



THE  
CEYLON GOVERNMENT  
GAZETTE

EXTRAORDINARY.

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*(Separate paging is given to each Part in order that it may be filed separately.)*

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information:—

**An Ordinance to provide for the protection of the  
Fauna and Flora of Ceylon.**

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows:—

1 This Ordinance may be cited as the Fauna and Flora Protection Ordinance, No. of 1935, and shall come into operation on a date to be appointed by the Governor by proclamation published in the Gazette.

Short title and commencement.

PART I.

NATIONAL RESERVES.

2 (1) The Governor may by proclamation published in the Gazette constitute any specified portion of Crown land a National Reserve and shall in such proclamation direct that the National Reserve so constituted shall be of one of the following classes:—

National Reserves.

- (a) a Strict Natural Reserve,
- (b) a National Park, or
- (c) an Intermediate Zone.

- (2) The Governor may in like manner direct that from a specified date—
- (a) the limits of any National Reserve shall be altered or varied ;
  - (b) any National Reserve shall cease to be a National Reserve ; or
  - (c) a National Reserve of one class shall be a National Reserve of another class.
- Sanctuaries.      3 The Governor may by proclamation published in the Gazette constitute any specified portion of land, whether it is or is not Crown land, a Sanctuary and may in like manner direct that from a specified date—
- (a) the limits of any Sanctuary shall be altered or varied, or
  - (b) any Sanctuary shall cease to be a Sanctuary.
- Entry into National Parks.      4 No person shall, except in accordance with regulations, enter any Strict Natural Reserve or National Park.
- Acts prohibited in Strict Natural Reserves and National Parks.      5 Any person who—
- (a) enters a Strict Natural Reserve or National Park save in accordance with regulations ; or
  - (b) having entered a Strict Natural Reserve or National Park in accordance with regulations—
    - (i) fires any gun,
    - (ii) shoots at, kills, captures, or pursues or attempts to kill, capture, or pursue any wild animal,
    - (iii) does or attempts to do any act in order to disturb any wild animal or to interfere with the breeding place of any such animal,
    - (iv) tethers or turns loose any domestic animal, or permits or suffers any such animal to enter or to graze therein,
    - (v) fells, girdles, lops, taps, burns, or in any way damages or destroys any plant or takes or removes any plant therefrom,
    - (vi) kindles, keeps, or carries any fire,
    - (vii) clears or breaks up any land for cultivation, mining, or for any other purpose, or
    - (viii) possesses or uses any explosive or poisonous substance capable of being used for the injury or destruction of any animal or plant ; or
  - (c) approaching any Strict Natural Reserve or National Park by aeroplane or other means of aerial transport, fires any gun or shoots at or kills any wild animal in that Reserve or Park,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to one year or to both such fine and imprisonment.
- Acts regulated in Intermediate Zones and Sanctuaries.      6 No person shall except in accordance with regulations—
- (a) enter any Intermediate Zone : or
  - (b) in any Intermediate Zone or Sanctuary—
    - (i) fire any gun,
    - (ii) shoot at, kill, capture, or pursue or attempt to kill, capture or pursue any wild animal, or
    - (iii) do or attempt to do any act in order to disturb any wild animal or to interfere with the breeding place of any such animal ; or
  - (c) in any Intermediate Zone—
    - (i) tether or turn loose any domestic animal or permit or suffer any such animal to enter or to graze therein ;
    - (ii) fell, girdle, lop, tap, burn, or in any way damage or destroy any plant or take or remove any plant therefrom ;
    - (iii) kindle, keep, or carry any fire ;
    - (iv) clear or break up any land for cultivation, mining, or for any other purpose ; or
    - (v) possess or use any explosive or poisonous substance capable of being used for the injury or destruction of any animal or plant.
- Regulations.      7 Regulations may be made—
- (a) prescribing the conditions subject to which persons may enter any National Park or Intermediate Zone and regulating the acts which may be done therein ;
  - (b) prescribing the purposes for which and the circumstances in which the Warden may grant permission to any person to do any act in any National Park, Intermediate Zone or Sanctuary not otherwise authorized by this Part ;

- (c) declaring that the provisions of this Part of this Ordinance shall apply to any specified insect as if that insect were an animal within the meaning of section 9;
- (d) declaring that the provisions of this Part of this Ordinance shall not apply to any specified animal in any specified area.

8 Any person who commits a breach of any regulation made under this Part of this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

Punishment for breach of regulations.

9 In this Part of this Ordinance, unless the context otherwise requires—

Interpretation.

“animal” includes all birds, reptiles, fishes, and every kind of vertebrate animal,

“domestic animal” includes—

(a) cattle, sheep, goats, horses, asses, mules, and dogs, and

(b) when they are domesticated by man, elephants, buffaloes, pigs, deer, hare, rabbits and any other animal of whatever species;

“plant” includes all members of the vegetable kingdom, whether living or dead, and any part of a plant;

“wild animal” includes all animals which are not domestic animals.

