

**AN ACT TO AMEND THE SRI LANKA DISASTER  
MANAGEMENT ACT, NO. 13 OF 2005.**

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-

Short title.                    1. This Act may be cited as the Sri Lanka Disaster Management (Amendment) Act, No.13 of 2005.

Amendment of Long Title to Act, No.13 of 2005.                    2. The Long Title to the Sri Lanka Disaster Management Act, No.13 of 2005 (hereinafter Referred to as the “principle enactment”) is hereby amended by the substitution for the words “THE AWARD OF COMPENSATION” of the words “THE AWARD OF RELIEF”.

Amendment of the Preamble to the Act.                    3. The Preamble of the principle enactment is hereby amended by the substitution of the words “within the territory of Sri Lanka” of the words “within the territory of Sri Lanka and their frequency and intensity exacerbated by the impact of climate change.”.

Replacement of section 3 of the Principal enactment.                    4. Section 3 of the principle enactment is hereby repealed and the following section substituted therefore:-

“Constitution of the Council.                    3. The Council shall consist of -

(a) the President, who shall be the Chairman of the Council (hereinafter referred to as the “Chairman”)

(b) the Prime Minister, who shall be the Vice Chairman of the Council (hereinafter referred to as the “Vice Chairman”);

(c) the Leader of the Opposition;

(d) the Minister in charge of the subject of Disaster Management;

(e) the Ministers in charge of the following subjects-

- (i) Agrarian Services;
- (ii) Agriculture;
- (iii) Aviation;
- (iv) Coast Conservation;
- (v) Defence;
- (vi) Education;
- (vii) Environment;
- (viii) Finance;
- (ix) Forest;
- (ix) Health;
- (xi) Home Affairs;
- (xii) Highways;
- (xiii) Housing;
- (xiv) Irrigation;
- (xv) Land;
- (xvi) Mahaweli Development;
- (xvii) Media;
- (xviii) Power;
- (xix) Police;
- (xx) Resettlement;
- (xxi) Tourism;
- (xxii) Urban Development;
- (xxiii) Water Supply; and
- (xxiv) Wild Life

(f) the Chief Ministers of every Provincial Council established by Article 154 of the Constitution:

Provided that in case where the Provincial Council is not elected for any Province, the Governor appointed for such Province; and

(g) the persons referred to in subsection(3).

(2) The Council may from time to time co-opt as a member of the Council, any Minister in charge of any other subject for such period as it may consider necessary.

(3) The Speaker shall in consultation with the Leader of the Opposition, nominate five persons from amongst the opposition Members of Parliament to be members of the Council.

(4) Where a subject referred to in subsection (1) is a subject which the President has assigned to himself or is a subject which has been assigned to the Prime Minister, a person nominated by the President or the Prime Minister, as the case may be, shall represent the President or the Prime Minister at the Council.

(5) The Secretary to the Minister in charge of the subject of Defence and the Secretary to the Ministry of the Minister in charge of the subject of Finance shall attend meetings of the Council on the invitation of the Chairman.

(6) The Director-General of the Disaster Management Centre.

(7) The Secretary to the Ministry of the Minister shall be the Secretary to the Council.”.

Replacement of section 4 of the principal

5. Section 4 of the principle enactment is hereby repealed and the following section substituted therefore:-

enactment.

“Powers & Functions of

the Council 4.(1) The functions of the Council shall be to-

(a) provide policy guidance on disaster management activities; and

(b) monitor and supervise disaster management activities.

(2) In the discharge of its functions under subsection (1), the Council may subject to the provisions of this Act, suspend operation of any executive order that prevents, hinders or delays any necessary action in coping with disasters.

(3) The Disaster Management Centre shall provide the Council with such officers, consultants and employees, as it considers necessary for it to have, in order to discharge its functions under subsection (1).”.

6. Section 5 of the principle enactment is hereby repealed and the following section substituted therefore:-

Replacement of  
section 5 of the  
principal  
enactment

“Meetings 5. (1) The Council shall meet as often as may be necessary, of the but not less than once in every three months; Council.

Provided however, the Council shall meet whenever a national disaster takes in any part of the country, at such time and place as the Chairman may determine.

(2) The Chairman shall, if present preside at all meetings of the

Council. In the absence of the Chairman from any such meeting of the Council, the Vice Chairman shall preside at such meeting.

(3) Where both the Chairman and the Vice-Chairman are not present at any meeting of the Council the Vice Chairman shall authorize the Minister to preside at such meeting.”.

Replacement of section 8 of the principal enactment.

7. Section 8 of the principle enactment is hereby repealed and the following section substituted therefore:-

“Establishment of the Disaster Management Centre. 8. There shall be established for the purposes of this Act, a Disaster Management Centre (in this Act referred to as “the Centre”)headed by a Director-General and such number of other directors as may be determined by the Council. The Director-General shall be appointed by the Council in consultation with the Minister.

