

Sri Lanka Disaster Management Act, No. 13 of 2005

[Certified on 13th May, 2005]

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL COUNCIL FOR DISASTER MANAGEMENT; THE DISASTER MANAGEMENT CENTRE; THE APPOINTMENT OF TECHNICAL ADVISORY COMMITTEES; THE PREPARATION OF DISASTER MANAGEMENT PLANS; THE DECLARATION OF A STATE OF DISASTER; THE AWARD OF COMPENSATION AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS human life, property and the environment of Sri Lanka is being threatened and endangered due to certain disasters taking place within the territory of Sri Lanka:

AND WHEREAS it has become necessary to protect human life and property of the people and the environment of Sri Lanka from the consequence of these disasters, by effectively dealing with them from a national perspective by the preparation of a national policy and a plan and by the appointment of centrally co-ordinated committees and institutions to give effect to such policy and plan :

NOW THEREFORE be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:

1. This Act may be cited as the Sri Lanka Disaster Management Act, No. 13 of 2005, and shall come into operation on such date (hereinafter referred to as the “appointed date”) as the Minister may appoint by Order published in the Gazette.

2. (1) There shall be established a body called the National Council for Disaster Management (hereinafter in this Act referred to as the “Council”).

2 (2) The Council shall by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

Preamble. Short title.

3. (1) 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;

(c) the Leader of the Opposition;

(d) the Ministers in charge of the following subjects :—

(i) Social Welfare ;

(ii) Rehabilitation and Reconstruction ;

(iii) Environment ;

(iv) Home Affairs ;

(v) Health ;

(vi) Science and Technology ;

(vii) Housing ;

(viii) Coast Conservation ;

(ix) Irrigation ;

(x) Power ;

(xi) Defence ;

(xii) Police ;

- (xiii) Finance ;
- (xiv) Land;
- (xv) Fisheries and Aquatic Resources ;
- (xvi) Foreign Affairs;
- (xvii) Water Supply;
- (xviii) Highways;
- (xix) Urban Development
- (xx) Education;

(e) the Chief Ministers of every Provincial Council established by Article 154A of the Constitution : Provided that in case where the Provincial Council is not elected for any Province, the Governor appointed for such Province; and

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

3(2) The Council shall appoint a person to be the Secretary to the Council, and the person so appointed shall also be a member of the Council.

3(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.

3(4) 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(5) 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.

4. The functions of the Council shall be:

4(a) to formulate a national policy and program on the management of disasters which shall provide for:

- (i) The protection of life of the community and environment from disaster and the maintenance and development of disaster affected areas;
- (ii) The effective use of resources for preparedness, prevention, response, relief, reconstruction and rehabilitation ;
- (iii) the enhancement of public awareness and training to help people to protect themselves from disasters ;
- (iv) capacity building, among persons living in areas vulnerable to disaster, in relation to risk management and the application of disaster management and mitigation practices ; and
- (v) Pre-disaster planning, preparedness and mitigation while sustaining and further improving post-disaster relief, recovery and rehabilitation capabilities ;

4(b) to prepare and formulate the National Disaster Management Plan and the National Emergency Operation Plan based on the national policy and program formulated under paragraph (a), in order to ensure:

- (i) preparedness for disasters and any other emergencies ;
- (ii) risk prevention ; and
- (iii) the prevention and mitigation of disaster ;

4(c) to monitor the implementation of the National Disaster Management Plan and the National Emergency Operation Plan and to submit such plans to the Cabinet of Ministers for its approval

4(d) to facilitate emergency response, recovery, relief, rehabilitation and reconstruction in the event of any disaster

4(e) where it considers appropriate, to take all steps necessary to counter any disaster or impending disaster, in accordance with the National Disaster Management Plan or in accordance with such measures as may be decided by the Council for such purposes ;

4(f) to direct, co-ordinate and monitor the activities of the Disaster Management Centre established under section 8 and the appropriate organizations designated under section 21, and to ensure that available resources are used effectively by such Centre and organizations in the discharge of their functions ;

4(g) to ensure that adequate publicity is given to the National Disaster Management Plan and the National Emergency Operation Plan;

4(h) to specify guidelines to be complied with by every Ministry, Government Department and public corporation in the preparation of Disaster Management Plans under section 10;

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

4(j) to promote public awareness campaigns relating to disaster management and funding of research and development on disaster management ;

4(k) to facilitate liaison with organizations and persons pursuing hazard, vulnerability and risk reduction studies and implementing action programmes and commissioning such studies and action programmes;

4(l) to assign functions and responsibilities to the Disaster Management Centre established under section 8;

4(m) to initiate programmes relating to prevention and mitigation of disaster and the provision of relief, rehabilitation and reconstruction;

4(n) to appraise the Cabinet of Ministers on all relevant matters connected with any potential and actual disasters;

4(o) to recommend the allocation of funds for disaster management from the relevant authorities and bodies and the Reconstruction and Rehabilitation Fund, established by the Reconstruction and Rehabilitation Fund Act, No. 58 of 1993.

