



*[Eighth Parliament - First Session]*

No. 46.]

## ORDER PAPER OF PARLIAMENT

FOR

Thursday, January 28, 2016 at 1.00 p.m.

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### QUESTIONS FOR ORAL ANSWERS

62/'15

1.

Hon. Buddhika Pathirana,— To ask the Minister of Foreign Employment,—(1)

(a) Is she aware that—

- (i) those who go overseas to be employed as domestic employees send items, which have been removed from use and are not suitable for use, to this country;
- (ii) they have to spend a huge amount of money for it; and
- (iii) these scrap material may cause problems to the environment of our country as well?

(b) Will she inform this House—

- (i) whether action will be taken to prevent the influx of old used furniture etc., from foreign countries; and
- (ii) if so, the date on which it will be done ?

(c) If not, why?

80/'15

2.

Hon. Chandima Gamage,— To ask the Minister of Education,—(4)

(a) Is he aware that various media have reported that antiquities and treasures were heavily destroyed and taken away by thieves during the past period of time of almost a decade?

(b) Will he inform this House—

- (i) the number of complaints received by the Department of Archaeology in this regard;
- (ii) whether the Department of Archaeology has taken legal actions regarding the incidents reported in media and the complaints received by them;
- (iii) if so, the number of incidents and complaints regarding which legal action has been taken, separately;
- (iv) the number of persons that have been convicted through the aforesaid legal action; and
- (v) the actions taken to prevent the occurrence of such incidents again?

(c) If not, why?

3.

Hon. M. H. M. Salman,— To ask the Minister of Education,—(1)

- (a) Is he aware that proposals were invited from representatives of people by the letter dated 11.01.2013 referenced 'ED/3/37/6/147/Sub' issued by the Ministry of Education for implementing programmes to provide 1,000 secondary schools and 5,000 primary schools with infrastructure by the previous government?
- (b) Will he state —
  - (i) what proposals were submitted accordingly for developing Tamil medium Muslim primary schools in the Districts of Colombo, Gampaha, Kalutara, Kurunegala, Ratnapura, Polonnaruwa, Ampara, Batticaloa, Trincomalee, Galle, Matara and Hambantota in line with the developing of 1,000 secondary schools; and
  - (ii) the names and positions of the representatives of people who have submitted those proposals and the names of the schools in respect of which such proposals were submitted, separately?
- (c) Will he also state—
  - (i) which of the proposals so submitted were implemented;
  - (ii) the names of the aforesaid schools; and
  - (iii) the approximate amount of money that was spent in this connection?
- (d) If not, why?

4.

Hon. Sunil Handunnetti,— To ask the Minister of Social Empowerment and Welfare,—(1)

- (a) Will he inform this House—
  - (i) whether public money has been misappropriated by spending approximately Rs. 65 million to hold the National Conference of the Divineguma Department at the Campbell Park, Colombo based on the Presidential Election 2015 after the Presidential Election was declared in the end of the year 2014;
  - (ii) the authorized officer who gave the approval to spend Rs. 63,723,574/- for the conference and whether he has the authority to do so;
  - (iii) whether tender procedures were followed to spend such a large sum of money for a conference;
  - (iv) whether an investigation has been conducted at the department level with regard to the said misappropriation of funds; and
  - (v) if so, the inferences of that investigation?

(3)

- (b) Will he inform this House—
  - (i) the current situation of the investigations conducted by the Financial Crimes Investigation Division on the misappropriation of aforesaid funds;
  - (ii) the persons responsible for the loss of over 6 crores of money in the Divineguma Department; and
  - (iii) the steps that will be taken to recover that money?
- (c) If not, why?

273/'15

5.