## PART II.

### TUSKERS, ELEPHANTS, BUFFALOES, DEER AND FOWL.

10 (1) No person shall, in any area outside a National Reserve or Sanctuary, shoot at, kill, capture, or pursue or attempt to kill, capture, or pursue any tusker, elephant, or buffalo, or any deer or fowl without having obtained a licence in that behalf from the Warden.

Tuskers, elephants, buffaloes, deer and fowl not to be killed, &c., without a licence.

(2) Every licence to do any act mentioned in sub-section (1) shall be in the prescribed form and subject to the payment of the prescribed stamp duty, and shall continue in force for such period and within such local limits and be subject to such conditions as the Warden may think fit to inscribe thereon.

11 (1) Whenever it appears to the Warden that in any area outside a National Reserve damage to persons or to crops, plantations, or other property is likely to be caused by tuskers, elephants, buffaloes, or deer, he may by notices affixed in conspicuous places within that area declare that area to be one within which damage by tuskers, elephants, buffaloes, or deer, as the case may be, is likely, and may issue licences upon such conditions as he may inscribe thereon and either free of stamp duty or subject to such stamp duty not exceeding the duty otherwise prescribed for such a licence as he may deem fit to impose, to shoot at, kill or capture tuskers, elephants, buffaloes or deer, as the case may be, within that area while the declaration is in force;

Declaration of areas in which damage by tuskers, elephants, buffaloes, or deer is likely.

Provided, however, that nothing in this section shall be deemed to require any person residing or cultivating land in that area to obtain a licence to shoot at, kill, or capture tuskers, elephants, buffaloes, or deer, as the case may be, while the declaration is in force.

(2) Every declaration under sub-section (1) shall be forthwith reported by the Warden to the Executive Committee and shall be valid and continue in force for a period of twenty-one days from the date of such declaration.

(3) The Executive Committee may by notification in the Gazette confirm, revoke, extend or otherwise amend such declaration, but without prejudice to anything done or suffered thereunder prior to the publication of such notification.

12 A reward of not more than one hundred rupees may, with the approval of the Executive Committee, be paid by the Warden in respect of each tusker or elephant killed in any area in which a declaration under section 11 (1) relating to tuskers or elephants is in force, or in any area outside a National Reserve in which damage has been or is being caused by tuskers or elephants, although no such declaration is in force in such area.

Rewards in certain cases.

13 (1) Whenever in any area outside a National Reserve—

(a) any tusker, elephant, or buffalo or any deer, or fowl trespasses or attempts to trespass in or upon any land under any cultivation, or

(b) any buffalo bull joins and accompanies a herd of domestic buffaloes—

Killing, &c., of tuskers, elephants, buffaloes, deer and fowl without licence in certain cases.

it shall be lawful for any person without a licence to shoot, kill, capture, or pursue or attempt to shoot, kill, capture or pursue such tusker, elephant, or buffalo or such deer or fowl.

(2) It shall be lawful for the owner or person in charge of any land in or upon which any tusker or elephant has trespassed under sub-section (1) to follow up and shoot, kill, or capture the tusker or elephant, after having first given information of the trespass and of the damage, if any, to the nearest Headman or Police Officer.

(3) The Governor may if he thinks it expedient by proclamation published in the *Gazette* suspend the operation of this section for any period either throughout the Island or in any specified part of the Island.

(4) The Warden may, upon being satisfied that any tusker or elephant has trespassed on any land as provided in sub-section (1), issue a special licence, in the prescribed form and subject to the payment of the prescribed stamp duty and to such conditions as he may think fit to inscribe thereon, to any person to follow up and shoot such tusker or elephant.

Killing or capturing under sections 11 or 13 to be reported.

**14** (1) Whenever a tusker, elephant, or buffalo or a deer, or fowl, is killed or captured under the provisions of section 11 or section 13, information thereof shall be given by the person who kills or captures the tusker, elephant, or buffalo, or the deer or fowl, with as little delay as possible to the nearest Headman or Police Officer.

(2) Whenever a tusker or elephant is killed or captured under the provisions of sub-section (1) or sub-section (2) of section 13, or of the proviso to section 11 (1), the tusker and its tusks, or the elephant, as the case may be, shall be the property of the Crown.

Royalties payable on tuskers and elephants exported.

**15** (1) A royalty according to such rates as may from time to time be prescribed, shall be levied by the officers of customs at the port of shipment in respect of every elephant, whether wild or tame, removed from the Island to any place outside the Island.

(2) No tusker shall be removed from the Island to any place outside the Island except with a special permit issued by the Warden on payment of the prescribed royalty.

(3) This section shall have effect as though it formed part of Ordinance No. 17 of 1869, and the provisions of that Ordinance shall apply accordingly.

Offences—tuskers.

**16** Any person who—

(a) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder, shoots at, kills, captures, or pursues, or attempts to kill, capture or pursue, any tusker; or

(b) removes or attempts to remove any tusker from the Island without having obtained a permit under section 15 (2), or in any way attempts to evade payment of the royalty imposed under that section—

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to one year or to both such fine and imprisonment and where any person is convicted of any offence under paragraph (a) of this section the tusker, if captured, and the tusks shall be confiscated by order of the court by which the offender is convicted.