Insertion of new section 8A in the principal enactment.

8. The following new section is hereby inserted immediately after section 8 of the principal enactment and shall have effect as section 8A of that enactment:-

Powers and functions of the Centre

8A (1) The Centre shall co-ordinate and facilitates all activities pertaining to disaster management in the country.

(2) Without prejudice to the generality of the provisions contained in subsection (1) the Centre shall-

- (a) take necessary measures for the prevention of disasters, or the mitigation, or minimize the effect of, or for preparedness, early warning and capacity

building for dealing with the threatening disaster situation or disasters as it may consider necessary in consultation with relevant stakeholders;

- (b) facilitate consideration of climate change influence on disaster impact in carrying out the functions under paragraph (a) of this subsection;
- (c) in consultation with the Climate Change Secretariat of the Ministry of Environment facilitate integration of climate change adaptation into disaster risk reduction measures;
- (d) facilitate and co-ordinate with relevant agencies with issuing early warning of disasters to ensure timely early warning;
- (e) establish, maintain and co-ordinate an effective early warning dissemination system for the country;
- (f) co-ordinate and provide emergency response, relief, recovery and reconstruction measures in the event of a disaster and ensure adequate attention is provided for the more vulnerable persons such as the elderly, disabled, children and women;
- (g) establish a national forum for the co-ordination of disaster management activities amongst stakeholders;
- (h) assist the Ministry to prepare the National Disaster Management Policy with the guidance of the Council;
- (i) assist the Ministry to formulate the National Disaster Management Plan and the National Emergency

Operations Plan and monitor the implementation of such Plans;

- (j) assist every Ministry, Government Department, public corporation, local authority and any other public or private sector institution, in the preparation of Institutional Disaster Management Plans under this Act;
- (k) establish Disaster Management Co-ordination Units at Provincial, District and Divisional levels to assist co-ordination of disaster management activities undertaken by the Chief Secretary of a Provincial Council, and the District Secretary of a District;
- (l) make arrangements and enter into contracts with appropriate Government Department, Provincial Council, local authority, public corporation or any other public or private institution, for the purpose of carrying out its functions;
- (m) facilitate the formulation of guidelines to designated organizations, international non-governmental organizations, non-governmental organizations, Chief Secretaries, District Secretaries, Divisional Secretaries, local authorities, Grama Niladharies on activities relating to disaster management and initiating and implementing work programmes and projects in co-ordination with such organizations and persons;
- (n) co-ordinate with stakeholders to ensure stock taking of available relief material and their timely efficient

distribution and where necessary establish stock piles of relief and rescue materials to ensure preparedness to make such materials available at short notice;

- (o) carry out monitoring of disaster risk management activities and their evaluation and assessment;
- (p) take steps to collate, or cause data to be collected of disasters and disaster management and analyze such data for public access in collaboration with relevant stakeholders;
- (q) promote adequate risk transfer, risk-sharing and cost sharing mechanisms;
- (r) facilitate procurement related to disaster management materials;
- (s) promote public awareness campaigns relating to disaster management in collaboration with stakeholders;
- (t) facilitate integration of the subject of disaster management into school, vocational institute and university curriculum;
- (u) facilitate and promote research in all aspects of disaster management, disseminate findings and when there are no facilities for such research with existing organizations to identify appropriate organizations for such research;
- (v) facilitate liaison between organizations and persons

pursuing hazard, vulnerability and risk reduction studies and implementing action programs and commissioning such studies and action programs;

(w) apprise the Minister on all relevant matters connected with any potential and actual disasters;

(x) acquire and hold, take or give on lease or hire, mortgage, sell or otherwise dispose of any movable or immovable property;

(y) to facilitate and support local community self-reliance in the event of any potential or actual disaster;

(z) enter into and perform all such contracts, as it may consider necessary for the discharge of its functions;

Replacement of section 9 of the principal enactment.

9. Section 9 of the principle enactment is hereby repealed and the following section substituted therefore:-

“Appointment of Technical Advisory Committees.

9. (1) In the discharge of the functions of the Centre under this Act, the Centre shall be assisted by such number of Technical Advisory Committees as shall be deemed necessary by the Minister, consisting of professionals and experts having expertise in relation to the respective functions of the Centre.

(2) The officers of the Technical Advisory Committees constituted under subsection (1), shall be appointed by the Centre.

(3) The proceedings of the Technical Advisory Committees shall be as prescribed.

Insertion of new sections 10A, 10B, 10C, 10D, 10E and 10F in the principal enactment.

