

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

RESETTLEMENT AUTHORITY

ACT, NO. 09 OF 2007

[Certified on 23rd March, 2007]

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Resettlement Authority Act, No. 09 of 2007 1

[Certified on 23rd March, 2007]

L.D.—O. 40/2006

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN AUTHORITY TO BE

CALLED THE RESETTLEMENT AUTHORITY : TO VEST THE AUTHORITY

WITH THE POWER TO FORMULATE A NATIONAL POLICY AND TO PLAN,

IMPLEMENT, MONITOR AND CO-ORDINATE THE RESETTLEMENT OF THE

INTERNALLY DISPLACED PERSONS AND REFUGEES ;AND TOPROVIDE FOR

MATTERSCONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist

Repubilc of Sri Lanka as follows :-

1. This Act may be cited as the Resettlement Authority Short title and

Act, No. 09 of 2007 and shall come into operation on such date of

date as the Minister may appoint (hereinafter referred to as operation.

the “appointed date”) by Order published in the Gazette.

PART I

ESTABLISHMENT OF THERESETTLEMENTAUTHORITY

2. (1) There shall be established a body called Establishment of

Resettlement Authority (hereinafter referred to as “the the Resettlement

Authority”). Authority.

(2) The Authority shall, by the name assigned to it by

subsection (1) be a body corporate and have perpetual

succession and a common seal and may sue and be sued in

such name.

3. The Management of the affairs of the Authority shall Constitution of

be vested in a Board of Directors (hereinafter referred to as the Board of

“the Board”) consisting of- Directors.

(a) two ex- officio members, namely,-

(i) the Secretary to the Treasury or his

representative ; and

(ii) the Secretary to the Minister of the Minister

in charge of the subject of Plan Implemention

or his representative ; and

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(b) seven members appointed as Directors by the

Minister from among persons possessing proven

expertise in the areas of resettlement, relocation,

rehabilitation, infrastructure development, finance

and provincial administration (hereinafter referred

to as “appointed members”).

Chairman and 4. (1) The Minister shall appoint, from among the

Vice Chairman appointed members, the Chairman and Vice-Chairman of the

of the Authority. Authority.

(2) The Chairman and Vice- Chairman shall hold office

for a term of three years and shall be eligible for re-

appointment.

(3) The Chairman shall be the Chief Executive Officer of

the Authority and shall preside at every meeting of the

Authority and in the absence of the Chairman, the Vice

Chairman shall preside at any such meeting.

(4) Where the Chairman is temporarily unable to perform

the duties of his office on account of ill health, absence from

Sri Lanka or any other cause, the Vice Chairman shall act in

place of the Chairman.

Terms of office 5. (1) The term of office of an appointed member of the

of appointed Board shall be three years.

members and

their removal

(2) An appointed member may resign from his office by

and resignation.

letter addressed to the Minister and such resignation shall be

effective from the date on which it is accepted by the Minister.

(3) The Minister may for reasons assigned, remove an

appointed member from office.

(4) An appointed member who has been removed from

office shall not be eligible for reappointment as a member of

the Board or to serve the Authority in any other capacity.

(5) Where a member of the Board dies, resigns or is removed

from office the Minister shall, having regard to the provisions

of section 5, appoint another member in his place.

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6. A person shall be disqualified from being appointed Disqualification

or from continuing as a member of the Authority, if he is- for being

appointed as a

member.

(a) a member of Parliament, a member of a Provincial

Council or a member of a local authority ; or

(b) a person who, having been declared an insolvent or

a bankrupt under any law in Sri Lanka or in any

other country, is an undischarged insolvent or

bankrupt ; or

(c) serving or has served a sentence of imprisonment

imposed by any Court in Sri Lanka or any other

country ;

(d) incapacitated by physical or mental illness ; or

(e) otherwise unable or unfit to discharge the functions

of a member.

7. The quorum for any meetings of the Board shall be Quorum.

five members and the Board may regulate the procedure in

regard to the meetings of the Board and the transaction of

business at such meetings.