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

5(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.

5(3) Where both the Chairman and the Vice-Chairman are not present at any meeting of the Council a member elected by the members present at the meeting from among them selves, shall preside at such meeting.

6. (1) The quorum for any meeting of the Council shall be one-third of its total membership.
6(2) The Council may regulate the procedure in regard to the meetings of the Council and the transaction of business at such meetings.

7(1) The seal of the Council shall be determined and devised by the Council and may be altered in such manner as may be determined by the Council.

7(2) The seal of the Council shall be in the custody of the Secretary to the Council.

7(3) The Seal of the Council shall not be affixed to any instrument or document except with the sanction of the Council and in the presence of two members of the Council who shall sign the instrument or document in token of their presence.

7(4) The Council shall maintain a register of the instruments and documents to which the seal of the Council has been affixed.

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

8(2) The functions of the Centre established under subsection (1) shall be as assigned by the Council, and shall include the following :—

(a) assisting the Council in the preparation of the National Disaster Management Plan and the National Emergency Operation Plan and proposals for upgrading the same when it becomes necessary ;

(b) taking responsibility for the implementation of the National Disaster Management Plan and the National Emergency Operation Plan, and upon the declaration of a state of disaster to direct and coordinate the implementation of the National Emergency Operation plan;

(c) ensuring that the various Disaster Management Plans prepared by Ministries, Government Departments or public corporations conforms to the National Disaster Management Plan ;

(d) based on Disaster Management Plans prepared by various Ministries, Government Departments and public corporations under section 10, preparing and implementing programmes and plans for disaster preparedness, mitigation, prevention, relief, rehabilitation and reconstruction activities and coordinating of organizations which implement such programmes and plans and obtain financial assistance from the Treasury for such activities and release the same to the relevant regions and monitor and evaluate these activities ;

(e) issuing instructions and guidelines to appropriate organizations, non-governmental organizations, district secretaries and divisional secretaries on activities relating to disaster management and initiating and implementing work programmes in co-ordination with such organizations and secretaries ;

(f) promoting research and development programmes in relation to disaster management and setting up and maintaining a data base on disaster management; and

(g) submitting reports to the Council from time to time and whenever required by the Council in regard to its activities.

9 (1) In the discharge of their functions under this Act, the Council and the Disaster anagement Centre shall be assisted by such number of Techincal Advisory Committees as shall be deemed necessary by the Council, consisting of professionals and experts having expertise in relation to the respective functions and responsibilities, as the case may be, of the Council.

9(2) The members of the Technical Advisory Committees shall be appointed by the Council.

9(3) The Chairmen of the Technical Advisory Committees constituted under subsection (1), shall be appointed by the Council.

10 (1) It shall be the duty of every Ministry, Government Department and public corporation to prepare a Disaster Management Plan with respect to such Ministry, Government Department, or public corporation, to counter any disaster or impending disaster, based on the National Disaster Management Plan and in accordance with such guidelines as may be specified by the Council.

10(2) The Disaster Management Centre shall, if requested by a Ministry, Government Department or public corporation referred to in subsection (1), extend all necessary assistance to such Ministry, Department or Corporation, as the case may be, in the preparation of its Disaster Management Plan.

10(3) Every Ministry, Government Department and public corporation shall on or before such date as shall be determined by the Council by Order published in the Gazette, submit to the Centre, a detailed Disaster Management Plan relating to the disaster counter-measures proposed to be taken by such Ministry, Government Department, public corporation, as the case may be, to counter any disaster or impending disaster.

10(4) The Centre shall submit every Disaster Management Plan received by such Centre under subsection (3), to the Council for its approval.

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 the administration, the President may, on President's own motion or on the advice of the Council, by Proclamation declare that a state of disaster exists, either in respect of any area or areas specified in such proclamation, or of the whole country.