Offences—Elephants.

**17** Any person who—

(a) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder, shoots at, kills, captures, or pursues, or attempts to kill, capture, or pursue, any elephant; or

(b) removes or attempts to remove any elephant from the Island without having paid the royalty leviable under section 15 (1) or in any way attempts to evade payment of such royalty—

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment, and where any person is convicted of any offence under paragraph (a) of this section, the elephant, if captured, shall be confiscated by order of the court by which the offender is convicted.

Offences—Buffaloes, deer and fowl.

**18** Any person who—

(1) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder—

(a) shoots at, kills, captures, or pursues or attempts to kill, capture, or pursue any buffalo or any deer or fowl; or

(b) lays or spreads any trap except in or upon any land under any cultivation, for the purpose of capturing or destroying any buffalo, deer or fowl; or

- (2) during the close season, shoots, kills, or captures or attempts to shoot, kill, or capture any deer or fowl, or takes the eggs of any fowl,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred rupees or to imprisonment of either description for a term which may extend to three months or to both such fine and imprisonment.

- 19 (1) No person shall possess a tusker or elephant unless—  
(a) he is the captor of that tusker or elephant—

Unlawful possession of tusker or elephant.

- (i) under a licence issued under this Ordinance or any regulation made thereunder, or under any written law repealed by this Ordinance, or  
(ii) at a kraal duly held under the provisions of any written law ;

- (b) he is the successor in title to such captor ;  
(c) he is in possession on behalf of such captor or his successor in title ; or  
(d) that tusker or elephant is the offspring of an elephant lawfully captured under this Ordinance or any regulation made thereunder, or under any written law repealed by this Ordinance.

(2) Any person who possesses a tusker or elephant in contravention of sub-section (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment, and subject to the rights of any lawful captor or possessor, the tusker or elephant shall be confiscated.

20 Where a person is reasonably suspected of being the unlawful captor or possessor of a tusker or of an elephant, it shall be lawful for any police officer or Headman or Warden to seize and detain such tusker or elephant in his custody pending the order of a Police Magistrate thereon.

Power of police officer to detain tusker or elephant on suspicion.

21 Any person who during a close season, or without a licence in that behalf at any other time, is found in possession of any fresh meat of any deer or fowl or any fresh hides or horns of any deer or of any freshly taken skin, feathers or eggs of any fowl, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description for a term which may extend to three months or to both such fine and imprisonment.

Unlawful possession of fresh meat of deer and or fowl, &c.

22 The provisions of this Part of this Ordinance relating to the killing, capturing, or pursuing of tuskers, elephants or buffaloes shall not apply to any act done at any kraal lawfully held under the provisions of any written law for the time being in force.

Part II not to apply to act done at kraals lawfully held.

23 Regulations may be made prescribing the circumstances in which and the conditions subject to which the Warden may issue either free of stamp duty or on payment of less than the prescribed duty, any licence required under this Part of this Ordinance.

Regulations.

\* 24 In this Part of this Ordinance, unless the context otherwise requires—

Interpretation.

“ buffalo ” means a wild buffalo ;

“ deer ” means any of the following species of deer :—

- (a) Sambur (*Rusa unicolor*),  
(b) Spotted deer (*Axis axis Ceylonensis*),  
(c) Red or barking deer (*Muntiacus Malabaricus*),  
(d) Paddy field or hog deer (*Myelaphus porcinus*) ;

“ elephant ” means a wild elephant other than a tusker ;

“ fowl ” means any of the following species of fowl or partridge :—

- (a) Pea fowl (*Pavo cristatus*),  
(b) Ceylon spur fowl (*Calliperdix bicalcarata*),  
(c) Grey partridge (*Francolinus pondicerianus*),  
(d) Painted partridge (*Francolinus pictus*) ;

“ tusker ” means a wild elephant having a tusk or tusks.

### PART III.

#### BIRDS, BEASTS AND REPTILES.

25 Any person who, in any area outside a National Reserve or Sanctuary and save in accordance with regulations—

Offences with regard to birds, beasts, and reptiles in Schedule I.

- (a) knowingly kills or attempts to kill, or wounds or captures, or uses any boat for the purpose of killing or capturing any bird, beast or reptile included for the time being in Schedule I. or  
(b) takes or destroys the eggs or nest of any such bird or reptile ; or

- (c) uses any lime, or any trap for the purpose of killing or capturing any such bird, beast or reptile ; or
- (d) has in his control or possession any such bird, beast, or reptile recently killed or captured, or the feathers or skin of such bird, beast or reptile recently killed or captured or the recently taken eggs of any such bird or reptile ; and

any person who in any such area exposes or offers for sale any part of such bird, beast, or reptile, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment :

Provided that no person shall be convicted under this section of capturing any bird or beast if the court is satisfied that the bird or beast was captured *bona fide* for the purpose of being kept alive in captivity as a cage bird or beast or otherwise.

