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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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## PART I : SECTION (I) — GENERAL

### Government Notifications

#### THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the President under Section 5 of the Public Security Ordinance (Chapter 40).

GOTABAYA RAJAPAKSA,  
President.

Colombo,  
August 30, 2021.

#### Regulations

#### PART I

#### GENERAL

1. These regulations may be cited as the Emergency (Provision of Essential Food) Regulation, No. 1 of 2021. Short title.

2. The objective of these regulations is to prevent the activities such as hiding, interrupting the distribution, charging high prices of especial food bulks including rice and sugar and causing market irregularities which cause inconvenience to the consumers and the welfare of the people. Therefore, authorized officers or authorities shall cause to buy the bulks of essential food including paddy, rice, sugar based on the guaranteed price or the imported prices at the customs and, supply to the public at a reasonable price and the State banks shall take measures to recover the loans borrowed from such banks to buy such bulks from the creditors. Objectives.



Interpretation.

3. (1) In any emergency regulation, unless any other definition is expressly provided therein or unless it is otherwise expressly provided therein or the context otherwise requires—

"Attorney-General" in relation to any emergency regulation, includes the Solicitor-General, Additional Solicitor-General, Deputy Solicitor-General, or any Counsel authorized to perform as a State Counsel by the Attorney-General in that behalf for the purpose of such regulation;

"competent authority" in relation to any emergency regulation means, unless otherwise provided for in such regulation, any person appointed by name, or by office, by the President to be a competent authority for the purpose of such regulation;

"emergency regulation" means any of these regulations or any other regulations made under the Public Security Ordinance;

"essential service" means any service which is of public utility or essential for the life of the community declared by the President and includes any Department of Government or branch thereof and which is specified in the Schedule hereto and shall also include any service which may thereafter be declared in terms of regulation 10 of these regulations;

"Inspector General of Police" includes any Senior Deputy Inspector General of Police;

"land" includes lands or parts of buildings or processing centers where food is stored or processing;

"vehicle" means vehicles use for the distribution of food;

"police officer" means member of any police established under the Police Ordinance (Chapter 53);

"public officer" shall have the same meaning assigned to it under the Constitution; and

"Sri Lanka" means the area land of Sri Lanka and includes its territorial waters and air space.

(2) The provisions of Interpretation Ordinance shall apply for the interpretation of emergency regulations and, Orders or rules made under those regulations in the same manner as it applies for the interpretation of any Act, or Ordinance or Law.

(3) Every reference to an emergency regulation in any document or any other written law, unless it appears to be in the contrary, shall be construed as a reference to such regulation as amended by any subsequent regulation made under the Public Security Ordinance.

(4) An Order made by the President declaring that a service specified in the Schedule hereto, or any service in terms of the regulation 10 of these regulations is essential to the public utility or, the lives of the people may be made generally with respect to the whole Sri Lanka or any area or a place which is referred to in such Order.

(5) Where any emergency regulation requires that any direction or Order made under such emergency regulation shall specify a time period within which such direction or Order is in force, such time period shall be so specified in such direction or Order. If such time period is not so specified, such direction or Order shall be deemed to be in force during the time period within which such regulation is in force.

4. Unless otherwise expressly provided, the powers assigned to the President by any emergency regulation, shall be in addition to any other rights or powers vested in the President or other authority or person by law and not in derogation of such rights or powers. Powers of the President.

5. Any power, duty or function conferred or imposed on the President by any emergency regulation may be implemented, delegated, performed by any Minister authorized by the President in that behalf. Assignment of powers, duties and functions under the emergency regulations.

6. (1) For the purpose of any emergency regulation, any person may be appointed as the competent authority generally for the whole Sri Lanka or for any area or the place as specified in the document by which such person is appointed: Competent authority.

Provide that, the appointment of two or more persons as the competent authority for any purpose of any regulation or any specified area or place, shall not be deemed to be prevented by any preceding provisions of this regulation.