10. The following new sections are hereby inserted immediately after section 10 of the principal enactment and shall have effect as section 10A, 10B, 10C, 10D, 10E and 10F of that enactment principle enactment:-

“Special powers of authority in respect of certain Designated Agencies.

10A. (1) Notwithstanding anything to the contrary contained in any other law, the Minister may, by Order published in the *Gazette*, designate any one or more of the institutions specified in the First Schedule to this Act (hereinafter referred to as “designated agencies”) in consultation with the relevant Ministries for the purpose of assisting the Centre in the discharge of its functions relating to activities connected with disaster management.

(2) The Centre shall issue to a designated agency such directions and guidelines as it may consider appropriate and it shall be the duty of such designated agency to which any directions are issued, to comply with such directions.

(3) A designated agency to which any directions are issued under subsection (2) shall be subject to the supervision and control of the Centre in respect of all matters connected with the carrying out of such directions.

Constitution of a Disaster Response Force.

10B. (1) The Chairman may constitute a Disaster Management Task Force (hereinafter referred to as the “Task Force”) from among the members of the Armed Forces, the police, the Fire Brigade and Paramedical Services, to assist the Authority to co-ordinate preparedness, early warning, mitigation and specialist response to disaster and disaster situations, in collaboration with the Provincial and District Disaster Management Co-ordination Units of the Centre.

(2) The Chairman may provide direction and control of the activities of the Response Force.

(3) Subject to the provisions of this Act, the conditions of service of the members of the Task Force shall be as prescribed.

National  
Disaster  
Management  
Policy and Plan.

10C. (1) The Centre shall assist the Minister in preparation of the National Disaster Management Policy to be placed before the Council for its approval.

(2) The Centre shall formulate the National Disaster Management Plan based on the Disaster Management Policy, which shall provide for –

- (a) early warning and early warning dissemination of impending disasters;
- (b) preparedness for disasters and any other emergencies;
- (c) prospective disaster risk prevention in development planning;
- (d) the prevention and mitigation of disaster impact
- (e) emergency response;
- (f) relief;
- (g) co-ordination with agencies involved in recovery rehabilitation and reconstruction;
- (h) capacity building of relevant stakeholders; and
- (i) any other matters relating to disaster management.

Mainstreaming  
disaster risk  
reduction in  
national,  
provincial and  
local  
development  
planning.

10D. (1) The Centre shall facilitate mainstreaming disaster risk reduction in national, provincial and local development by the formulation of decision making tools for development planning by incorporating land use planning together with hazard, vulnerability, and risk maps adopted for the country, to be used in prospective and corrective disaster risk management through acceptable risk reduction

policies and strategies.

(2) The Centre shall in consultation with the Central Environmental Authority, formulate the incorporation of disaster risk assessment guidelines in the Environmental Assessment Process.

Preparation of  
Institutional  
Disaster  
Management  
Plans.

10E. (1) It shall be the duty of every Ministry, Government Department public corporation, local authority and other public or private institution, to prepare a Disaster Management Plan with respect to such Ministry, Government Department, public corporation, local authority or other public and private institution, as the case may be, to counter any disaster or impending disaster, based on the National Disaster Management Plan and in accordance with such guidelines as may be determined by the Centre.

(2) The Centre shall, at the request of a Ministry, Government Department, public corporation, local authority or other public or private institution, as the case may be, extend any assistance as may be necessary to such Ministry, Department, public corporation, local authority or other public or private sector institution, as the case may be, in the preparation of its Disaster Management Plan.

(3) Every Ministry, Government Department, public corporation, local authority or other public or private institution, as the case may be, shall on or before such date as shall be determined by the Centre by Order published in the *Gazette*, submit to the Centre its detailed Disaster Management Plan, prepared in terms of the requirements imposed by this section.

(4) The Disaster Management Plans shall be reviewed and updated once in five years and after a major disaster.

Centre to

10F. The Centre shall assist every :-

Assist Grama Niladhari, Divisionas, Divisional and District Secretaries to Prepare Disaster Management Plans.

- (a) Grama Niladhari division, to prepare a disaster management plan which shall include provisions for the establishment of Grama Niladhari division Disaster Management Committees;
- (b) Divisional Secretary, in collaboration with relevant local authorities to collate the relevant Grama Niladhari Division Disaster Management Plans to compile a Divisional Level Disaster Management Plan, which shall include provisions for the establishment of Divisional Disaster Management Committees;
- (c) District Secretary, to collate the relevant Divisional Disaster Management Plans to compile a District Level Disaster Management Plan which shall include provisions for the establishment of District Disaster Management Committees; and
- (d) Provincial Council, to collect relevant District Level Disaster Management Plans and to compile a Provincial Plan which shall include provisions for the establishment of Provincial Disaster Management Committees.”.

