

(Eighth Parliament - First Session)

No. 250.]

MINUTES OF PARLIAMENT

Tuesday, April 03, 2018 at 1.00 p.m.

PRESENT:

Hon. Karu Jayasuriya, Speaker

Hon. Selvam Adaikkalanathan, Deputy Chairman of Committees

Hon. Ranil Wickremesinghe, Prime Minister and Minister of National Policies and Economic Affairs

Hon. Wajira Abeywardana, Minister of Home Affairs

Hon. John Amaratunga, Minister of Tourism Development and Christian Religious Affairs

Hon. Mahinda Amaraweera, Minister of Fisheries and Aquatic Resources Development and State Minister of Mahaweli Development

Hon. Gayantha Karunatileka, Minister of Lands and Parliamentary Reforms and the Chief Government Whip

Hon. Akila Viraj Kariyawasam, Minister of Education

Hon. Lakshman Kiriella, Minister of Public Enterprise and Kandy Development and Leader of the House of Parliament

Hon. Mano Ganesan, Minister of National Co-existence, Dialogue and Official Languages

Hon. Palany Thigambaram, Minister of Hill Country New Villages, Infrastructure and Community Development

Hon. Navin Dissanayake, Minister of Plantation Industries

Hon. S. B. Nawinne, Minister of Internal Affairs, Wayamba Development and Cultural Affairs

Hon. A. D. Susil Premajayantha, Minister of Science, Technology and Research

Hon. Rishad Bathiudeen, Minister of Industry and Commerce

Hon. (Mrs.) Chandrani Bandara, Minister of Women and Child Affairs

Hon. Faiszer Musthapha, Minister of Provincial Councils and Local Government

Hon. Sagala Ratnayaka, Minister of Project Management, Youth Affairs and Southern Development

Hon. Arjuna Ranatunga, Minister of Petroleum Resources Development

(2) M. No. 250

Hon. Chandima Weerakkody, Minister of Skills Development and Vocational Training

Hon. Malik Samarawickrama, Minister of Development Strategies and International Trade

Hon. Mangala Samaraweera, Minister of Finance and Mass Media

Hon. D. M. Swaminathan, Minister of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs

Hon. Rauff Hakeem, Minister of City Planning and Water Supply

Hon. Abdul Haleem, Minister of Post, Postal Services and Muslim Religious Affairs

Hon. Kabir Hashim, Minister of Higher Education and Highways

Hon. P. Harrison, Minister of Rural Economic Affairs

Hon. Field Marshal Sarath Fonseka, Minister of Regional Development

Hon. Lakshman Yapa Abeywardena, State Minister of Public Enterprise Development

Hon. Wasantha Aluwihare, State Minister of Agriculture

Hon. T. B. Ekanayake, State Minister of Lands

Hon. Piyasena Gamage, State Minister of Project Management, Youth Affairs and Southern Development

Hon. Mohan Lal Grero, State Minister of Higher Education

Hon. (Dr.) Harsha De Silva, State Minister of National Policies and Economic Affairs

Hon. Ajith P. Perera, State Minister of Power and Renewable Energy

Hon. Niroshan Perera, State Minister of National Policies and Economic Affairs

Hon. A. D. Premadasa, State Minister of Industry and Commerce Affairs

Hon. Palitha Range Bandara, State Minister of Irrigation

Hon. V. S. Radhakrishnan, State Minister of Education

Hon. Eran Wickramaratne, State Minister of Finance

Hon. Ruwan Wijewardene, State Minister of Defence

Hon. Sujeewa Senasinghe, State Minister of International Trade

Hon. Lakshman Senewiratne, State Minister of Science, Technology and Research

Hon. Vasantha Senanayake, State Minister of Foreign Affairs

Hon. A. H. M. Fowzie, State Minister of National Integration and Reconciliation

Hon. Ashok Abeysinghe, Deputy Minister of Transport and Civil Aviation

Hon. J. C. Alawathuwala, Deputy Minister of Home Affairs

Hon. Faizal Cassim, Deputy Minister of Health, Nutrition and Indigenous Medicine

M. No. 250

Hon. Dunesh Gankanda, Deputy Minister of Disaster Management

Hon. (Dr.) (Mrs.) Anoma Gamage, Deputy Minister of Petroleum Resources Development