8. No act, decision or proceedings of the Board shall be Vacancy among

invalid by reason only of any vacancy among its members or directors not to

invalidate acts

any defect in the appointment of any its members. &c, of the

Board.

9. The members of the Board may be remunerated in Remuneration of

such manner out of the Fund of the Authority as may be members.

determined by the Minister with the concurrence of the

Minister in charge of the subject of Finance.

10. The Authority shall, in the exercise of its powers, Authority to

discharge of its functions and performance of its duties, comply with the

general policy

comply with the general policy of the Government and with

of the

any general or special directions issued to it by the Minister, Government.

in relation to the implementation of such policy.

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Seal of the 11. (1) The Seal of the Authority shall be in the custody

Authority. of such person as the Board may from time to time decide.

(2) The Seal of the Authority may be altered in such manner

as may be determined by the Board.

(3) The Seal of the Authority shall not be affixed to any

instrument or document except in the presence of the

Chairman and one other member of the Board, both of whom

shall sign the instrument or document in token of their

presence :

Provided that where the Chairman is unable to be present

at the time when the Seal of the Authority is affixed to any

instrument or document, any other member of the Board

authorized in writing by the Chairman in that behalf, shall be

competent to sign such instrument or document in accordance

with the preceding provisions of this subsection.

(4) The Board shall maintain a register of the instruments

or documents to which the Seal of the Authority is affixed.

Establishment of 12. For the purpose of carrying out the powers and

Branch offices. functions conferred on, or assigned to it by this Act, the

Authority may establish and maintain where necessary,

branch offices in identified districts.

PART II

OBJECTIVES, FUNCTIONS AND POWERS

Objectives of the 13. The objectives of the Authority shall be to-

Authority.

(a) ensure resettlement or relocation in a safe and

dignified manner of internally displaced persons

and refugees ;

(b) facilitate the resettlement or relocation of the

internally displaced persons and refugees in order

to rehabilitate and assist them by facilitating their

entry into the development process.

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14. For the purpose of carrying out the objects Functions of the

of the Authority, the Authority shall discharge the following Authority.

functions :-

(a) to formulate and implement a resettlement policy

in consultation with the Ministry of Resettlement

for the internally displaced persons and refugees ;

(b) to co-ordinate the efforts of the Government, donors,

international non-governmental organizations, civil

society agencies and others possessing the required

mandates and resources in order to end displacement

of persons ;

(c) to formulate and implement specific programmes

and projects for resettlement and relocation of

internally displaced persons and refugees in a safe

and dignified manner ;

(d) to assist the internally displaced persons and

refugees to obtain lost documents such as Birth,

Death and Marriage Certificates, Identity Cards,

Deeds relating to property and any other documents

which they may require from any government

department. ;

(e) to assist in providing infrastructure facilities,

education and health facilities ;

(f) to implement resettlement programmes including

housing schemes to facilitate the resettlement and

relocation ;

(g) to assist in the mobilization of both local and

foreign financial resources to implement the planned

programmes ;

(h) to facilitate in solving problems relating to

ownership and possession right of movable and

immovable assets ;

(i) to forge a better understanding between the

internally displaced persons and host communities;

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(j) to facilitate the restoration of basic human rights

including cultural rights to empower internally

displaced persons ;

(k) to receive representations on the needs of the

displaced and to make representations regarding the

same to agencies mandated to find solutions ;

(l) to mobilize the displaced to initiate and implement

partnerships for the recovery and development in

accordance with individual or community needs ;

(m) to promote livelihood activities among displaced

persons and refugees ;

(n) to provide reasonable access to information on

policies, resources and progress on activity

earmarked for their recovery and facilitate dialogue

with concerned intervening agencies ; and

(o) to ensure a conducive physical environment for

resettlement, by clearing land mines and debris and

repairing the damaged infrastructure.