Offences with regard to birds and beasts included in Schedule II.

26 In any area outside a National Reserve or Sanctuary, any person who, during the close season and save in accordance with regulations, does with respect to any bird or beast included for the time being in Schedule II. or with regard to the eggs, nest or feathers of any such bird or the skin or any other part of such beast, any of the acts mentioned in paragraphs (a), (b), (c), or (d) of section 25, and any person who in any such area and during such season exposes or offers for sale the feathers or skin of any such bird or beast or purchases the feathers or skin of any such bird or beast for the purpose of preparing such feathers or tanning such skin for use, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten rupees or to imprisonment of either description for a term which may extend to two weeks or to both such fine and imprisonment.

Penalty for refusing to give name and place of abode.

27 Where any person is found offending against this Part of this Ordinance, it shall be lawful for any other person to require the person offending to give his name and place of abode, and in case the person so offending, after being so required, refuses to give his correct name or place of abode or gives an incorrect name or place of abode, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty rupees or to imprisonment of either description for a term which may extend to two weeks or to both such fine and imprisonment.

Alteration of Schedules.

28 The Executive Committee may from time to time by notification in the *Gazette* direct that the name of any bird, beast or reptile be included in or expunged from Schedule I. or that the name of any bird or beast be included in or expunged from Schedule II.

Certificate of Director of Colombo Museum.

29 The production of a certificate purporting to be signed by the Director of the Colombo Museum with regard to any bird, beast, or reptile which is alleged to be a bird, beast or reptile included in any Schedule referred to in this Part of this Ordinance, or with regard to any part of any bird, beast or reptile which is alleged to be so included, shall be sufficient *prima facie* evidence of the facts therein stated.

Temporary prohibition against killing or taking any bird in specified areas.

30 (1) The Executive Committee may by notification in the *Gazette* declare that for a specified period not exceeding three months from the date of the notification, no person shall shoot, kill, trap, or capture any bird of any species whatever in any area outside a National Reserve or Sanctuary specified in the notification, and any person who in any such area and during such period shoots, kills, traps or captures any bird, save on land which is under any cultivation, shall be guilty of an offence and shall be liable on conviction, to a fine not exceeding twenty-five rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

Regulations.

31 Regulations may be made prescribing the circumstances in which and the conditions subject to which any person may be permitted to do any act which is expressed in section 25 or section 26 to be prohibited save when done in accordance with regulations.

Prohibition of import of non-indigenous animals without a licence

32 (1) Save in accordance with the conditions of a licence in the prescribed form obtained from the prescribed officer on payment of the prescribed duty, no person shall import into the Island any living animal of a species which is not indigenous to the Island.

(2) In this section "animal" means any animal as defined in section 9, other than a fish.

(3) This section shall have effect as though it formed part of Ordinance No. 17 of 1869 and the provisions of that Ordinance shall apply accordingly.

**33** Regulations may be made—

Regulations.

- (a) requiring a certificate from an approved authority that any animal imported under a licence issued under section 32 is free from infection or disease ;
- (b) prohibiting any animal imported under a licence issued under section 32 from being released or turned loose in any part of the Island or prescribing the area or areas within which such animal may be released or turned loose ;
- (c) exempting any specified species of animal from any regulation made under this section.

**34** (1) Any person who does any act in contravention of the provisions of section 32 or contrary to the tenor of any licence issued to him under that section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

Penalty for contravention of section 32.

(2) Any person who releases or turns loose any animal which has been imported on contravention of section 32 shall in addition to any punishment to which he may be liable under sub-section (1) be liable to a fine of one hundred rupees in respect of each animal so released or turned loose.

**PART IV.****PLANTS.**

**35** The Executive Committee may by notification in the *Gazette* direct that any plant specified in the notification shall not, either throughout the whole Island or in any specified area, be uprooted, destroyed, injured, removed, sold, or exposed for sale, except in accordance with the conditions of a licence obtained in that behalf from the prescribed officer.

Prohibition of the uprooting or destruction of certain plants.

**36** Regulations may be made—

Regulations.

- (a) for prohibiting or regulating the exportation from the Island of any specified plant ;
- (b) for prohibiting or regulating the importation into the Island of any specified plant ;
- (c) regulating the transfer of any specified plant from one locality to another within the Island ;
- (d) generally for the purpose of preventing the introduction into the Island and the spreading therein of weeds, or of pests and diseases injurious to or destructive of plants.

**37** Any person who—

Offences.

- (a) uproots, destroys, injures, removes, sells, or exposes for sale any plant in contravention of any notification under section 35 or contrary to the tenor of any licence issued thereunder ; or
- (b) does any act in contravention of any regulation made under this Part of this Ordinance,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

**38** In this Part of this Ordinance, unless the context otherwise requires, "plant" includes all members of the vegetable kingdom and any part of a plant other than a flower.

Meaning of "plant".