Hon. (Mrs.) Sumedha G. Jayasena, Deputy Minister of Sustainable Development and Wildlife

(3)

Hon. H. R. Sarathie Dushmantha, Deputy Minister of Justice and Deputy Minister of Buddhasasana

Hon. Karunarathna Paranawithana, Deputy Minister of Skills Development and Vocational Training

Hon. Susantha Punchinilame, Deputy Minister of Public Administration and Management

Hon. Ranjan Ramanayake, Deputy Minister of Social Empowerment, Welfare and Kandyan Heritage

Hon. Muthu Sivalingam, Deputy Minister of Primary Industries

Hon. Ameer Ali Shihabdeen, Deputy Minister of Rural Economic Affairs

Hon. H. M. M. Harees, Deputy Minister of Sports

Hon. Hector Appuhamy

Hon. Rohitha Abeygunawardana

Hon. Thushara Indunil Amarasena

Hon. Dullas Alahapperuma

Hon. Ananda Aluthgamage

Hon. Mahindananda Aluthgamage

Hon. Ravi Karunanayake

Hon. A. Aravindh Kumar

Hon. J. M. Ananda Kumarasiri

Hon. Velu Kumar

Hon. Nalaka Prasad Colonne

Hon. Kaveendiran Kodeeswaran

Hon. Chandrasiri Gajadeera

Hon. Chandima Gamage

Hon. Udaya Prabhath Gammanpila

Hon. Nihal Galappaththi

Hon. Dinesh Gunawardena

Hon. (Dr.) Bandula Gunawardane

Hon. Edward Gunasekara

Hon. Padma Udhayashantha Gunasekera

(4) M. No. 250

Hon. D. V. Chanaka

Hon. Sisira Jayakody

Hon. (Dr.) Nalinda Jayathissa

Hon. Nalin Bandara Jayamaha

Hon. Anura Sidney Jayarathne

Hon. Piyankara Jayaratne

Hon. (Dr.) Kavinda Heshan Jayawardana

Hon. Lucky Jayawardana

Hon. Mylvaganam Thilakarajah

Hon. K. Thurairetnasingam

Hon. Arumugan Thondaman

Hon. M. S. Thowfeek

Hon. Sirinal de Mel

Hon. T. Ranjith De Zoysa

Hon. Anura Dissanayaka

Hon. Mayantha Dissanayake

Hon. Wimalaweera Dissanayaka

Hon. Weerakumara Dissanayake

Hon. Salinda Dissanayake

Hon. Mohamed Navavi

Hon. Mohamadu Nazeer

Hon. Vasudeva Nanayakkara

Hon. I. Charles Nirmalanathan

Hon. (Dr.) Ramesh Pathirana

Hon. K. K. Piyadasa

Hon. Sanath Nishantha Perera

Hon. Sujith Sanjaya Perera

Hon. Ashoka Priyantha

Hon. (Mrs.) Hirunika Premachandra

Hon. S. Premarathna

Hon. Bandula Lal Bandarigoda

Hon. Tharaka Balasuriya

Hon. Vijitha Berugoda

Hon. Muhammad Ibrahim Muhammad Mansoor

Hon. S. M. Marikkar

Hon. Seyed Ali Zahir Moulana

Hon, K. Kader Masthan

(5) M. No. 250

Hon. Imran Maharoof

Hon. Abdullah Mahrooff

Hon. Ajith Mannapperuma

Hon. (Prof.) Ashu Marasinghe

Hon. S. C. Mutukumarana

Hon. Seeniththamby Yoheswaran

Hon. Bimal Rathnayake

Hon. Lohan Ratwatte

Hon. Prasanna Ranatunga

Hon. Prasanna Ranaweera

Hon. Ishak Rahuman

Hon. Mujibur Rahuman

Hon. Harshana Rajakaruna

Hon. Chamal Rajapaksa

Hon. Namal Rajapaksa

Hon. Gamini Lokuge

Hon. Janaka Wakkumbura

Hon. (Mrs.) Pavithradevi Wanniarachchi

Hon. Vidura Wickramanayaka

Hon. (Dr.) Jayampathy Wickramaratne

Hon. A. A. Wijethunga

Hon. (Dr.) (Mrs.) Thusitha Wijemanna

Hon. Chaminda Wijesiri

Hon. Duleep Wijesekera