11(2) Subject to the provisions of subsection (3), a Proclamation made under subsection (1) shall come into force on the date on which such Proclamation is made and shall, remain in force for a period of two months from the date of the making of the Proclamation, and may thereafter, if necessary, be extended for further periods not exceeding two months at a time.

11(3) A Proclamation made under subsection (1), shall be placed before Parliament at its first sitting immediately after the date of declaration of the Proclamation, to be approved by a resolution of Parliament.

11(4) If Parliament does not approve any Proclamation placed before it, such Proclamation shall, immediately upon such disapproval, cease to be valid and have no force in law, but without prejudice to anything lawfully done thereunder.

12. (1) Upon the declaration of a state of disaster by the President, the President shall direct any one or more appropriate organizations designated by the Council under section 21, to 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 a Proclamation has been made under subsection (1) of section 11, to counter the effect of the disaster or the impending disaster or to mitigate the effect of such disaster or impending disaster ;

(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 ; and

(c) take all necessary measures provided for in the National Disaster Management Plan or the National Emergency Operation Plan as the case may be, and in accordance with such directions that may be issued to such appropriate organization by the President.

12(2) Notwithstanding the provisions of subsection (1), upon the declaration of a state of disaster by President under section 11, it shall be the duty of every Ministry, Government Department or public corporation, to take all measures necessary for the immediate implementation of their Disaster Management Plans prepared under section 10 within their respective Ministry, Department, or Corporation, as the case may be.

13. (1) Notwithstanding the provisions contained in section 12, where a state of disaster is declared under section 11, the Council may, wherever it considers necessary or appropriate, obtain the assistance of any Non-Governmental organization, being a non-governmental organization whose activities are not detrimental to national independence and sovereignty, to assist any appropriate organization in the discharge of its duties under section 12.

13(2) Where any assistance is obtained under subsection (1) from a non-governmental organization, such organization shall act in accordance with instructions issued by the appropriate organization it is assisting and shall, for service rendered be paid by the Council out of the Fund of the Council, such amount as shall be determined by the Council.

14. (1) It shall be the duty of an appropriate organization directed to take any action under section 12, to —

(a) enter any place where such appropriate organization believes on reasonable grounds that it is necessary to enter for the purpose of saving human life or for the prevention of injury to human life or for the rescuing of persons whose lives are endangered or to facilitate the carrying out of any other urgent measures with respect to relief from suffering and distress of affected persons ;

(b) evacuate people, property and animals from affected or vulnerable areas ;

(c) close traffic on any road, street (whether public or private) right of way or in any public place, for the implementation of disaster counter-measures until the police and the armed forces arrive ;

(d) remove any obstruction impeding the implementation of disaster counter-measures with the assistance of the police or the armed forces ; and

(e) do any other act as such appropriate organization may consider reasonably necessary for the purpose of implementing effectively any disaster countermeasures or to perform any act preliminary or incidental to any action directed to be taken by such appropriate organization under section 12.

14(2) The duties entrusted under subsection (1) on any appropriate organization shall be performed by such organization only within the area or areas in which such organization has been authorized to operate by the Council, in performing its duties under subsection (1) of section 12.

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 under subsection (1) of section 12 or in the performance of its duties under section 14 or by a non-governmental organization assisting an appropriate organization under section 13, or a police officer or member of the armed forces, shall be entitled to compensation in respect of any loss or damage caused, of an amount determined by the Divisional Secretary of the Division within which such property is situated.

15(2) The Divisional Secretary may, for the purpose of determining the compensation payable under subsection (1), obtain the assistance of a government assessor.

15(3) The amount of compensation 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.

16. The initial capital of the Council shall be ten million rupees. The amount of this initial capital shall be paid out of the Consolidated Fund and shall be credited to the Fund established under section 17.

17. (1) The Council shall have its own Fund. There shall be credited to the Fund of the Council—

(a) money received from the Consolidated Fund, as initial capital of the Council ;

(b) all such sums of money as may be received by the Council in the discharge of its functions ;
and

(c) all such sums of money as may be received by the Council by way of loans, donations, gifts or grants from any lawful source whatsoever, whether in or outside Sri Lanka.

17(2) There shall be paid out of the Fund of the Council all such sums of money as may be required to defray any expenditure incurred by the Council in the discharge of its functions under this Act.

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

18(2) The Council shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Council.

18(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 Council.

19. The provisions of Part II of the Finance Act, No. 38 of 1971, shall mutatis mutandis; apply to the financial control and accounts of the Council. Capital of the Council. Fund of the Council. Accounts and audit.