Hon. Udaya Prabhath Gammanpila,— To ask the Minister of Law and Order and Southern Development,—(1)

- (a) Will he inform this House—
  - (i) whether he is aware that the Hon. Mangala Samaraweera, Foreign Minister lodged a complaint with the Criminal Investigations Department on 14.01.2015, requesting an investigation on priority basis, in connection with a conspiracy, hatched on 8th January 2015, to suspend the presidential election results, since it poses a threat to the national security and the democracy;
  - (ii) of the date on which aforesaid report was forwarded to the Attorney General's Department by the Criminal Investigations Department;
  - (iii) of the date on which the opinion on the Attorney General's Department was forwarded to the Criminal Investigations Department;
  - (iv) of the future measures, taken with regard to the aforesaid complaint?
- (b) If not, why?

282/'15

6.

Hon. S. M. Marikkar,— To ask the Minister of Law and Order and Southern Development,—(1)

- (a) Will he inform this House—
  - (i) whether he will accept that Kolonnawa area is a hub for distribution of narcotics;
  - (ii) if he does, whether the value of the narcotics distributed through this area per month has been estimated;
  - (iii) what steps have been taken to stop the distribution of narcotics that is carried out centred in Kolonnawa area; and
  - (iv) how long it may take?
- (b) If not, why?

7.

Hon. J. M. Ananda Kumarasiri,— To ask the Minister of Buddhasasana,—(1)

- (a) Will he inform this House —
  - (i) of the acreage of the land belonging to Ruhunu Maha Kataragama Devalaya in the Moneragala District;
  - (ii) out of the aforesaid extent of land, of the acreage of the lands that have been distributed among people; and
  - (iii) of the names and addresses of those who have received those lands?
- (b) Will he also inform this House—
  - (i) whether he admits that the farmers who make their living by cultivating chenas are deprived of their right to cultivate the chenas as the lands belonging to the Devalaya are distributed in large scale among businessmen;
  - (ii) whether an arrangement is in place for providing lands to the aforesaid farmers for doing their cultivations; and
  - (iii) whether further distribution of lands in large scale among businessmen will be stopped taking into consideration the severe shortage of lands that could occur in the Moneragala District in future?
- (c) If not, why?

8.

Hon. Hesha Withanage,— To ask the Minister of Higher Education and Highways,—(1)

- (a) Is he aware that—
  - (i) malpractices have been caused in Rakwana–Madampe road carpeting project;
  - (ii) the measures were taken to complete the project, having changed the initial plans to a great deal; and
  - (iii) subsequent to the discussions, it was agreed to carry out the project works according to the initial plan?
- (b) Will he inform this House—
  - (i) of the steps taken against the authorities who completed the project, having changed the initial plan to a great deal;
  - (ii) of the date on which the project was expected to be completed, according to the initial plan;
  - (iii) of the additional amount of money that has to be spent due to the fact that the project was not properly implemented; and
  - (iv) whether measures will be taken to recover aforesaid amount of money from the responsible persons?
- (c) If not, why?

63/'15

9.

Hon. Buddhika Pathirana,— To ask the Prime Minister and Minister of National Policies and Economic Affairs,—(1)

- (a) Is he aware that —
  - (i) electronic waste has been disposed in huge amounts in Sri Lanka by now;
  - (ii) a portion of the aforesaid waste has also been disposed to the environment as well in an unsafe manner ;
  - (iii) disposal of electronic waste to the environment in an unsafe manner has become a main factor which causes environmental pollution; and
  - (iv) electronic waste is a threat to the health of people as well ?
- (b) Will he inform this House —
  - (i) the amount of electronic waste disposed in Sri Lanka a year;
  - (ii) whether a programme is available for the management of the aforesaid waste;
  - (iii) if so, the aforesaid programme; and
  - (iv) whether the programme is being implemented at present?
- (c) Will he also inform this House —
  - (i) whether a test has been conducted about the chemicals released to the environment by electronic waste;
  - (ii) if so , the name of the institution which conducted the research and the date on which the aforesaid test was done; and
  - (iii) if not, whether tests will be done in the future?
- (d) If not, why?