**PART V.****MISCELLANEOUS PROVISIONS.**

**39** (1) No person shall carry on or exercise the business or trade of a taxidermist or any business or trade for the purchase or sale of any animal, whether living or dead, or any part of any dead animal except with a licence in that behalf obtained from the Warden.

Taxidermists to be licensed.

(2) Every such licence shall be issued free of charge and shall be subject to the prescribed conditions.

(3) In this section "animal" means an animal as defined in section 9, but does not include a domestic animal.

**40** (1) Save in accordance with the conditions of a licence in the prescribed form, obtained from the prescribed officer on payment of the prescribed duty, no person shall export from the Island—

Prohibition of export of animals without a licence.

- (a) any animal, whether living or dead, or
- (b) the horns, skin, plumage or any other part of any animal.

(2) This section shall have effect as though it formed part of Ordinance No. 17 of 1869 and the provisions of that Ordinance shall apply accordingly.

(3) In this section "animal" means any animal as defined in section 9, other than a living elephant or tusker, whether wild or tame or a domestic animal.

Prohibited roads.

41 (1) The Executive Committee may by notification in the *Gazette* declare any road in any area outside a National Reserve or Sanctuary to be a prohibited road.

(2) Any person who discharges any gun on any prohibited road or on any road reservation along such road shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

(3) A list of all roads prohibited under sub-section (1) shall be posted up at some conspicuous place in every Kachcheri, court-house and resthouse situate within the district in which any such road or part of such road lies.

Prohibition of shooting from vehicles.

42 No person shall shoot or attempt to shoot any animal, whether wild or domestic, while he is sitting in or standing upon any part of any vehicle of any kind.

## PART VI.

### GENERAL.

#### *Licences.*

Refusal or revocation of licences.

43 (1) The Warden or any other officer empowered to issue a licence under this Ordinance or any regulation made thereunder may in his discretion refuse to issue any such licence and may, by notice in writing to any person to whom any such licence has been issued, revoke such licence.

(2) Any person aggrieved by the refusal or revocation of any licence may appeal against such refusal or revocation to the Executive Committee within seven days from the date of such refusal or revocation being communicated to him and the decision of the Executive Committee on any such appeal shall be final and conclusive.

Licences not to be transferred.

44 (1) No person other than the person actually named in any licence issued under this Ordinance or any regulation made thereunder shall be entitled under cover of that licence to do any act to authorize which that licence was issued.

(2) Any person who—

(a) transfers to any other person any licence issued to him under this Ordinance or any regulation made thereunder ; or

(b) accepts any licence transferred in contravention of paragraph (a) ; or

(c) in any case where no other punishment is provided by this Ordinance, commits a breach of any of the conditions of any licence issued to him under this Ordinance or any regulation made thereunder,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

Shooting, &c., at night not to be authorized by licence.

45 No licence issued under this Ordinance or any regulation made thereunder shall be deemed to authorize the licensee to shoot at, kill, capture, pursue, or take any animal as defined in section 9 between the hours of sunset and sunrise unless special permission in that behalf is inserted in the licence.

Offences and penalties.

46 Any person, who does any act in contravention of any of the provisions of this Ordinance or any regulation made thereunder, shall be guilty of an offence punishable, where no other penalty is expressly provided by this Ordinance, with a fine not exceeding two hundred rupees or with imprisonment of either description for a term which may extend to three months or with both such fine and imprisonment.

#### *2. Offences and Penalties.*

Exemptions from liability.

47 (1) Nothing shall be deemed to be an offence under this Ordinance or any regulation made thereunder which is done—

(a) for the purpose of protecting any crop, plantation, or other property from any damage caused or likely to be caused by any animal trespassing on any land on which such crop, plantation, or other property is situate ; or



- (b) for the purpose of protecting any human being or any domestic animal from any immediate danger or injury by any wild animal ; or
- (c) for the purpose of killing, destroying, pursuing or capturing, in or in the immediate vicinity of any human dwelling or of the land on which such dwelling is situate, any leopard, bear, wild boar, crocodile, or poisonous reptile ; or
- (d) with the written permission of the Warden, for the preservation or scientific study of the fauna and flora in any National Reserve or Sanctuary or for any prescribed purpose ;
- (e) in accordance with any provision of this Ordinance or any regulation made thereunder.

(2) In this section the expressions " animal," " domestic animal," and " wild animal " have the meanings assigned to those expressions respectively in section 9.

48 No prosecution for any offence under this Ordinance or any regulation made thereunder shall be instituted except with the written sanction of the Warden.

Prosecutions to be sanctioned.

49 All offences under this Ordinance or any regulations made thereunder shall be summarily triable by a Police Court and such court shall have power to award the punishments hereinbefore prescribed, anything in the Criminal Procedure Code, 1898, or any other Ordinance to the contrary notwithstanding.

Jurisdiction of Police Courts.

50 Any gun, trap, net or other contrivance or appliance used in or for the commission of any offence under this Ordinance or any regulation made thereunder may be confiscated by order of the court by which the offender is convicted of any such offence.

