for an offence committed in contravention of the provisions of this section, the Court trying the offence may order -

(a) the destruction within a specified time by uprooting or otherwise, of any plantation or sowing connected with such offence and the termination of the committed trespass; or

(b) the demolition within a specified time of any barrack or structure connected with the aforesaid offence, the removal of any pipes or materials, the embankment up of any well or ditch and the termination of the committed trespass.

(5) In the event of non-compliance of the offender to any order issued under subsection (4) without prejudice to the powers of the Court to impose any punishment for contempt of Court, it shall be lawful for the Director to execute such order and the costs incurred for this purpose, shall be collected from the person responsible by way of fine in accordance with the execution and recovery of fines of the Criminal Procedure Law. Regulations. 14. (1) The Council of Ministers may, from time to time, make Regulations for all or any of the following purposes, that is to say

(a) regulating the felling, collecting, taking extracting, converting and removing of forest produce or of any specified kind of forest produce from any State Forest;

(b) regulating by the issue of licenses or otherwise the transport or conveyance of timber or other forest produce cut, taken or collected from any part of the Republic;

(c) prescribing the manner in which and the persons to whom application shall

be made for the grant of licenses to graze cattle in any State Forest and to collect and take forest produce in any State Forest and to sell any forest produce;

(d) prescribing the fees to be paid for the grant of any license;

(e) requiring holders of licenses to keep books and to render returns and accounts and to submit their books for inspection;

(f) providing for the termination, revocation and forfeiture of licenses;

(g) providing for the classification of Main State Forests or any part thereof and the purposes for which such forests or any part thereof may be used, and regulating the manner in which their protection and management shall be exercised;

(h) providing for the classification of Minor State Forests or any part thereof and the purposes for which such forests or any part thereof may be used and the placing of such forests or any part thereof under the control and management of any authority and regulating the manner in which such control and management shall be exercised by any such authority and empowering any such authority to make rules and to prescribe fees in connection therewith; local authority,

(i) providing for the establishment of a fund or funds to be administered by the Director and prescribing the purposes for which any moneys in such fund or funds may be utilized;

(j) prohibiting the possession, sale or export of forest produce or of any specified kind of forest produce or of timber by any person other than the holders of a license granted under this Law or the Regulations made thereunder or any other person or any class of persons specified in the Regulations;

(k) providing for the seizure and detention of any forest produce or timber taken, sold or possessed in contravention of this Law or of the Regulations made thereunder, or of any tools, tractors, machinery, pipes, instruments or marking instruments, vehicles or cattle, by means of which any offence against this Law or the Regulations made thereunder has been committed and prescribing the manner in which the articles so seized shall be dealt with;

(l) prohibiting or regulating the marking of timber and the manufacture, use and possession of marking instruments;

(m) prohibiting or regulating the erection, use or working of any sawmill or other wood utilizing industry or of any wood-burning steam engines, furnaces, stills or kilns for making or producing bricks, tiles, lime, gypsum, cement, terra-umbra, charcoal, gum, resin, turpentine, tar, pitch or other products;

(n) prohibiting any act which may tend to cause injury to any forest produce in any Main State Forest or Minor State Forest;

(o) prescribing the forms to be used under this Law or the Regulations made thereunder;

(p) regulating or providing for the erection and maintenance of any boundary or survey marks required for the proper demarcation of any State Forest or any part

thereof;

(q) providing for the impounding of stray cattle found in any State Forest and the keeping of such cattle in pound; and prescribing the period during which such

cattle may be kept in pound, the costs and fees to be paid by the owner of cattle kept in pound, the period during which the owner thereof may claim such cattle and the manner of disposal of such cattle where the owner thereof fails to pay the prescribed costs and fees or where he does not claim such cattle; (r) prohibiting or regulating the use of any forest road and prescribing the type, size and weight of vehicles to be permitted to use a forest road;

(s) prohibiting or regulating the use of any forest telephone and prescribing the fees to be paid in respect of such use;

(t) regulating any matter relating to the lease of forest land;

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(u) prohibiting or regulating any business or trade in any state forest;

(v) prohibiting or regulating the placing of any tent, caravan, or other temporary structure within any state forest; and

(w) generally for the better carrying out of the purposes of this Law.