216/'15

10.

Hon. M. H. M. Salman,— To ask the Minister of Power and Renewable Energy,—(1)

- (a) Will he inform this House—
  - (i) of what voltage is the high-tension electricity lines that have been installed from the Kelanitissa Power Station across Wadullawatta and Mahabuthgamuwa Grama Niladhari Divisions in Kolonnawa;
  - (ii) what are the private lands that were acquired for erecting steel electricity pylons in installing these high-tension electricity lines;
  - (iii) whether compensation has been paid for it; and
  - (iv) what are the names, the addresses and the sums paid as compensation in respect of persons who had been identified as land owners, and the dates on which such compensation was paid separately?
- (b) If not, why?

11.

Hon. S. M. Marikkar,— To ask the Minister of Education,—(1)

- (a) Will he state—
  - (i) whether equal benefits are granted to every National School;
  - (ii) if not, whether there is a methodology for granting benefits; and
  - (iii) if there is, what that methodology is?
- (b) Will he inform the House—
  - (i) the date on which construction work of the three-storeyed building at the Rajasinghe Vidyalaya in Kotikawatta, for which the foundation stone was laid in 2007 by the then Minister of Education, will be completed;
  - (ii) how long it may take to fill the vacancies of about 13 teachers existing in that school;
  - (iii) whether steps will be taken to renovate the dilapidated buildings of the school; and
  - (iv) if steps will be taken, on what date it will be done?
- (c) Will he also inform this House—
  - (i) when the “*Langāma Paasala Hondāma Paasala*” (Closest School is the Best School) Programme will be commenced;
  - (ii) whether an equal number of schools will be selected from each Divisional Secretariat Division for it;
  - (iii) if so, what such number of schools are;
  - (iv) whether the programme will be commenced in all areas simultaneously;
  - (v) whether there are areas to which priority will be given; and
  - (vi) if there are such areas, what those areas are?
- (d) If not, why?

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## AT THE COMMENCEMENT OF PUBLIC BUSINESS

### Notice of Motions

1.

The Leader of the House of Parliament,—Sittings of the Parliament,—That notwithstanding the provisions of Standing Order No. 7 of the Parliament and the motions agreed to by Parliament on 06.10.2015 and 09.01.2016, and in terms of the motion agreed to by Parliament on 19.12.2015, the hours of sittings of Parliament this day shall be 1.00 p.m. to 6.30 p.m.. At 2.00 p.m. Standing Order No. 7(5) of the Parliament shall operate.

(7)

2.

Hon. (Mrs.) Sriyani Wijewickrama,— Leave to introduce Bill,— That leave be granted to introduce the following Bill:—

“ Bill to incorporate the Kudabuthgamuwa Sri Piyadassinarama Viharasthana Performance Society.”

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#### NOTICE OF MOTIONS AND ORDERS OF THE DAY

\*1.

Minister of Labour and Trade Unions Relations,— Regulation under the Wages Boards Ordinance,— That the Regulation made by the Minister of Labour and Trade Unions Relations under Section 63 of the Wages Boards Ordinance (Chapter 136), which was presented on 12.01.2016, be approved.

(Cabinet approval signified.)

\*2.

The Minister of Justice and Minister of Buddhasasana,— Order under the Mutual Assistance in Criminal Matters Act,— That the Order made by the Minister of Justice under subsection (3) of Section 2 of the Mutual Assistance in Criminal Matters Act, No. 25 of 2002 and published in the Gazette Extraordinary No.1926/46 of 6<sup>th</sup> August 2015, which was presented on 21.11.2015, be approved.

(Cabinet approval signified.)

\*3.