(2) Where any person holding any office has been appointed as the competent authority by such office, if there is no express provision to the contrary, the person who is performing the duties of such office at that time shall be deemed to have been included in such appointment.

7. Any notice that is required to be served on any person for the purpose of any emergency regulation may, without prejudice to any specific provisions contained in such regulation, be served by sending it by post to his last known place of residence or customary residence or his place of business. Service of notices.

8. When construing any power granted to make any order or rule by any emergency regulation, such power shall be construed to include the power to revoke or vary such order or rule in the same manner and subject to the same conditions if any, in or under which such order or rule was made. Revoking or varying orders, & etc.

## PART 2

### ESSENCIAL SERVICES

9. (1) The President may, by Order, appoint any person, by name or by office, as the Commissioner-General of Essential Services for the whole of Sri Lanka or any part thereof. It shall be the duty of the Commissioner-General of Essential Services to implement and co-ordinate all activities relating to the maintenance of essential services. Commissioner-General to co-ordinate the essential services.

(2) The Commissioner-General of Essential Services may appoint, by name or by office, such number of Deputy Commissioners or Assistant Commissioners, as may be necessary for the performance of his duty under these regulations.

(3) The Commissioner-General of Essential Services may delegate any powers, duties or functions vested in, imposed on or assigned to the Commissioner-General of Essential Services by or under these regulations to a Deputy Commissioner or Assistant Commissioner appointed under sub regulation (2).

(4) For the purpose of performing the responsibilities under this regulation, the Commissioner-General of Essential Services may exercise-

- (a) any power assigned to the Secretary to the Ministry of the Minister assigned the subject of Defence or to a competent authority appointed under regulation 11;

(b) any power assigned for the purpose of that regulation, to the competent authority by regulation 12;

(c) any power under that regulation which has been assigned to any authority or officer under regulation 13.

(5) For the purpose of ensuring the duly maintenance of the essential services, the Commissioner-General of Essential Services may give necessary directions to-

(a) any competent authority appointed under regulation 11;

(b) any authority or officer who has been assigned any power under regulation 13,

and it shall be the duty of such competent authority, authority officer or coordinating officer, as the case may be, to comply with every such direction.

Maintaining essential services and interrupting those services and etc.

**10.** Where any service specified in the Schedule to these regulations is declared as an essential service, any person who is engaged in any duty or employed in any service on or after August 30, 2021-

(a) fails or refuses to be present at the place of his duty or at the place where he serves after the expiration of one day from the date of such order or does not perform his duty according to the terms and conditions of his service during the required entire period of time of any normal working day or any part of a day or fails to work or refuses to work or leaves the work place or becomes absent from work; or

(b) fails or refuses to perform such duty directed by his employer or any person acting under the authority of the employer within a specified period of time or during such any period of time given by such employer or such person (whether such period of time is during normal working hours or outside such working hours or on holidays) while engaged or employed in any specified service.

notwithstanding such absence or failure to perform such duty or refusal occurred due to abetting any strike or other organizational activity-

(i) notwithstanding anything to the contrary in any other law or in the terms and conditions of any employee agreement of such person, it shall be deemed for all purposes that he has immediately terminated his service or resigned from his service; or

(ii) in addition, he shall be convicted of an offence.

In this paragraph the phrase "specified service" means an essential service declared by the President by an Order published in the Gazette and an essential service which can be ordered to be performed outside the normal working hours or on holidays by any person engaged or employed in any duty in relation to such service.

(2) Where any service is declared as an essential service-

(a) Any person in any manner,

(i) interrupts, obstructs, delays or restricts the maintain of such service;

(ii) interrupts or obstructs or prevents any person from coming to his work place who is engaged in maintaining such service or in any service in relation to such service or engaged in such service;

- (iii) if persuades or encourages any person who is engaged in maintaining such service or in any service in relation to such service or engaged in such service, to not report for duty;
  - (iv) if such service is a government department or any division of such department, persuades or encourages to establish or maintain a service in place of such service or parallel to such service;
  - (v) if persuades or encourages any person engaged in maintaining such service or in any service in relation to such service or engaged in such service to leave such service (whether such person leaves such service or not);
  - (vi) if prevents any other person from accepting or offering employment in relation to carrying out such service or duty; or
- (b) if any person by any act or by speech or document persuades or encourages any other person to perform any act referred to in paragraph (a) of this sub regulation (if such person performs such act or not, as a result of such action),

he shall be guilty of an offence.