**Application of Part II of the Finance Act, No. 38 of 1971.
Staff of the Council.**

20. (1) The Council may appoint such number of officers, servants and agents as it considers necessary for the discharge of its functions and for the administration and implementation of this Act.

20(2) The officers, servants and agents appointed under subsection (1) shall be remunerated in such manner and at such rates and shall be subject to such conditions of service as may be determined by the Council.

20(3) At the request of the Council, 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 Council for such period as may be determined by the Council with like consent or be permanently appointed to such staff with like consent.

20(4) Where any officer in the public service is temporarily appointed to the staff of the Council, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 1991 shall, mutatis mutandis, apply to and in relation to him.

20(5) Where any officer in the public service is permanently appointed to the staff of the Council, 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.

20(6) Where the Council employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service with the Council by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

21. (1) Whenever the Council considers it appropriate, appropriate the Council may designate any Ministry, Government organizations. Department, Public Corporation or the Disaster Management Centre as an appropriate organization (in this Act referred to as an “appropriate organization”) which will be required to carry out and implement the National Disaster Management Plan or the National Emergency Operation Plan, as the case may be, and generally assist the Council in the discharge of its functions.

21(2) Notwithstanding the provisions of subsection (1), an appropriate organization shall also be required to perform any duties that it may be called upon to do under subsection (1) of section 12, and in general to assist the Council in the discharge of its functions under this Act.

21(3) The Council shall determine and specify the functions which an appropriate organization should discharge in order to carry out and implement the respective plans referred to in subsection (1), and where necessary issue guidelines for the same.

21(4) Where an appropriate organization is designated by the Council under subsection (1), the Council shall by Order published in the Gazette, specify the area or areas in which each such appropriate organizations, shall carry out its implementation activities.

21(5) An appropriate organization may exercise its powers under this Act, only through such of its officers as are especially assigned in writing in that behalf by such organization.

22. (1) The Chairman may, subject to such conditions as may be specified in writing delegate all or any of his powers, duties or functions under this Act to any member or officer of the Council.

22(2) Notwithstanding any such delegation under subsection (1) , the Chairman may exercise, perform or discharge any power, duty or function so delegated.

22(3) A member or an officer of the Council to whom any power, duty or function has been delegated under subsection (1) shall, in the exercise, performance or discharge of such power, duty or function, comply with such directions or conditions as the Chairman may from time to time communicate in writing to such member or officer, as the case may be.

(4) A member or an officer of the Council to whom any power, duty or function has been delegated under subsection (1) shall have the power to do, all acts and things that are incidental to the power, duty or function that is so delegated.

Delegation of powers, duties and functions by the Chairman. Protection for action taken in good faith. Offences and penalties. Interpretation.

23. No suit shall lie against a member of the Council or any appropriate organization authorized by the President under section 12, or police officer or a member of the armed forces for any action which is done in good faith, in the performance of any duty imposed upon such member, appropriate organization, police officer or a member of the armed forces as the case may, under this Act.

24. Every person who assaults, obstructs, threatens, intimidates, abuses or insults any person exercising any power or discharging any duty conferred on or imposed on such person by this Act, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to imprisonment of either description for a term not exceeding two years or to a fine not exceeding twenty five thousand rupees, or to both such imprisonment and fine.

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

“disaster” means the actual or imminent occurrence of a natural or man-made event, which endangers or threatens to endanger the safety or health of any person or group of persons in Sri Lanka, or which destroys or damages or threatens to destroy or damage any property, and includes—

- (a) a landslide;
- (b) a cyclone;
- (c) a flood;
- (d) a drought,
- (e) an industrial hazard;
- (f) a tsunami (seismic wave);
- (g) an earthquake;
- (h) an air hazard;
- (i) a maritime hazard;
- (j) a fire;
- (k) an epidemic;
- (l) an explosion;
- (m) air raids ;
- (n) civil or internal strife ;
- (o) chemical accident;
- (p) radiological emergency;
- (q) oil spills including inland and marine oil spills;
- (r) nuclear disaster;

- (s) urban and forest fire;
- (t) coastal erosion; and
- (u) tornados, lightening strikes and severe thunder storms;

“disaster counter-measures” means measures that are necessary or desirable to avert, minimize or counter the effect of an impending disaster or consequent to a disaster, to mitigate the effect of such disaster on members of the public or any property belonging to an individual or the State, and includes the conduct of, or participation in, training for such purposes ;

“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; and

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

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