Resolution for the appointment of the Constitutional Assembly—Adjourned question (09<sup>th</sup> January 2016) — Motion made and question proposed that “ WHEREAS there is broad agreement among the People of Sri Lanka that it is necessary to enact a new Constitution for Sri Lanka;

AND WHEREAS the People have at the Presidential Election held on 08<sup>th</sup> January, 2015 given a clear mandate for establishing a political culture that respects the rule of law and strengthens democracy;

AND WHEREAS His Excellency Maithripala Sirisena, President of the Democratic Socialist Republic of Sri Lanka has clearly expressed his desire to give effect to the will of the People expressed at the aforesaid Presidential Election by enacting a new Constitution that, *inter alia*, abolishing the Executive Presidency;

AND WHEREAS it has become necessary to enact a new Constitution that, *inter alia*, abolishes the Executive Presidency, ensures a fair and representative Electoral System which eliminates preferential voting, strengthens the democratic rights of all citizens, provides a Constitutional Resolution of the national issue, promotes national reconciliation, establishes a political culture that respects the rule of law, guarantees to the People’s fundamental rights and freedom that assure human dignity and promotes responsible and accountable government.

That this Parliament Resolves that —

1. There shall be a Committee of Parliament hereinafter referred to as the 'Constitutional Assembly' which shall consist of all Members of Parliament, for the purpose of deliberating, and seeking the views and advice of the People, on a new Constitution for Sri Lanka, and preparing a draft of a Constitution Bill for the consideration of Parliament in the exercise of its powers under Article 75 of the Constitution.

2. The Hon. Speaker of Parliament shall be the Chairman of the Constitutional Assembly. There shall be seven (7) Deputy Chairmen of the Constitutional Assembly, who shall be elected by the Constitutional Assembly.

In the absence of the Hon. Speaker, the Constitutional Assembly shall elect one of the Deputy Chairmen to chair the sittings of the Assembly.

3. The quorum for meetings of the Constitutional Assembly shall be twenty (20).

4. There shall be—

- (a) Constitutional Advisors to the Constitutional Assembly;
- (b) A Legal Secretary to the Constitutional Assembly and assistants to such Legal Secretary;
- (c) Staff for the purpose of recording the proceedings of the Constitutional Assembly and the Committees referred to in Clause 5; and
- (d) Media (including Social Media) Staff of the Constitutional Assembly.

The Media Staff shall set up and maintain a website and use other appropriate media, towards giving due publicity to the process for the adoption of a new Constitution for Sri Lanka.

The Media Staff shall ensure that the proceedings of the Constitutional Assembly and its Committees, as well as public representations / submissions are documented and published on such website along with such other relevant expert or technical opinions.

5. There shall be the following Sub-Committees of the Constitutional Assembly:—

- (a) A Steering Committee consisting of the Prime Minister (Chairman), Leader of the House of Parliament, Leader of the Opposition, the Minister of Justice, and not more than seventeen (17) other Members of the Constitutional Assembly to be appointed by the Constitutional Assembly.

The Steering Committee shall be responsible for the business of the Constitutional Assembly and for preparing a Draft of a new Constitution for Sri Lanka.

- (b) Such other Sub-Committees, consisting of Members of the Constitutional Assembly, which may be appointed by the Constitutional Assembly.

Provided that each such Sub-Committee shall comprise of not more than eleven (11) Members.

The Chairman of each Sub-Committee shall be appointed by the Steering Committee.

6. The Constitutional Assembly shall at its first sitting—

- (a) elect the Deputy Chairmen;
- (b) determine the Sub-Committees referred to in Clause 5(b); and
- (c) elect Members to the Sub-Committees referred to in Clause 5.



7. The Prime Minister shall, at the first meeting of the Constitutional Assembly, present a Resolution for adoption by the Constitutional Assembly, calling upon the Steering Committee to present a Resolution proposing a Draft Constitution for the consideration of the Constitutional Assembly, prior to its submission to the Cabinet of Ministers and Parliament.
8. The Constitutional Assembly is hereby authorised to conduct its sittings in the Chamber of Parliament,  
  
Provided that the Constitutional Assembly may resolve to sit at any other specified location outside the Western Province.  
  