Declaration of state of disaster.

11. Amendment of section 11 of the principal enactment.

11. (1) If at any time, the extent or severity of a disaster or impending disaster is or is likely to be so great, that any counter-measures that may become necessary to counter such disaster or impending disaster are beyond the resources or means normally available to a Divisional or District level administration, the Minister may in consultation with the Center and Order published in the *Gazette*, declare that a state of disaster exists, either in respect of a Divisional or District area.  
If at any time, the extent or severity of a disaster or impending disaster is

or is likely to be so great affecting several districts, provinces or the whole country, the Chairman may declare that a state of disaster exists, either in respect of a specified area of the country or the whole country.

(2) An Order or Presidential Declaration shall come into force on the date on which such an order or Declaration is made and shall, remain in force for a period of two months from the date so specified and may thereafter, if necessary, be extended for a further periods not exceeding two months at a time.

(3) An Order made under subsection (1), shall be placed before Parliament at its first sitting immediately after the date gazetting of such Order, to be approved by a resolution of Parliament.

(4) If Parliament does not approve an Order before it under subsection (3) such Order shall immediately upon such disapproval, cease to be valid and have no force in law, but without prejudice to anything lawfully done there under.

Replacement of section 12 of the principal enactment.

12. Section 12 of the principle enactment is hereby repealed and the following section substituted therefore:-

“Procedure to be followed upon the declaration of a state of disaster.

12. (1) Upon the issue of an Order or Declaration of a state of disaster, the Minister shall take immediate action to-

- (a) direct, co-ordinate and use all available resources as may be necessary within the area or areas in respect of which an Order or Declaration has been made to counter the effect of the disaster or the impending disaster or to mitigate the effect of such disaster or impending disaster; and

(b) direct, co-ordinate and use additional resources, if and when they become available, in accordance with such arrangements as may be made in respect of its allocation.

(2) Notwithstanding the provisions of subsection 12(1) upon Declaration of a state of disaster by the Chairman under section 11 (1) it shall be the duty of every Ministry, Provincial Council, Government Department, public corporation, local authority or other public or private sector institution, as the case may be, to take all measures necessary for the immediate implementation of their Disaster Management Plans prepared under section ...10E..... of this Act, within their respective Ministry, Department, public corporation, local authority or other public or private sector institution as the case may be.

Replacement of section 13 of the principal enactment.

13. Section 13 of the principle enactment is hereby repealed and the following section substituted therefore:-

“Centre to obtain assistance of International Non-Governmental Organizations and Non-Governmental organizations.

13.(1) The Centre may, wherever it considers necessary or appropriate, obtain the assistance of any International Non-Governmental Organization or Non-Governmental organization being a non-governmental organization whose activities are not detrimental to national independence and sovereignty of the State, to assist the Centre in the discharge of its functions under this Act.

(2) Where any assistance is obtained under subsection (1) from any International Non-governmental organization or any Non-governmental organization, such organization shall act in accordance with instructions issued by the Centre.

Insertion of new sections 14A and 14B of the principal enactment.

14. The following new sections are hereby inserted immediately after section 14 of the principal enactment and shall have effect as sections 14A and 14B of that enactment:-

“Declaration of  
Special Areas.

14A. (1) Where due to a disaster or the threat of an impending disaster, the Centre is of the view that particular area or areas in the country is or are likely to pose a threat to life or property of the people living in that area or areas, as the case may be, the Minister shall, by Order published in the *Gazette* declare such area or areas, as the case may be, as a special area for the duration of such period as shall be specified in the Order.

(2) The period specified in the Order made under subsection (1), may be extended for a further period or periods, by a subsequent Order made in that behalf.

Special powers  
of Centre in  
any area  
declared as a  
special area.

14B. (1) The application and implementation of the laws specified in the Second Schedule to this Act in any Disaster Vulnerable Area declared under section ...14A.... during the period specified in the Order made under that section, shall be subject to the following modifications :-

- (a) it shall be lawful for the Centre to exercise, discharge and perform any of the powers, functions and duties vested by the provisions of any such law in any authority, officer or person, in like manner as though the reference in any such law to that authority, officer or person empowered to exercise, discharge or perform such powers or functions, includes a

reference to the Centre; and

- (b) the Centre, officer or person in which or on whom any power or function is vested by the provisions of any such law, shall not exercise, perform or discharge any of those powers, functions or duties, except for the purpose of executing or carrying out any arrangement or contract made by the Centre under this Act.

(2) Any power, function or duty which the Centre is authorized by subsection (1) to exercise, discharge or perform, may be exercised or discharged on behalf of the Centre by the Director-General or any officer of the Centre who is specifically authorized in that behalf by the Centre.”

