



Statement on the Declaration of Emergency and Emergency Regulations Promulgated on the 28.11.2025

1st December 2025.

The Centre for Policy Alternatives (CPA) is deeply saddened by the Cyclone Ditwah caused humanitarian crisis that has caused death and devastation across Sri Lanka, displacing and leaving many communities without basic essentials, thereby heightening concerns with regard to recovery, relief, rebuilding and rehabilitation.

Amidst such a disaster, CPA notes the need for measures to be taken to address the immediate recovery and humanitarian concerns, through existing laws such as the Sri Lanka Disaster Management Act, No. 13 of 2005 specifically designed to address natural disasters, including floods, landslides, cyclones and other hazards. It is in such a context that CPA is concerned by the decision of President Anura Kumara Dissanayake to [declare a nationwide state of emergency](#), and the simultaneous gazetting of [Emergency Regulations](#) (both dated 28th November 2025, though they were made public on the 29th November), purportedly to address the cyclone and flooding situation currently affecting the country. This was followed by the [appointment of](#) Mr. B.K. Prabath Chandrakeerthi, a Special Grade Officer of the Sri Lanka Administrative Service as the Commissioner-General of Essential Services under the Emergency Regulations. These steps were subsequent to statements by several opposition political actors calling for the declaration of a state of emergency. CPA is concerned with the reverting back to a state of emergency as a default response to a crisis, regardless of Sri Lanka's past experiences with natural disasters and the tapestry of laws and frameworks in place.

While CPA recognises the severity of the disaster and the urgent need for coordinated relief efforts, we emphasise that the powers conferred by such a declaration of emergency are extraordinary, and intended to be exercised only in circumstances where the ordinary laws of the country are manifestly insufficient to protect public safety or to secure the provision of essential services. The authority to declare a state of emergency derives from the Public Security Ordinance (PSO), which grants sweeping powers to the President, including the ability to override existing laws. These powers, by their nature, must be subject to strict necessity, proportionality and time-bound limits.

CPA has in the past raised concerns with the declaration of emergency including in several instances in the post war period in [2018](#), [2019](#), [2021](#) and three [instances](#) in [2022](#). A common theme seen during all these states of emergency (except April 2022 where Emergency Regulations were not promulgated) is that the accompanying Emergency Regulations have

been overbroad, giving the Executive extraordinary powers which are beyond those necessary for the management of the emergency at hand.

In this context CPA highlights the existence of several laws including the Disaster Management Act, No. 13 of 2005, introduced after the devastating 2004 Tsunami that allows the President to declare a State of Disaster, upon which proclamation, broader powers related to disaster management are given to various authorities in order to respond to the situation at hand. CPA emphasises, [as it did before in 2021](#) during the Covid-19 pandemic, that this is the most appropriate law to deal with the circumstances Sri Lanka is faced with today. Under the Disaster Management Act, the Disaster Management Centre (DMC) and the National Council for Disaster Management (NCDM) have clearly mandated powers to coordinate disaster relief, mitigation, rehabilitation and recovery — precisely the sort of coordinated, multi-sectoral response required in severe weather events. One of the functions of the NCDM is to ‘facilitate emergency response, recovery, relief, rehabilitation and reconstruction in the event of any disaster’, a function which would have been directly relevant to the crisis.

Additionally, CPA notes that on 28th November, the President [had issued](#) a Gazette in terms of Section 2 of the Essential Public Services Act, No. 61 of 1979 declaring several services as essential public services. Furthermore, on 26th November, the President had [issued a Gazette](#) in terms of Section 12 of the Public Security Ordinance, calling out all the members of all the armed forces for purpose of maintenance of public order all over Sri Lanka - a step that has become routine under successive presidents. Moreover, the President is empowered with additional powers under the Public Security Ordinance including the power to declare curfew for the maintenance of public order without the need to declare an emergency. Thus, against the backdrop of Sri Lanka’s experiences of natural disasters and crisis and the availability of multiple legal options, questions must be posed as to the real purpose of declaring a state of emergency.

Even assuming that, in the extraordinary circumstances of this disaster, a state of emergency was warranted, the particular emergency regulations gazetted raise serious concerns. They echo the broad regulations of the past, granting sweeping powers, some that do not appear to bear a clear relationship to disaster response, relief or recovery. In addition to the Commissioner General of Essential Services, the emergency regulation promulgated provides for the establishment of a ‘Commissioner of Civil Security’ and advisory committees, with a vast amount of the regulations focusing on criminal offences that raises questions of relevance and nexus to the disaster. Several of these offences bear striking similarities to overbroad and unjustified offences contained in previous Emergency Regulations, raising questions as to whether parts of previous regulations have simply been duplicated without consideration to the situation at hand. For instance, causing disaffection among public officers (reg 18) or affixing or distributing posters, handbills or leaflets which are prejudicial to public security, public order or the maintenance of supplies and services essential to the life of the community (reg 19) are made offences. Worryingly, information shared between persons or by any written, electronic, digital or other means, including through any media, information and communication technology, automated system or artificial intelligence system, communicate, publish, generate or disseminate any rumour or false statement which is likely to cause public alarm or public disorder are also made offences (reg 20). Such overbroad regulations risk undermining civil liberties, including fundamental rights of freedom of movement, assembly,

expression, and due process — especially given Sri Lanka's history of using emergency laws in contexts well beyond immediate security threats.

This is especially alarming given that this government came into power on a promise of systemic change. The people of Sri Lanka, already traumatised by successive crises, natural disasters, and social instability, deserve a departure from the pattern of concentrated Executive Power. While CPA notes the President's [statement on 30th November](#) that assured the state of emergency is to be used solely for disaster management and for no other purpose, we call on the government to:

- Ensure that any emergency regulations are strictly necessary, proportionate, time-limited, and directly related to immediate disaster-response needs.
- Guarantee transparency, oversight, and protection of fundamental rights during the period of emergency.
- Commit to promptly rescinding any provisions not essential for relief, rehabilitation and recovery.
- Fully implement existing laws including the Disaster Management Act.

CPA urges that the country should not return to a cycle in which states of emergency become the default response to crisis, whether economic, political or natural. We hope that this government will honour its promises of system change and uphold the rule of law, human rights, and democratic norms even in times of national hardship.

This statement will be followed by a more detailed commentary on the Emergency Regulations promulgated.