Hon. Kanchana Wijesekara

Hon. Heshan Withanage

Hon. S. Viyalanderan

Hon. Wimal Weerawansa

Hon. S. Shritharan

Hon. (Mrs.) Shanthi Sriskandarasa

Hon. Sandith Samarasinghe

Hon. Rajavarothiam Sampanthan, Leader of the Opposition in Parliament

Hon. E. Saravanapavan

Hon. (Dr.) S. Sivamohan

Hon. Annamalai Nadesu Sivasakthi

Hon. M. A. Sumanthiran

Hon. Vadivel Suresh

(6) M. No. 250

Hon. Mavai S. Senathirajah

Hon. Shehan Semasinghe

Hon. Sunil Handunnetti

Hon. Wijepala Hettiarachchi

Hon, Indika Anuruddha Herath

Hon. Kanaka Herath

Hon. Vijitha Herath

Mr. Dhammika Dasanayake, Secretary-General of Parliament

Mr. Neil Iddawala, Chief of Staff and Deputy Secretary-General of Parliament

Mrs. Kushani Rohanadeera, Assistant Secretary-General

Mr. Tikiri K. Jayathilake, Assistant Secretary-General

Parliament met pursuant to adjournment. The Speaker took the Chair.

1. Announcements by the Speaker: The Speaker made the following announcements:-

Ι

"I wish to announce the determination of the Supreme Court on the Bill titled "Judicature (Amendment)" in respect of which petitions have been filed in the Supreme Court in terms of Article 121(1) of the Constitution.

The Supreme Court has determined that section 12A(1) of the Bill is inconsistent with the article 154P(3)(a) of the Constitution and an amendment is required to be made to the Constitution to give effect to the section 12A(1) of the Bill. This requires the Bill to be passed by a two-third majority. However, if the jurisdiction is conferred on the High Court of Provinces under article 154(P)(3)(C) like in Act No. 10 of 1996 and Act No. 54 of 2006 this amending section will cease to be inconsistent.

The amending section 12A(2) of the Bill requires the Judicial Service Commission to nominate judges to the Permanent High Court at Bar. This is inconsistent with the article 154(P)2 of the Constitution and an amendment is required to be made to the Constitution to give effect to the section 12A(2) of the Bill which requires a two-third majority. However, if 12A(2) of the Bill is removed and Article 154P(2) remains as it is this inconsistency will cease.

The amending section 12(A)(7) is inconsistent with Article 12(1) of the Constitution. However, if the Chief Justice is given the power to decide whether to hold a trial at Bar or not this amending section will cease to be inconsistent.

I order that the determination of the Supreme Court be printed in the Official Report of today's proceedings."

(7) M. No. 250

II

"I wish to inform that I have endorsed the certificate on the Bills entitled "Trusts (Amendment)", "Intellectual Property (Amendment)" and "Active Liability Management" on 28th of March 2018 in terms of the Provisions of Article 79 of the Constitution of the Democratic Socialist Republic of Sri Lanka."