Confiscation of guns, &c.

51 It shall be lawful for any Police Court imposing a fine under this Ordinance or any regulation made thereunder to award to the informer any share not exceeding one-half of so much of the fine as is actually recovered and realized.

Informer's share of fines.

52 Any officer of the Police, Revenue, Forest or other Department of Government, not below the prescribed rank, may, subject to such restrictions as may be prescribed, stop and search any person whom he reasonably suspects of having committed any offence under this Ordinance or any regulation made thereunder, or any vessel or vehicle in which he reasonably suspects any such person to be.

Powers of search.

### 3. *Appointment of Officers and Advisory Committee.*

53 (1) The Governor may appoint—

Appointment of officers.

- (a) any person by name or by office to be or to act as Warden for the purposes of this Ordinance ;
- (b) any person by name or by office to be or to act as Deputy Warden for the purposes of this Ordinance ;
- (c) any person to be or act as District Warden for any specified district or area ;
- (d) any person to act as an Honorary District Warden of any National Reserve or Sanctuary ;
- (e) such other officers and servants as may from time to time be required for the purposes of this Ordinance.

(2) In the exercise of their powers and in the discharge of their duties under this Ordinance, all persons, officers and servants appointed by the Governor under this section shall be subject to the general direction and control of the Executive Committee.

(3) All persons, officers, and servants appointed under this section shall be deemed to be public servants within the meaning of the Ceylon Penal Code.

54 The Warden may with the approval of the Executive Committee delegate to any District Warden in respect of his district or area or to any Honorary District Warden in respect of the National Reserve or Sanctuary for which he is appointed any power or duty conferred or imposed on the Warden by this Ordinance or any regulation made thereunder.

Powers of District Wardens.

55 (1) The Governor may appoint an Advisory Committee, which shall consist of the Warden as Chairman and of eleven other persons, for the purpose of advising the Warden and making recommendations to the Executive Committee on matters and questions affecting the protection of the fauna and flora of Ceylon.

Advisory Committee.

(2) Meetings of the Advisory Committee shall be held at least twice in every year.

## 4.—Regulations.

## Regulations.

56 (1) The Executive Committee may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Executive Committee may make regulations for or in respect of all or any of the following matters :—

- (a) the circumstances in which and the conditions subject to which the Warden may grant permission to any person to do any act not otherwise authorized by this Ordinance, for the purposes of the preservation or scientific study of the fauna and flora of the Island ;
- (b) the circumstances in which and the conditions subject to which any licence under this Ordinance or any regulation thereunder may be issued free of charge ;
- (c) the prohibition or regulation of the import, manufacture, sale, possession, or use of any headgear so constructed as to be capable of being fitted with any electric or acetylene light, or of any such light constructed so as to be capable of being fitted into any headgear ;
- (d) the period of office of the members of the Advisory Committee appointed under section 55, the manner in which meetings of that Committee shall be convened, the procedure to be followed at such meetings, and the manner in which the recommendation of that Committee shall be made ;
- (e) the declaration of any period, other than that specified in section 57, as a close season in respect of any particular species or bird or beast, either throughout the whole Island or in any specified area ; and
- (f) all matters stated or required by this Ordinance to be prescribed.

(3) Every regulation made by the Executive Committee shall be brought before the State Council by a motion that such regulation shall be approved and, if so approved, shall be submitted to the Governor for ratification. No regulation made by the Executive Committee shall have effect until it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the *Gazette*.

(4) A regulation made by the Executive Committee when approved by the State Council and ratified by the Governor shall, upon notification of such approval and ratification in the *Gazette*, be as valid and effectual as if it were herein enacted.

## 5. Interpretation, Repeals, and Savings.

## Interpretation.

57 In this Ordinance, unless the context otherwise requires—

“ close season ” means the period from April 30th to October 31st in each year, or such other period as may be prescribed in respect of any particular species of bird or beast either throughout the whole Island or in any specified area ;

“ Crown land ” means all land to which the Crown is lawfully entitled together with all rights, interests, and privileges attached or appertaining thereto ;

“ Executive Committee ” means the Executive Committee of Agriculture and Lands ;

“ gun ” means any gun as defined in the Firearms Ordinance, No. 33 of 1916 ;

“ prescribed ” means prescribed by this Ordinance or by regulations made thereunder ;

“ regulation ” means a regulation made by the Executive Committee of Agriculture and Lands under this Ordinance ;

“ trap ” includes any snare, net, pitfall, or other device for capturing, killing, or injuring any animal as defined in section 9, and also any device or construction used for the concealment of human beings in order to facilitate the capturing, killing or injuring of any such animal ;

“ Warden ” means the person appointed by the Governor to be or to act as Warden under section 53, and includes the Deputy Warden appointed under that section.

Savings—  
Licence.

58 Every licence issued by any authority under any written law repealed by this Ordinance for the doing of any act for which a licence is required by this Ordinance, shall be valid and continue in force until the expiration of the period for which it was granted.