### PART 3

#### STATE INTERVENTION TO PROVIDE AND MAINTAIN THE SUPPLY OF ESSENTIAL FOOD, STOCKS SPECIFIED HEREIN KEPT IN PRIVATE FOOD STORES, PADDY STORES AND PADDY MILLS, TO THE PUBLIC

**11.** (1) Where any premises is alleged to have been used for the commission of an offence or in connection with the commission of an offence under these regulations, the Superintendent of Police of the relevant area shall take such premises which has been used to store essential food stocks, including paddy, rice and sugar, into his possession and remove any person found or residing therein and shall prevent and protect such premises from unauthorized entry by any person:

Taking into possession of buildings and premises used for the commission of an offence, etc.

Provided that, any person who claims to have owned such building, premises or place shall be entitled to make an application to the Court of Appeal to obtain an order to release such building or premises from such possession. Where the Court of Appeal is satisfied, after the expiration of a period of two weeks of issuing any such order, that such building or premises has been used without his knowledge or in contravention of his instructions, the Court of Appeal may release such building or premises:

Provided further, where an action has not been filed within a period of six months after taking into possession of such premises or building, the Court of Appeal shall order such building or the premises to be returned to such owner.

(2) Where any person has been convicted of an offence under this regulation and where the court is satisfied that such premises has been used, or used in connection with, the commission of an offence under this regulation, the Court of Appeal may make an order to confiscate such building or premises, in addition to any punishment imposed by the Court of Appeal in respect of such offence.

**12.** (1) Where a competent authority deems it necessary to seize any essential food items including paddy, rice and any vehicle transporting such items for the purpose of providing essential supplies and services to the public, such competent authority may seize such food items including paddy and rice and any vehicle transporting such commodities.

Seizure of purchases and transportation.

(2) Where the competent authority seizes essential food items including paddy and rice under paragraph (1) for the purpose of maintaining public order and for providing essential supplies and services to the public, such competent authority shall, taking into account the state certifies prices or custom specified prices under the instruction of the Commissioner General of Essential suppliers, and take steps to provide them to the consumers for a fair prices or may authorized to do so.

(3) Where the competent authority is of the opinion that it is required to do so, for the purpose of exercising the powers vested on him under paragraph (1), he may make an Order, in relation to the entirety of Sri Lanka or in relation to any part thereof, directing any person who has in his possession or control a vehicle in an area in respect of which the Order relates, to not to remove or caused to be removed such vehicle, until the person or authority specified in the Order permits to remove the same.

(4) Where any person, requests for assistant from any police officer or other public officer, in exercising the powers vested in him by the preceding provisions of this regulation, such police officer or public officer shall provide such assistant so requested.

(5) For the purpose of this regulation, the "competent authority" means the Chairman of the Consumer Affairs Authority, Inspector General of Police or a District Secretary of any District.

Requisition of  
personal  
services.

**13.** (1) The President may direct or authorize one or more authorities or officers determined in that behalf to direct any person by warrant under his hand to do any work in aid of or in respect of the maintenance of an essential service or to provide any personal service.

(2) A person who contravenes any Order made under these regulations or fails to comply with such Order commits an offence and shall on conviction after a trial before a Magistrate, in addition to any penalty imposed therefor—

- (a) be liable for forfeiture of all his property, immovable or movable, free of any encumbrance attached thereto;
- (b) any transfer or disposition of property by such person after the effective date of these regulations shall deemed to be null and void.

#### SCHEDULE

The employment of work or labour required to perform any service for the collection, storing, refining, transporting and distributing of the essential consumer items such as paddy, rice and sugar required for the due maintenance of the day today life of the general public.