Powers of the 15. The Authority may, for the purpose of discharging

Authority. its functions, exercise all or any of the following powers :-

(a) acquire and hold, take or give on lease or hire,

mortgage, sell or otherwise dispose of any movable

or immovable property ;

(b) clear and re-develop the land acquired either from

the State or from private individuals ;

(c) enter into and perform all such contracts, as it may

consider necessary for the discharge of its functions;

and

(d) accept gifts, grants or donations whether in cash or

otherwise and to apply them in the discharge of its

functions.

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16. (1) The Authority shall have the power to enter into Powers of the

any agreement with any government department, local Authority to

enter into any

authority, public corporation, or any other institution, whether agreement.

private or public including joint venture companies, for the

purpose of enabling the efficient exercise, performance and

discharge of the powers, duties and functions of the Authority.

(2) Every such agreement shall be in writing and shall

upon registration with the Authority constitute a valid and

binding contract as between such government department,

local authority, public corporation and any other institutions

whether private or public including joint venture companies.

17. The Board may, in writing under the seal of the Empowering of

Authority or in such other manner as may be provided by the persons to act

for Authority

rules made by the Authority, empower any other person either

outside Sri

generally or in respect of any specific matter, to act for and Lanka.

on behalf of the Authority, in any place outside Sri Lanka.

18. (1) Where any land or any interest in any land within Compulsory

any designated area is required by the Authority for the acquisition of

land.

implementation of any of the projects and the Minister by

Order published in the Gazette approves the proposed

acquisition, such land or interest in land may accordingly be

acquired under the Land Acquisition Act and be transferred

to the Authority as if such land or interest in land is required

for a public purpose:

Provided however, that where any land or any interest in

any land of an estate situated within the designated area is

required by the Authority, the Minister shall consult the

Minister in charge of the subject of Plantation Industries,

before publishing the Order, under this section for the

acquisition of such land or interest in such land.

(2) In any case where any land or any interest in any land

within any designated area is to be acquired under the Land

Acquisition Act for any purpose of the Authority and public

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notice of the intention to acquire that land or interest is

published as required by that Act, any time within a period of

three years commencing from the date of publication of the

Order under subsection (1), the following provisions shall

apply for the purpose of determining the amount of

compensation to be paid in respect of that land or interest,

notwithstanding anything to the contrary in that Act—

(a) the market value of the land shall be deemed to be

the market value, the land would have had, on the

date of publication of such Order, if it then were in

the same condition as it is at the time of acquisition,

increased by a reasonable amount on account of

bona fide improvements if any, effected to such land

after such date;

(b) in ascertaining the market value of the land at the

date of publication of such Order, no account shall

be taken of any benefit or increase in value which

may have accrued, or any expectation of benefit or

increase in value likely to accrue directly or

indirectly, from any work of development or other

operation of the Authority in pursuance of this Act.

State property 19. (1) Where any immovable property of the State is

both movable required for any purpose of the Authority, such purpose shall

and immovable be deemed to be a purpose for which a special grant or lease

to be made

available to the may be made under section 6 of the Crown Lands Ordinance

Authority. (Chapter 454) and the provisions of that Ordinance shall

accordingly apply to a special grant or lease of such property

to the Authority.

(2) Where any movable property of the State is required

for any purpose of the Authority, the Minister may by Order

published in the Gazette, transfer to, and vest in the Authority

the possession and use of such movable property :

Provided however, that no Order affecting any movable

property of the State shall be made by the Minister under the

preceding provisions of this subsection, without the

concurrence of the Minister having control over such property.

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PART III

FINANCE

20. (1) The Authority shall have its own Fund. There Fund of the

shall be paid into the Fund :— Authority.

(a) all such sums of money as may be voted from time

to time by Parliament for the use of the Authority;

(b) all such sums of money as may be received by the

Authority in the exercise, performance and

discharge of its powers, duties and functions under

this Act;

(c) all loans, donations, gifts or grants received by the

Authority from any source whether in or outside Sri

Lanka, provided such sums shall be accounted for

through the normal budgetary process.