Ш

- "A motion may be moved to refer the question of privilege raised by the Hon. E. Saravanapavan, MP in Parliament on 21st of February 2018 to the Committee on Privileges."
- **2. Presentation of Papers :** The Minister of Lands and Parliamentary Reforms presented the Regulations made by the Minister of Health, Nutrition and Indigenous Medicine under paragraph (u) of Section 142(2) read with the Sections 59 and 63 of the National Medicines Regulatory Authority Act, No. 5 of 2015 relating to Registration and Licensing of Medicines (fees) Regulations No. 2 of 2017 and published in the Gazette Extraordinary No. 2052/33 of 05th January 2018 and moved that these Regulations be referred to the Sectoral Oversight Committee on Health and Human Welfare, Social Empowerment.

Question put, and agreed to.

- **3.** Presentation of Reports from Committees: (1) Hon. Chamal Rajapaksa, the Chairman of the Sectoral Oversight Committee on Transport and Communication presented the Report of the said Committee on,
 - (i) Regulations under the Motor Traffic Act (Chapter 203);
 - (ii) Annual Report of the National Transport Commission for the year 2015; and
 - (iii) Annual Report of the Sri Lanka Transport Board for the year 2013 which were referred to the said Committee.

Ordered that the said Report do lie upon the Table.

- (2) Hon. Sujith Sanjaya Perera, Member of the Committee on behalf of Hon. Nalin Bandara Jayamaha, the Chairman of the Sectoral Oversight Committee on Manufacturing and Services presented the Report of the said Committee on,
 - Annual Performance Report of the Department of Export Agriculture for the year 2016;
 - (ii) Annual Performance Report of the Ministry of Primary Industries for the year 2016;
 - (iii) Annual Reports of the National Craft Council for the years 2014 and 2015;
 - (iv) Annual Performance Report of the Department of Textile Industry for the year 2016;
 - (v) Annual Report of the Sri Lanka Cement Corporation for the year 2013;
 - (vi) Annual Report of the Lanka Leyland (Private) Limited for the year ended 31st March 2015; and

(8) M. No. 250

(vii) Annual Report and Accounts of the Mantai Salt Limited for the Financial year 2012/2013

which were referred to the said Committee.

Ordered that the said Report do lie upon the Table.

(3) Hon. Sandith Samarasinghe, Member of the Committee on behalf of Hon. (Mrs.) Pavithradevi Wanniarachchi, the Chairperson of the Sectoral Oversight Committee on Sustainable Development and Environment and Natural Resources presented the Report of the said Committee on "Ratification by Sri Lanka of the Kigali Amendment to the Montreal Protocol on Phase down of Hydrofluorocarbons (HFC)" which was referred to the said Committee.

Ordered that the said Report do lie upon the Table.

(4) Hon. (Prof.) Ashu Marasinghe, Member of the Committee on behalf of Hon. M. A. Sumanthiran, the Chairman of the Committee on Public Finance presented the Report of the said Committee on, "Orders under the Special Commodity Levy Act" which were referred to the said Committee.

Ordered that the said Report do lie upon the **Table**.

4. Petitions:

- (1) Hon. Kabir Hashim presented a petition dated 16.09.2017 from Mrs. K.R Lanka Indumathi Kehelpannala of Molagoda Watta, Molagoda, Kegalle.
- (2) Hon. Gayantha Karunatileka presented a petition dated 02.10.2017 from Mrs. Weddagalage Sriyani Mangalika of Kurunduwatte, Egodaduwa, Kosgoda.
- (3) Hon. Sunil Handunnetti presented a petition dated 15.11.2017 from Mr. K.A.D. Gunarathne of Delgahawatte Rd, Meepawala, Poddala.
- (4) Hon. (Dr.) Nalinda Jayathissa presented
 - (i) a petition dated 23.01.2018 from Mr. A. Chandrapala of No. 97/4, Parakrama Mw, Walpola, Angoda.;
 - (ii) a petition dated 25.01.2018 from Mr. A.B. Davulagala of No. 115/5, Uduvawala, Katugastota; and
 - (iii) a petition dated 13.01.2018 from Mr. H. Nandana Saman Kumara of Thennapitahena, Ambagahahena, Kirama.

