



**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

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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 TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Resettlement Authority Act, No. 09 of 2007 and shall come into operation on such date as the Minister may appoint (hereinafter referred to as the “appointed date”) by Order published in the *Gazette*.

Short title and date of operation.

PART I

ESTABLISHMENT OF THE RESETTLEMENT AUTHORITY

2. (1) There shall be established a body called Resettlement Authority (hereinafter referred to as “the Authority”).

Establishment of the Resettlement 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 be vested in a Board of Directors (hereinafter referred to as “the Board”) consisting of-

Constitution of the Board 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 Implementation or his representative ; and

- (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 Vice Chairman of the Authority.

4. (1) The Minister shall appoint, from among the appointed members, the Chairman and Vice-Chairman of the 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 of appointed members and their removal and resignation.

5. (1) The term of office of an appointed member of the Board shall be three years.

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

- 6.** A person shall be disqualified from being appointed or from continuing as a member of the Authority, if he is-
- Disqualification 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 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.
- Quorum.
- 8.** No act, decision or proceedings of the Board shall be invalid by reason only of any vacancy among its members or any defect in the appointment of any its members.
- Vacancy among directors not to invalidate acts &c, of the Board.
- 9.** The members of the Board may be remunerated in such manner out of the Fund of the Authority as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.
- Remuneration of members.
- 10.** The Authority shall, in the exercise of its powers, discharge of its functions and performance of its duties, comply with the general policy of the Government and with any general or special directions issued to it by the Minister, in relation to the implementation of such policy.
- Authority to comply with the general policy of the Government.

Seal of the Authority.

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

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

13. The objectives of the Authority shall be to-

- (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.

14. For the purpose of carrying out the objects of the Authority, the Authority shall discharge the following functions :-

Functions of the Authority.

- (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 Authority.

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

16. (1) The Authority shall have the power to enter into any agreement with any government department, local authority, public corporation, or any other institution, whether 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.

Powers of the Authority to enter into any agreement.

(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 Authority or in such other manner as may be provided by the rules made by the Authority, empower any other person either generally or in respect of any specific matter, to act for and on behalf of the Authority, in any place outside Sri Lanka.

Empowering of persons to act for Authority outside Sri Lanka.

18. (1) Where any land or any interest in any land within any designated area is required by the Authority for the 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:

Compulsory acquisition of land.

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

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 both movable and immovable to be made available to the Authority.

19. (1) Where any immovable property of the State is required for any purpose of the Authority, such purpose shall be deemed to be a purpose for which a special grant or lease may be made under section 6 of the Crown Lands Ordinance (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.

PART III

FINANCE

20. (1) The Authority shall have its own Fund. There shall be paid into the Fund :— Fund of the 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 the Minister, who shall, subject to the general or special 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. Director-General.

(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
Authority.

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

(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 servant of a public corporation may, with the consent of such officer or servant and the governing board of such corporation, 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 the staff of the 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.

Appointment of officers and servants of public Corporations to the staff of the Authority.

(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.

(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 powers of the Board.

24. The Authority may, delegate in writing the exercise or discharge of any power or function vested in or assigned 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 to transact business with enterprises in which a member has interest, unless approved by the Minister.

25. The Authority shall not make any investment in or otherwise transact business with an enterprise of which a member of the Authority is a partner, director or shareholder or is in any other way directly or indirectly interested, unless the transaction is approved by the Minister.

Directions of the Minister.

26. (1) The Minister may, give to the Authority in writing, general or special directions as to the performance of 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 deemed to be a scheduled institution within the meaning of the Bribery Act.

27. The Authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act (Chapter 52) and the provisions of that Act, shall be construed accordingly.

28. All members, officers and servants of the Authority shall be deemed to be public servants within the meaning and for the purposes of the Penal Code (Chapter 19).

Members, officers and servants of the authority deemed to be public servants.

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

Protection for action taken under this Act or on the direction of the Authority.

(a) against the Authority for any Act which in good faith is done or purported to be done by 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 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.

Regulations.

(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 operative for a period of six years.

32. The provisions of this Act shall be in operation for a period of six years from the date of its coming into operation.

Exemption of Authority from payments of duties & etc.

33. The Authority shall with the concurrence of the Minister in-charge of the subject of Finance, be exempt from 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 prevail in case of inconsistency.

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

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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