59 All such proclamations, notifications, and orders issued, and all such regulations and rules made, and all such concessions, permissions and authorizations given, and all such royalties fixed under any written law repealed by this Ordinance as are in force at the date on which this Ordinance comes into operation shall, so far as they relate to matters for which provision may in any manner be made under this Ordinance and so far as they are not inconsistent with the provisions of this Ordinance, continue in force until provision in regard to such matters is made in accordance with the provisions of this Ordinance.

Proclamations, notifications, rules, &c.

60 The provisions of written law specified in the second column of Schedule III. are hereby amended or repealed in the manner and to the extent specified in the third column of that Schedule.

Repeals.

SCHEDULE I.

(Section 25.)

List of Birds absolutely protected.

English Name.	Scientific Name.	Sinhalese Name.	Tamil Name.
Ceylon Magpie	.. Cissa Ornata	.. Kehibella	.. —
Paradise Fly-catcher	.. Tersiphone paradisi	paradisi Redi-hora, hora	Gini- Vedi-vat-kuruvi
Orange Minivet	.. Pericrocotus flammeus	speciosus Gini-kurulla	.. Mampala-kuruvi
Malabar Small Minivet	Pericrocotus malabaricus peregrinus	Kos-kurulla	.. Mampala-kuruvi
Southern Hill-Mynah	.. Eulabes religosa	.. Sela-lihiniya	.. Malai-nakana-pachchi
Ceylon Hill-Mynah	.. Eulabes ptilogenys	.. Sela-lihiniya	.. Malai-nakana-pachchi
Black-headed Oriole	.. Oriolus xanthornus Ceylonensis	Kaha-kurulla	.. Mampala-kuruvi man-kuyil
Painted-Thrush, Indian Pitta	Pitta brachyura	.. Avichchiya	.. Aru-mani-kuruvi, tōtta-kallan
Woodpeckers of all species	All members of the family Picidae	Kerella	.. Maran-kotti, tachchan kuruvi
Indian Roller (Blue Jay)	Coracias indica benghalensis	Dumbona, Kuvuluwa	dun- Panam-kakam, tōttukili
Kingfishers of all species	All members of the family Alcedinidae	Pilihuduwa	.. Minkotti
Malabar Pied Hornbill	Anthracoceros coronatus	Poruwa-kendetta	.. Irattai-chondu-kuruvi
Ceylonese Hornbill	.. Lophoceros griseus galensis	gin- Kendetta	.. Irattai-chondu-kuruvi
Ceylon Hoopoe	.. Upupa epops Ceylonensis	Porowa-kurulla	.. Chaval-kuruvi
Ceylon Trogon	.. Harpacles fasciatus	.. Gini-kurulla	.. —
Storks of all species	.. All members of the sub-family Ciconiidae	Kokka, Mana or Datu-eluwa	or Narai
Purple Heron	.. Ardea purpurea lensis	manil- Karawala-kokka, barendi-kokka	Chen-narai
Large White Egret	.. Egretta alba modesta	.. Loku-sudda-kokka, badadel-kokka	Periya-vellai kokku
Smaller White Egret	.. Egretta intermedia intermedia	Sudda-kokka	.. Vellai-kokku
Little Egret	.. Egretta garzetta garzetta	Sudda-kokka	.. Sinna-vellai kokku
Cattle Egret	.. Bubulcus ibis mandus	Harak-kokka	.. Nūni-kokku
Bear Monkey, or Wanduroo	Hill Ratufa mairourna senex monti cola	Pithe- Maha Wandura	.. Periya Mundi
Grey Flying Squirrel	.. Petaurista hunka philippensis	Hambawa or Hangu	Paravai-anil
Small Ceylon Flying Squirrel	Pteromys layardi	.. Hambawa	.. Paravai-anil

List of Reptiles absolutely protected.

Water lizard	.. Varanus salvator	.. Kabaragoya	.. Kabaragoyen
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SCHEDULE II.

(Section 26.)

List of Birds and Beasts protected during the Close Season.

English Name.	Scientific Name.	Sinhalese Name.	Tamil Name.
Jungle Fowl	.. Gallus lafayettii	.. Weli-kukula, kikili	weli- Kaddu-koli
Bustard Quail	.. Turnix javanica leggei	.. Bola-watuwa	.. Kadai
Golden Plover	.. Pluvialis dominicus fulvus	Oleyiya, watuwa	rana- Kotan
Snipe, all species including Jack-snipe and Painted snipe	Ganus Gallinago all species Limnocyptes minima	Kes-watuwa	.. Ullan-kuruvi
—	.. Rostratula benghalensis	Raja-watuwa, keswatuwa	ulu- Ullan-kuruvi
Whistling teal	.. Dendrocygna javanica	.. Seruwa	.. Chemba-tara
Cotton Teal, Duck	Quacky Nettopus coromandeli anus	Mal-seruwa	.. Raja-tara

## SCHEDULE III.

(Section 60).