Replacement of section 15 of the principal enactment.

15. Section 15 of the principle enactment is hereby repealed and the following section substituted therefore:-

“Award of relief.

15.(1) Any person who suffers loss or damage to his or its property by reason of any act, omission or default in taking any action by an appropriate organization or in the performance of its duties by a non-governmental organization assisting an appropriate organization or an police officer assisting the government or non-governmental organization or a police officer or member of the armed forces, shall be entitled to relief in respect of any loss or damage caused, of an amount determined by the Divisional Secretary of the Division within such property is situated.

(2) The Divisional Secretary may, for the purpose of determining the relief payable under subsection (1), obtain the assistance of a government assessor.

(3) The amount of relief paid for any loss or damage caused to property shall, in case of dispute, be determined by the District Court

within the jurisdiction of which the property is situated, on application made in that behalf by the person who suffered such loss or damage, by way of summary procedure.

Repeal of section 16 of the principal enactment.

16. Section 16 of the principal enactment is hereby repealed.

Repeal of section 17 of the principal enactment.

17. Section 17 of the principal enactment is hereby repealed.

Replacement of section 18 of the principal enactment.

18. Section 18 of the principle enactment is hereby repealed and the following section substituted therefore:-

“Accounts and audit.

18. (1) The financial year of the Centre shall be the calendar year.

(2) The **Centre** shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Centre.

(3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to and in relation to the audit of the accounts of the Centre.

Amendment of section 19 of the principal

19. Section 19 of the principal enactment is hereby amended by the substitution for the word “Council” of the word “Centre”.

enactment.

Replacement of section 20 of the principal enactment

20. Section 20 of the principal enactment is hereby repealed and the following section substituted therefore:-

“Director-  
General of the  
Centre.

20. (1) The Council in consultation with the Minister, appoint a Director-General of the Centre, (in this Act referred to as “the Director-General”) who shall be its chief executive officer and shall hold office for a period of four years and shall be eligible for reappointment unless removed from office under sub section (6)

(2) The Director-General shall, subject to the general direction of the Council, be responsible for the conduct of the affairs of the Centre, including the administration and management of the officers and employees of the Centre.

(3) Where the Director-General is temporarily unable to perform the duties of his office on account of ill health, absence from Sri Lanka or any other cause, the Minister may, appoint a senior officer to act in his place during such absence.

(4) Where any vacancy occurs in the office of the Director-General, the Minister may appoint a member of the Centre to perform and discharge the duties and functions of the office of the Director-General, until an appointment is made under subsection (1) to fill such vacancy.

(5) The Director-General may at any time resign his office by giving three months’ notice by letter addressed to the Minister.

(6) The Minister in consultation with the Council may for reasons assigned therefore remove from office the Director-General appointed under subsection (1).

Insertion of new sections 21A, 21B, 21C and 21D of the principal enactment.

21. The following new sections are hereby inserted immediately after section 21 of the principal enactment and shall have effect as sections 21A, 21B, 21C and 21D of that enactment:-

“Director-General may delegate his functions and duties.

21A. The Director-General may, whenever he considers it necessary to do so, subject to such conditions as may be specified in writing, delegate to any officer of the Centre, any function or duty imposed on or assigned to him by this Act or any regulations or rules made there under, and such officer shall discharge and perform such function or duty, subject to the direction and control of the Director-General.

Appointment, remuneration and disciplinary control of other staff of the **Centre**.

21B. (1) The **Centre** may appoint such officers and other employees, as it considers necessary for the efficient exercise and discharge of its powers and functions under this Act.

(2) The officers and other employees of the **Centre** shall be remunerated out of the **Consolidated Fund** and shall be subject to such conditions of service including disciplinary control, as may be determined by the Governing Board of the Centre by rules made in that behalf.

Appointment of public officers to the staff of the Centre.

21C. (1) At the request of the Centre any officer in the public service may, with the consent of that officer and the Secretary to the Ministry of the Minister in charge of the subject of Public Administration be temporarily appointed to the staff of the Centre for such period as may be determined by the Centre or with like consent, be permanently appoint to such staff.

(2) At the request of the Centre any officer in the provincial service may, with the consent of that officer and the Provincial Public

Service Commission be temporarily appointed to the staff of the Centre for such period as may be determined by the Centre.

(3) Where any officer in the public service is temporarily appointed to the staff of the Centre, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis* apply to and in relation to him.

(4) Where any officer in the public service is permanently appointed to the staff of the authority, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis* apply to and in relation to him.

(5) Where the Centre employs any person who has agreed to serve the Government for a specified period under any agreement, any period of service to the Centre by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such agreement.