(2) The financial year of the Authority shall be the calendar

year.

(3) The Authority shall cause proper books of accounts to

be kept of the income and expenditure, assets and liabilities

and all other transactions of the Authority.

(4) The provision of Article 154 of the Constitution relating

to the audit of accounts of public corporations shall apply to

the audit of the accounts of the Authority.

STAFF OF THE AUTHORITY

21. (1) There shall be a Director-General appointed by Director-

the Minister, who shall, subject to the general or special General.

direction and control of the Board, be charged with the

direction of the affairs and transactions of the Authority, the

exercise, performance and discharge of its powers, duties and

functions and the administration and control of the officers

and servants of the Authority.

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(2) The Director-General may, with the approval of the

Authority, whenever he considers it necessary to do so,

delegate to any officer or servant any power, duty or function

conferred or imposed on, or assigned to him by this Act and

such officer or servant shall exercise, perform and discharge

such power, function or duty subject to the general or special

directions of the Director-General.

Staff of the 22. (1) The Authority may appoint such officers and

Authority. servants as it considers necessary for the efficient discharge

of its functions.

(2) The officers and servants appointed under subsection

(1) shall be remunerated in such a manner and at such rates

and shall be subject to such conditions of service as may be

determined by the Authority in consultation with the

Secretary to the Ministry of the Minister in charge of the

subject of finance with the approval of the Minister.

(3) At the request of the Authority 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 Authority for such period as may be determined by the

Authority, or with like consent be permanently appointed to

such staff.

(4) Where any officer in the public service is temporarily

appointed to the staff of the Authority, the provisions of

subsection (2) of the section 14 of the National Transport

Commission Act, No. 37 of 1991, shall mutatis mutandis,

apply to and in relation to him.

(5) 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.

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(6) Where the Authority employs any person who has

agreed to serve the Government for a specified period, any

period of service to the Authority by that person shall be

regarded as service to the Government for the purpose of

discharging the obligations of such agreement.

(7) At the request of the Authority, 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 Authority for such period as may

be determined by the Authority or with like consent be

permanently appointed to such staff on such terms and

conditions (including those relating to pension or provident

fund rights) as may be agreed upon by the Authority and the

Local Government Service Commission or that local

Authority, as the case may be.

(8) Where any member of a Local Government Service or

any officer or servant of any local Authority is appointed

temporarily under subsection (7) to the staff of the Authority,

he shall be subject to the same disciplinary control as any

other member of the staff of this Authority.

23. (1) At the request of the Authority any officer or Appointment of

servant of a public corporation may, with the consent of such officers and

servants of

officer or servant and the governing board of such corporation, public

be temporarily appointed to the staff of the Authority for Corporations to

such period as may be determined by the Authority or with the staff of the

like consent be permanently appointed to the staff of the Authority.

Authority on such terms and conditions, including those

relating to pension or provident fund rights, as may be agreed

upon by the Authority and the governing board of such

corporation.

(2) Where any person is appointed whether temporarily or

permanently under subsection (1) to the staff of the Authority,

he shall be subject to the same disciplinary control as any

other member of the staff of the Authority.

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(3) For the purpose of this section ‘governing board’ in

relation to a public corporation means the Board of Directors

or other body in which the administration and management

of that public corporation has been vested.

GENERAL

Delegation of 24. The Authority may, delegate in writing the exercise

powers of the

or discharge of any power or function vested in or assigned

Board.

to the Authority to the Director General or to any officer or

servant of the Authority or to any officer of any government

department or public corporation with the consent of such

officer. The Authority may notwithstanding any such

delegation exercise, perform or discharge any such power,

duty or function, so delegated.

Authority not 25. The Authority shall not make any investment in or

to transact

business with otherwise transact business with an enterprise of which a

enterprises in member of the Authority is a partner, director or shareholder

which a or is in any other way directly or indirectly interested, unless

member has

interest, the transaction is approved by the Minister.

unless

approved by

the Minister.