The Petitions stood referred under Standing Order No. 25A of the Parliament, to the Committee on Public Petitions.

5. National Audit: The Minister of Lands and Parliamentary Reforms on behalf of the Prime Minister and Minister of National Policies and Economic Affairs presented the Bill to provide for the powers, duties and functions of the Audit Service Commission; the establishment of the office of the National Audit Office and the Sri Lanka State Audit Service; to specify the role of the Auditor General over public finance and to make provision for matters connected therewith or incidental thereto.

The Bill was ordered to be read a second time on Thursday, April 19, 2018 and to be printed and to be referred to the relevant Sectoral Oversight Committee.

(9) M. No. 250

6. Civil Aviation (Amendment): The Minister of Lands and Parliamentary Reforms on behalf of the Minister of Transport and Civil Aviation presented the Bill to amend the Civil Aviation Act, No. 14 of 2010.

The Bill was ordered to be read a second time on Thursday, April 19, 2018 and to be printed and to be referred to the relevant Sectoral Oversight Committee.

7. Prescription (Special Provisions) (Amendment): The Minister of Lands and Parliamentary Reforms on behalf of the Minister of Justice presented the Bill to amend the Prescription (Special Provisions) Act, No. 5 of 2016.

The Bill was ordered to be read a second time on Thursday, April 19, 2018 and to be printed and to be referred to the relevant Sectoral Oversight Committee.

8. Leave to introduce Bill: Hon. Namal Rajapaksa seconded by Hon. Kanchana Wijesekera moved,— That leave be granted to introduce the following Bill:—

"Bill to incorporate the Chaya Foundation."

Question put, and agreed to.

Bill accordingly read the first time and ordered to be printed.

The Bill stood referred under Standing Order 47(5) to the Minister of Social Empowerment, Welfare and Kandyan Heritage for report.

9. Order under the Special Commodity Levy Act (No.1): The Minister of Finance and Mass Media moved,— That the Order made by the Minister of Finance and Mass Media under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 2044/6 of 06th November 2017, which was presented on 22.03.2018, be approved.

(At 2.20 p.m. the Deputy Chairman of Committees took the Chair.)

The Minister of Public Enterprise and Kandy Development moved,— That Hon. Lucky Jayawardana do take the Chair.

Question put, and agreed to.

(At 2.40 p.m. Hon. Lucky Jayawardana took the Chair.)

The Deputy Minister of Skills Development Vocational Training moved,—That Hon. Edward Gunasekara do take the Chair.

Question put, and agreed to.

(At 4.13 p.m. Hon. Edward Gunasekara took the Chair.)

Question put, and agreed to.

M. No. 250

(10)

10. Order under the Special Commodity Levy Act (No. 2): The State Minister of Irrigation on behalf of the Minister of Finance and Mass Media moved,— That the Order made by the Minister of Finance and Mass Media under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 2044/25 of 07th November 2017, which was presented on 22.03.2018, be approved.

Question put, and agreed to.

11. Order under the Special Commodity Levy Act (No. 3): The State Minister of Irrigation on behalf of the Minister of Finance and Mass Media moved,— That the Order made by the Minister of Finance and Mass Media under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 2044/26 of 08th November 2017, which was presented on 22.03.2018, be approved.

Question put, and agreed to.

12. Order under the Special Commodity Levy Act (No. 4): The State Minister of Irrigation on behalf of the Minister of Finance and Mass Media moved,— That the Order made by the Minister of Finance and Mass Media under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 2046/3 of 20th November 2017, which was presented on 22.03.2018, be approved.

Question put, and agreed to.