(6) At the request of the Centre, any member of the Local Government Service or any other officer or servant of a Local Authority, may, with the consent of such member, officer or servant and the Local Government Service Commission or the Local Authority, as the case may be, be temporarily appointed to the staff of the Centre for such period as may be determined by the Centre or with like consent be permanently appointed to such staff on such terms and conditions as may be agreed upon by the Centre and the Local Government Service Commission or that Local Authority, as the case may be.

(7) Where any member of a Local Government Service or any officer or servant of any Local Authority is appointed temporarily under subsection (6) to the staff of the Centre, he shall be subject to the same disciplinary control as any other member of the staff of the Centre.

Seal of the  
Centre

21D. (1) The seal of the Centre-

- (a) shall be in the custody of such person as the Centre may from time to time determine;
- (b) may be altered in such manner as may be determined by the Centre; and
- (c) shall not be affixed to any instrument or document except in the presence of the Director-General and one other member of the Centre, both of whom shall sign the instrument in token of their presence:

Provided however, that where the Director-General is unable to be present at the time when the seal of the Centre is affixed to any instrument or document, any other officer of the Centre authorized in writing by the Director-General in that behalf, shall be competent to sign such instrument or document on his behalf.

Insertion of sections 23A, 23B, 23C, 23D, 23E, 23F, 23G, 23H and 23I of the principal enactment.

22. The following new sections are hereby inserted immediately after section of the principal enactment and shall have effect as sections 23A, 23B, 23C, 23D, 23E, 23F, 23G, 23H and 23I of that enactment:-

“Disaster relief.                    23A. During the period of a disaster, the Divisional Secretary of the Division having jurisdiction over the affected area shall provide emergency relief in accordance with disaster management plans.

Members,  
officers and  
servants of the  
Centre deemed  
to be public  
servants.                    23B. All members, officers and servants of the Centre shall be deemed to be public servants within the meaning of and for the purposes of the Penal Code (Chapter 91).

No writ to be  
issued against a  
member etc.                    23C. No writ shall be issued against a person or property of the Director-General or any officer or employee of the Centre, in any action brought against the Centre.

The Centre  
deemed to be a  
Scheduled  
Institution  
within  
the meaning of  
the Bribery Act.                    23D. The Centre shall be deemed to be a Scheduled Institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

This Act to prevail over other written law.

23E. The provisions of this Act shall have effect notwithstanding anything to the contrary in the provisions of any other written law and in the event of any conflict or inconsistency between the provisions of this Act and the provisions of such other written law, the provisions of this Act shall prevail.

Acquisition of immovable property under the Land Acquisition Act for the Authority.

23F. (1) Where any immovable property is required to be acquired for the Authority for any of its purposes and the Minister approves of the proposed acquisition, the purpose for which such immovable property is required shall be deemed to be a public purpose within the meaning of the Land Acquisition Act (Chapter 460) and may accordingly be acquired for the Centre under the Act, and the provisions of that Act shall apply in respect of such acquisition.

(2) Any sum payable for the acquisition of any immovable property for the Centre under subsection (1) shall be paid by the Centre.

Regulations.

23G. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

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

(3) Every regulation shall as soon as it is convenient after its publication in the *Gazette* be brought before the Parliament for approval. Any regulation, which is not so approved, shall be deemed to be rescinded from the date of disapproval but without prejudice to anything previously done there under.

(4) Notification of the date on which any regulation made by the Minister is deemed to be rescinded shall be published in the *Gazette*.

Rules.

23H. (1) The Centre may make rules in respect of all matters for

which rules are required or authorized to be made.

(2) Every rule made by the Authority shall be approved by the Minister and published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified therein.

Duties of citizens.

23I. (1) It shall be the duty of every citizen to assist the District Secretary, the Divisional Secretary and the Grama Niladhari or such other person entrusted with or engaged in disaster management whenever his aid is demanded generally for the purpose of disaster management and particularly for the following purposes, namely:-

- (a) early warning;
- (b) preparedness and capacity building;
- (c) prevention;
- (d) mitigation;
- (e) relief and response;
- (f) evacuation;
- (g) reconstruction; and
- (h) rehabilitation.”

Replacement of section 23 of the principal enactment

23. Section 23 of the principal enactment is hereby repealed and the following section substituted therefore:-

“Offences and penalties.

23. (1) Whoever –

- (a) without reasonable cause prevents or obstructs any officer of a Government Department or of the Authority or of the Chief Secretary or of the District Secretary or of the Divisional Secretary or of a local authority from carrying out functions under this Act; or
- (b) without reasonable cause refuses to comply with the

direction given by an officer of the Department or the Authority or the Chief Secretary or the District Secretary or the Divisional Secretary or the local authority while carrying out his functions under this Act; or

(c) issue disaster warnings without the approval of the mandated agencies and thereby creates panic in the community; or

(d) makes a false claim for assistance for reconstruction or repair from any Officer of the Department or the Authority or the Chief Secretary or the District Secretary or the Divisional Secretary or the local authority,

shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding two years or to a fine not exceeding fifty thousand rupees, or to both such imprisonment and fine.