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(2) Regulations made under this Law may impose penalties for any breach thereof; such penalties are imprisonment for a term not exceeding one year or a fine not exceeding thousand pounds or both such imprisonment and fine.

(3) Regulations made under this section shall be laid before the House of Representatives. If within twenty-one days of such laying the House of Representatives does not by resolution amend or annul, in whole or in part, the Regulations so laid, they shall then, soon after the expiry of the period herein before mentioned, be published in the official Gazette of the Republic and they shall come into force as from such publication. In the event of their amendment, in whole or in part, by the House of

Representatives, such Regulations shall be published in the official Gazette of the Republic as so amended by the House and shall come into force as from such publication. Onus of proof.

15. In any prosecution for any contravention of any of the provisions of this Law or of any Regulation made thereunder the onus of proof that any forest produce has not been taken in contravention of this Law or of any such Regulation shall lie upon the person in whose possession the same is found. Assaulting or obstructing

16. Any person who assaults or obstructs any Forest Officer or police officer or other person acting in his aid or assistance in the execution of any duty under this Law shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding one year or to a fine not exceeding thousand pounds or to both such

imprisonment and fine. Requisition of assistance to extinguish fires.

17. (1) In the event of an outbreak of fire in or near any State Forest, any Forest Officer, policeman, chairman of the community council or rural constable may require -

78A (I)/2003 (a) any person of not less than eighteen years of age, residing or working within a radius of thirty kilometers from the point of the outbreak of the fire, to assist in extinguishing the fire, or

78A (I)/2003 (b) any person as aforesaid, who has under his responsibility any car, tractor, digger, or any other motor vehicle situated at a distance of thirty kilometers from the point of the outbreak of the fire, to assist with such car, tractor, digger, or other motor vehicle in extinguishing the fire.

(2) All persons who in response to a request pursuant to subsection (1) render the assistance so required of them shall be remunerated at the current rates of wages prevailing for labour in the vicinity of the outbreak of the fire, in the event of making available a car, tractor, digger, or other vehicle, is paid to the owner or occupier of it, as the case may be a reasonable rent for its use.

(3) Any person who without sufficient excuse, the proof whereof shall lie on him, fails to comply with the request of any Forest Officer, police officer, chairman of the community council or rural constable made under sub-section (1) shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding seven hundred and fifty pounds.

18. In addition to any penalty imposed for an offence against the provisions of this Law or for the breach of any Regulation made thereunder, the Court shall order the accused to pay compensation to the Director in respect of any damages caused

to any State Forest in the commission of the offence and may also order that any cattle or forest produce in respect of which the offence has been committed or any tool, tractor, machinery, pipe, vehicle, instrument or marking instrument in respect of which or by means of which the offence has been committed shall be forfeited.

19. (1) When any person is reasonably suspected of having committed an offence against this Law or the Regulations made thereunder in respect of a State Forest, the Director or Forest Officer duly authorized by him may compound the offence by accepting from such person a payment in money not exceeding the maximum monetary penalty prescribed for the offence. Cap. 152

(2) In the compounding of any offence by the Director or a Forest Officer duly authorized by him under sub-section (1), the provisions of the Compounding of Offences Law shall apply, mutatis mutandis, as in such offence were compounded

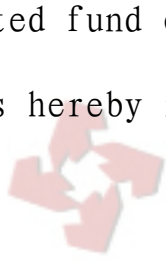
under the provisions of that Law.

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20. Notwithstanding any provision to the contrary of this Law, any lease or license granted under the provisions of the Mines and Quarries Law and the Regulations made under this law, in or over a state forest is not allowed without the consent of the Director. Moneys, etc of any fund administered by the District Officer to vest in the consolidated fund of the Republic.

21. Any moneys lodged, on the date of the coming of this Law into operation, in any fund administered by the District Officer under the provisions of the Law repealed by this Law and any income of any such fund shall, as from that date, vest in the consolidated fund of the Republic.

22. The Forest Law is hereby repealed.



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