Number and Year.	Short Title.	Nature and Extent of Repeal or Amendment.
1 of 1909 (11,873)	The Game Protection Ordinance, 1909	<p>1. The words " Game, Wild Beasts, Birds, Reptiles, and " occurring in the title of the Ordinance shall be repealed.</p> <p>2. The preamble shall be repealed.</p> <p>3. <i>Part I.</i></p> <p>(1) In section (1), for all the words from " "The Game Protection Ordinance, 1909,"" to the end of the section, there shall be substituted the words 'the Fish Protection Ordinance, 1909.'</p> <p>(2) In section 3 (2), the words " beasts, birds, or " shall be repealed.</p> <p>4. <i>Part II.</i></p> <p>The whole Part (sections 4 to 13B) shall be repealed.</p> <p>5. <i>Part III.</i></p> <p>(1) In section 14, for all the words from the beginning of the section to the word " hereto ", there shall be substituted the words 'The word " fishes " in this Part of this Ordinance means fishes mentioned in Schedule III. hereto.'</p> <p>(2) In sections 14 and 18, the words " birds, beasts, and " shall be repealed wherever those words occur.</p> <p>(3) In sections 15 and 19, the words " birds, beasts, or " shall be repealed wherever those words occur.</p> <p>6. <i>Part IV.</i></p> <p>The whole Part (sections 20 to 26) shall be repealed.</p> <p>7. Schedules II, IV and V shall be repealed.</p> <p>8. <i>In Schedule III.</i></p> <p>(1) The two columns headed respectively " Birds " and " Beasts ", and all the items appearing in those columns, shall be repealed.</p> <p>(2) In the column headed " Fishes ", the items " Perch ", " Gourami " and " Tench " shall be repealed.</p> <p>.. The whole Ordinance shall be repealed.</p>
11 of 1891 (1,740)		

*Objects and Reasons.*

The better protection of the Fauna and Flora of the Island is the object of this Bill which is based partly on the provisions of the Game Protection Ordinance, 1909, and partly on the recommendations of the Fauna and Flora Protection Committee published as Sessional Paper XIX. of 1934.

2. Part I consisting of clauses 2 to 9 is almost entirely new. The intention is to give the Governor power to appoint a Warden for the whole Island with a deputy and a number of district and honorary wardens assisting him, and to create by proclamation three kinds of National Reserves—

- (1) Strict Natural Reserves into which the public are not to be admitted and in which the shooting or trapping of animals and the felling of trees are to be strictly prohibited ;
- (2) National Parks into which the public are to be admitted subject to regulation ; and
- (3) Intermediate Zones in which acts prohibited in the other classes of National Reserves are to be permitted subject to regulation.

3. With regard to specific animals provision is to be made in Part II (consisting of clauses 10 to 24, which are based largely on the existing Ordinance) for the protection of tuskers, other elephants, buffaloes and deer and also of wild fowl in the National Reserves and Sanctuaries. The shooting or capture of these is to be regulated by licence ; but where damage to life or property is anticipated in areas outside the National Reserves the warden is to be given power to issue licences free of charge or at reduced rates, and bona-fide residents of any threatened area are to have the right to shoot these animals in defence of life or property. Tuskers and other elephants can be possessed only if they have been captured under a licence, and can be exported only on payment of a royalty.

4. Part III (clauses 25 to 34) which deals with birds, beasts and reptiles is also based almost entirely on the existing Ordinance. The only new provisions are those in clauses 30 and 32. The former of these is intended to protect birds which in certain areas are rendered helpless by the overpowering scent of plants like the "nelun" when they are in bloom; while clause 32 seeks to regulate by licence the importation of any species of animal or bird which is not indigenous to the Island.

5. Part IV (clauses 35 to 38) which deals with plants is new. The provisions proposed in clause 35 will enable the Executive Committee of Agriculture and Lands by a notification applicable to the whole Island or to any defined area, to regulate by licence the removal or transplantation or sale of specified plants. Power is also to be given by clause 36 to make regulations for controlling both the importation and the exportation of plants.

6. Further protective measures relating to animals are proposed in Part V. Clause 39 provides for the licensing of taxidermists; clause 40, for the control of the exportation of animals and of horns, skins and feathers; and clause 41, for the prohibition of shooting along certain roads outside the National Reserves which are to be declared by the Executive Committee to be prohibited roads. Similarly in Part VI clause 45 seeks to prohibit absolutely the shooting of animals at night, by enacting expressly that licences are not to be issued for that purpose. Power is also to be given by clause 50 to the court convicting an offender to confiscate any gun, trap or net used in the commission of the offence.

7. In clause 55 provision is made for the appointment of an Advisory Committee to advise the Warden and to make recommendations to the Executive Committee of Agriculture and Lands, which is to be empowered by clause 56 to make all the regulations that may be necessary for prescribing the details wherever they are required and laying down the conditions subject to which the various licences are to be issued.

D. S. SENANAYAKE,  
Minister for Agriculture and Lands.

Colombo, October 16, 1935.