Insertion of sections 24A and 24B of the principal enactment.

24. The following new sections are hereby inserted immediately after section of the principal enactment and shall have effect as sections 24A 24B of that enactment:-

Offences by  
companies.

24A. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence is committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he

exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Power of entry.

24B. (1) The District Secretary or the Divisional Secretary, generally or specially authorized by the Centre in this behalf, may, at all reasonable times, enter upon any land and there do such things as may be reasonably necessary for the purpose of lawfully performing functions imposed upon them by or under this Act.

(2) Any officer or employee of the Centre, generally or specially authorized by it in this behalf, may, at all reasonable times, enter upon any land and there do such things as may be reasonably necessary for the purpose of lawfully carrying out any of the functions imposed upon him under this Act.”

Replacement of section 25 of the principal enactment

25. Section 25 of the principal enactment is hereby repealed and the following section substituted therefore:-

“Interpretation

25. In this Act, unless the context otherwise requires,—

“**affected area**” means an area or part of the country affected by a disaster;

**“capacity”** means the combination of all the strengths, attributes and resources available within a community, society or organization that can be used to achieve agreed goals;

**“capacity building”** means the process by which people, organizations and society systematically stimulate and develop their capacities over time to achieve agreed goals, through improvement of knowledge, skills, systems, and institutions;

**“corrective disaster risk management”** means the management activities that address and seek to correct or reduce disaster risks which are already present;

**“disaster”** means a catastrophe, mishap, calamity or grave occurrence affecting any area, arising from natural or human induced causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of property and infrastructure, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area and include-

- (a) a landslide;
- (b) a cyclone;
- (c) storm surge;
- (d) a flood;
- (e) a drought;
- (f) an industrial hazard;
- (g) a tsunami ;
- (h) an earthquake;
- (i) an air hazard;

- (j) a maritime hazard;
- (k) a fire;
- (l) an epidemic;
- (m) an explosion;
- (n) air raids;
- (o) civil or internal strife;
- (p) chemical accident;
- (q) radiological emergency;
- (r) oil spills including inland and marine oil spills;
- (s) nuclear accident;
- (t) urban and forest fire;
- (u) coastal erosion and sea level rise;
- (v) tornados, lightning strikes and severe thunder storms;
- (w) transport accidents involving hazardous material;
- (x) any other disaster as may be prescribed by regulation.

**“disaster management”** means a continuous and integrated process of planning, organizing, coordinating and implementing measures which are necessary or expedient for—

- (a) prevention of danger or threat of any disaster;
- (b) preparedness to deal with any disaster;
- (c) early warning of impending disasters;
- (d) capacity-building;
- (e) mitigation or reduction of risk of any disaster or its severity or consequences that addresses

both corrective and prospective disaster risk management;

(f) evacuation;

(g) response and relief;

(h) rehabilitation and reconstruction;

(i) assessing the severity or magnitude of effects of any disaster;

**“disaster risk”** means the potential disaster losses, in lives, health status, livelihoods, assets and services, which could occur to a particular community or a society over some specified future time period;

**“disaster risk management”** means the systematic process of using administrative directives, organizations, and operational skills and capacities to implement strategies, policies and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster;

**“disaster risk reduction”** means the concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events;

**“early warning”** means the set of capacities needed to generate and disseminate timely and meaningful warning information to enable individuals, communities and

organizations threatened by a hazard to prepare and to act appropriately and in sufficient time to reduce the possibility of harm or loss;

**“emergency operation”** means the organization and management of resources and responsibilities for addressing all aspects of emergencies, in particular preparedness, response and initial recovery steps;

**“emergency services”** means the set of specialized agencies that have specific responsibilities and objectives in serving and protecting people and property in emergency situations;

**“hazardous”** means a dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption, or environmental damage

**“land-use planning”** means the process undertaken by public authorities to identify, evaluate and decide on different options for the use of land, including consideration of long term economic, social and environmental objectives and the implications for different communities and interest groups, and the subsequent formulation and promulgation of plans that describe the permitted or acceptable uses;

**“local authority”** means, any Municipal Council, Urban Council, Pradeshiya Sabha and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council or Sabha;

**“mitigation”** means the lessening or limitation of the adverse impacts of hazards and related disasters;

**“national disaster”** means a disaster affecting more than one province

**“preparedness”** means the knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions;

**“prospective disaster risk management”** means the management activities that address and seek to avoid the development of new or increased disaster risks;