13. Order under the Special Commodity Levy Act (No. 5): The State Minister of Irrigation on behalf of the Minister of Finance and Mass Media moved,—That the Order made by the Minister of Finance and Mass Media under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 2049/20 of 13th December 2017, which was presented on 22.03.2018, be approved.

Question put, and agreed to.

14. Order under the Special Commodity Levy Act (No. 6): The State Minister of Irrigation on behalf of the Minister of Finance and Mass Media moved,— That the Order made by the Minister of Finance and Mass Media under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 2049/32 of 14th December 2017, which was presented on 22.03.2018, be approved.

Question put, and agreed to.

15. Order under the Special Commodity Levy Act (No. 7): The State Minister of Irrigation on behalf of the Minister of Finance and Mass Media moved,— That the Order made by the Minister of Finance and Mass Media under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 2051/45 of 31st December 2017, which was presented on 22.03.2018, be approved.

Question put, and agreed to.

(11) M. No. 250

16. Order under the Special Commodity Levy Act (No. 8): The State Minister of Irrigation on behalf of the Minister of Finance and Mass Media moved,— That the Order made by the Minister of Finance and Mass Media under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 2054/40 of 18th January 2018, which was presented on 22.03.2018, be approved.

Question put, and agreed to.

17. Order under the Special Commodity Levy Act (No. 9): The State Minister of Irrigation on behalf of the Minister of Finance and Mass Media moved,— That the Order made by the Minister of Finance and Mass Media under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 2056/33 of 31st January 2018, which was presented on 22.03.2018, be approved.

Question put, and agreed to.

18. Order under the Special Commodity Levy Act (No. 10): The State Minister of Irrigation on behalf of the Minister of Finance and Mass Media moved,— That the Order made by the Minister of Finance and Mass Media under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 2058/30 of 15th February 2018, which was presented on 22.03.2018, be approved.

Question put, and agreed to.

19. Resolution for Ratification by Sri Lanka of the Kigali Amendment to the Montreal Protocol on Phase down of Hydroflurocarbons (HFC): The State Minister of Irrigation on behalf of the Prime Minister and Minister of National Policies and Economic Affairs moved,— Whereas the Montreal Protocol which aims at reducing the global warming has on four occasions introduced amendments viz. London Amendment-1990, Copenhegen Amendment -1992, Montreal Amendment -1997, and Beijing Amendment -1999 with a view to realizing various objectives and Sri Lanka has complied with those amendments within the specified time frames;

And whereas the Kigali Amendment has been introduced as the revision of the year 2016, which can eliminate the amount of Carbondioxide, equivalent to 100 billion tons by 2050 by eliminating global warming by 0.5 °C.

And Whereas in terms of Article 33 (2) (h) of the Constitution the President shall have the power to do all such acts and things, not inconsistent with the provisions of the Constitution or written law, as by international law, custom or usage the President is authorized or required to do and as such it is the absolute authority of the President to give consent to comply with the Kigali Amendment;

And whereas in terms of Article 33 A of the Constitution, the President shall be responsible to Parliament for the due exercise, performance and discharge of his powers, duties and functions under the Constitution and any written law, including the law for the time being relating to public security;

(12) M. No. 250

And whereas the Cabinet decision dated 10th October 2017 on the Cabinet Memorandum dated 29th September 2017 submitted by the President in his capacity as the Minister of Mahaweli Development and Environment has granted approval to comply with the Kigali Amendment which is the latest Amendment to the Montreal Protocol;

Accordingly, that this Parliament resolves that Sri Lanka may comply with the Kigali Amendment which is the latest Amendment to the Montreal Protocol: HFC Phase-down as a resolution of H.E. the President in terms of Article 33A of the Constitution.

Question put, and agreed to.

20. Adjournment: The Minister of Science, Technology and Research moved,—That this Parliament do now adjourn.

Question put, and agreed to; the Parliament was at 4.22 p.m. adjourned until 9.30 a.m. on Wednesday, April 04, 2018.