26. (1) The Minister may, give to the Authority in

Directions of

writing, general or special directions as to the performance of

the Minister.

the duties and the exercise of the powers of the Authority. It

shall be the duty of the Authority to comply with such

directions.

(2) The Minister may from time to time, in writing, direct

the Authority to furnish to him in such form as he may require,

returns, accounts and other information with respect to the

property and activities of the Authority. It shall be the duty

of the Authority to comply with such direction.

Authority 27. The Authority shall be deemed to be a scheduled

deemed to be

a scheduled institution within the meaning of the Bribery Act (Chapter

institution 52) and the provisions of that Act, shall be construed

within the accordingly.

meaning of

the Bribery

Act.

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28. All members, officers and servants of the Authority Members,

shall be deemed to be public servants within the meaning officers and

servants of the

and for the purposes of the Penal Code (Chapter 19). authority

deemed to be

public servants.

29. (1) No suit or prosecution shall lie— Protection for

action taken

under this Act or

(a) against the Authority for any Act which in good on the direction

faith is done or purported to be done by the Authority of the Authority.

under this Act; or

(b) against any member, officer, servant or agent of the

Authority for any Act which in good faith is done or

is purported to be done by him under this Act or on

the direction of the Authority.

(2) Any expense incurred by the Authority in any suit or

prosecution brought by or against the Authority before any

Court, shall be paid out of the Fund of the Authority, and any

costs paid to, or recovered by, the Authority in any such

suit or prosecution shall be credited to the Fund of the

Authority.

(3) Any expense incurred by any such person as is referred

to in paragraph (b) of subsection (1) in any suit or prosecution

brought against him before any Court in respect of any act

which is done or is purported to be done by him under this

act or on the direction of the Authority shall if the Court

holds that such act is done in good faith, be paid out of the

fund of the Authority, unless such expense is recovered by

him in such suit or prosecution.

30. (1) The Minister may, in consultation with the Regulations.

Authority, make regulations in respect of matters required by

this Act to be prescribed or in respect of which regulations

are authorized to be made.

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(2) Every regulation made by the Minister shall be

published in the Gazette and shall come into operation on

the date of such publication or on such later date as may be

specified in the regulation and shall be as valid and effectual

as if it were herein enacted.

(3) Every regulation shall as soon as it is convenient after

its publication in the Gazette be brought before 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 thereunder.

(4) Notification of the date on which any regulation is

deemed to be rescinded shall be published in the Gazette.

Rules. 31. (1) The Authority may make rules—

(a) for the regulation of procedure and the transaction

of business at meetings; and

(b) providing for the custody and manner of affixing

the Seal of the Authority.

(2) Every rule made by the Authority shall be published

in the Gazette.

Act to be 32. The provisions of this Act shall be in operation for a

operative for a period of six years from the date of its coming into

period of six operation.

years.

Exemption of 33. The Authority shall with the concurrence of the

Authority from Minister in-charge of the subject of Finance, be exempt from

payments of

duties & etc. the payment of any tax on the income or profits of the

Authority to such extent as is permitted in terms of the Inland

Revenue Act, No. 10 of 2006.

Sinhala text to 34. In the event of any inconsistency between the Sinhala

prevail in case of and Tamil texts of this Act, the Sinhala text shall prevail.

inconsistency.

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35. In this Act, unless the context otherwise requires— Interpretation.

“Internally Displaced Persons (IDP’s)” means, persons

who have been forced or obliged to flee or to leave

their homes or places of habitual residence in

particular as a result of or in order to avoid the effects

of armed conflict situations of generalized violence;

“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.

“Public Corporation” means any Corporation, board or

other body which was or is established by or under

any written law other than the Companies Act, No.

17 of 1982 or any other Act which may be enacted

in its place with funds or capital wholly or partly

provided by the Government by way of grants, loans

or otherwise.

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