**“prevention”** means the outright avoidance of adverse impacts of hazards and related disasters;

**“Provincial Council”** means a Provincial Council established under Chapter XVIIIA of the Constitution;

**“public corporation”** means any corporation, board or other body which was or is established by or under any written law with funds or capital wholly or partly provided by the Government from the Consolidated Fund by way of grant, loan or otherwise;

**“public awareness”** means the extent of common knowledge about disaster risks, the factors that lead to disasters and the actions that can be taken individually and collectively to reduce exposure and vulnerability to hazards;

**“recovery”** means the restoration, and improvement where appropriate, of facilities, livelihoods and living conditions

of disaster-affected communities, including efforts to reduce disaster risk factors;

**“relief”** means measures taken during or immediately after a declaration of disaster to diminish, or alleviate any suffering, pain, injury or distress or hardship caused on account of the disaster;

**“resources”** includes manpower or animals, vehicles, boats, plant, apparatus, implements, earthmoving equipment or other equipment of any kind, finance storage facilities, movable and immovable property considered essential for the life of the community.

**“response”** means the provision of emergency services and public assistance during or immediately after a disaster in order to save lives reduces health impacts, ensure public safety and meet the basic subsistence needs of the people affected.

**“risk”** means the combination of the probability of an event and its negative consequences;

**“risk transfer”** means the process of formally or informally shifting the financial consequences of particular risks from one party to another whereby a household, community, enterprise or state authority will obtain resources from the other party after a disaster occurs, in exchange for ongoing or compensatory social or financial benefits provided to that other party;

**“vulnerability”** means the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard.

Sinhala text to  
prevail in  
case of  
inconsistency.

26. In the event of any inconsistency between the Sinhala and Tamil  
texts of this Act, the Sinhala text shall prevail.

## **FIRST SCHEDULE**

[section 10A]

Armed Forces  
Atomic Energy Authority  
Central Engineering Consultancy Bureau  
Central Environmental Authority  
Ceylon Electricity Board  
Ceylon Petroleum Corporation  
Chemical Weapons Convention Authority  
Civil Aviation Authority  
Coast Conservation Department  
Department of Agriculture  
Department of Education  
Department of Information  
Department of Meteorology  
Department of National Housing  
Department of Social Services  
Epidemiology Unit  
Geological Survey and Mines Bureau  
Health Department  
Independent Television Network  
Irrigation Department.

Mahaweli Development Board  
Marine Pollution Prevention Authority  
Medical Research Institute  
Ministry of Defense  
Ministry of Fisheries and Aquatic Resources  
Ministry of Foreign Affairs  
Ministry of Home Affairs  
Ministry of Information/ Media  
Ministry of Science and Technology  
Municipal Councils  
National Aquatic Resources, Research & Development Agency  
National Building Research Organization  
National Housing Development Agency  
National Science Foundation  
National Water Supply and Drainage Board  
Police Department  
Power and Energy Authority  
Pradeshiya Sabhas  
Rehabilitation and Reconstruction  
Sri Lanka Broadcasting Corporation  
Sri LankaPorts Authority  
Sri Lanka Red Cross Society  
Sri Lanka Rupavahini Corporation  
Survey Department.  
The Fire Brigade  
The Road Development Authority  
Urban Development Authority  
Urban Councils

## **SECOND SCHEDULE**

**[Section 14B]**

Agrarian Development Act.  
Animals Act.  
Board of Investment Law  
Coast Conservation Act.  
Co-operative Societies Law.

Entertainment Tax Ordinance.  
Fauna and Flora Protection Ordinance  
Flood Protection Ordinance.  
Forest Ordinance.  
Housing and Town Improvement Ordinance.  
Irrigation Ordinance.  
Land Development Ordinance.  
Mahaweli Development Board Act.  
Marine Pollution Prevention Authority Act  
Mines and Minerals Law.  
Municipal Councils Ordinance  
National Environmental Act.  
National Water Supply and Drainage Board Law.  
Paddy Marketing Board Act.  
Pradeshiya Sabha Act.  
Resettlement Authority Act  
Sale of State Lands (Special Provisions) Law.  
Sri Lanka Land Reclamation and Development Corporation Act  
State Lands (Recovery of Possession) Act.  
State Lands Ordinance.  
The Soil Conservation Act.  
Thoroughfares Act.  
Tolls Ordinance.  
Town and Country Planning Ordinance.  
Tsunami (Special Provisions) Act.  
Urban Council Ordinance.  
Urban development Authority Act.  
Urban Settlement Development Authority Act  
Vehicles Ordinance.  
Water Resources Board Act.  
Wells and Pits Ordinance.