Provided further that the presentation of papers, moving of resolutions and voting on any matter shall only take place in the Chamber of Parliament.
9. The Steering Committee may seek the services of any institution which services are necessary for the carrying out of the objects of the Constitutional Assembly or any Committee thereof.
10. The Steering Committee may appoint other experts to aid and advise the Constitutional Assembly and / or its various Sub-Committees.
11. The proceedings of the Constitutional Assembly shall be open to the public. The proceedings of the Constitutional Assembly and its Sub-Committees shall be documented and published forthwith. Where appropriate, the Constitutional Assembly shall take steps to ensure the broadcast of the proceedings of the Constitutional Assembly and / or its Sub-Committees.  
  
For the avoidance of doubt it is hereby specifically resolved that the special leave of Parliament is specifically granted in terms of Section 17 of Parliament (Powers and Privileges) Act for the publication of the aforesaid matters.  
  
For the avoidance of doubt it is further resolved that the proceedings of the Constitutional Assembly and the Sub-Committees referred to in Clause 5 shall be deemed to have been reported to Parliament simultaneously, and that the publication of any such proceedings, which publication is hereby specifically authorized, shall not constitute an offence in terms of Parliament (Powers and Privileges) Act.
12. The Constitutional Assembly shall have the power to invite any person for consultation and / or to make submissions before the Constitutional Assembly.
13. The Constitutional Assembly shall also have the power to invite any member of the Public Representations Committee for consultation and / or to make submissions and / or to report on the findings of the Public Representations Committee.
14. Subject to the provisions hereof, the Constitutional Assembly is hereby authorized to determine the procedure and mechanisms to be adopted in the conduct of its business:  
  
Provided that such determination shall be made pursuant to a Resolution moved by the Prime Minister with the concurrence of the Steering Committee.

Notwithstanding anything to the contrary in the Standing Orders of Parliament, the rules of procedure of the Constitutional Assembly and its Sub-Committees shall be as set out in this Resolution.

15. Notice of the business of the Constitutional Assembly shall be given by the Prime Minister, such other Minister of the Cabinet nominated from time to time for such purpose by the Prime Minister, upon approval thereof by the Steering Committee.
16. The Sub-Committees referred to in Clause 5(b) shall submit their reports to the Steering Committee within ten (10) weeks of the appointment of each such Sub-Committee.
17. Upon the consideration of the Reports of the Sub-Committees appointed under Clause 5(b), and the report of the Public Representations Committee, the Steering Committee shall submit a Report to the Constitutional Assembly. Such Report may be accompanied by a Draft Constitution.
18. The Constitutional Assembly shall thereafter debate the general merits and principles of the Report and the Draft Constitution (if applicable), and may also debate proposed amendments. At the end of such debate the question that “the Steering Committee be required to submit a final report and a Resolution on a Draft Constitution” shall be put to the Constitutional Assembly by the Chair.
19. The Steering Committee shall thereafter, considering the amendments, if any, proposed during the debate, submit a Final Report and a Resolution containing a Draft Constitution for the consideration of the Constitutional Assembly. The Prime Minister shall move that such Final Report and the Resolution containing the Draft Constitution be approved by the Constitutional Assembly.
20. The following procedure shall be adopted during the debate referred to in Clause 18:—

The Chairman or in his absence one of the Deputy Chairmen shall read the number of each Clause in succession.

  - (i) Any amendment may be made to a Clause, or Clauses may be deleted or new Clauses may be added.
  - (ii) The principle of the Draft Constitution shall not be discussed during this stage of the debate but only its details.
  - (iii) No amendment can be proposed inconsistent with any decision come to upon any previous part of the Draft Constitution.
  - (iv) After a Draft Constitution has been read through, and prior to the conclusion of the debate on the Draft, any Member may, with leave of the Chairman, move an amendment of any Clause already passed.
  - (v) A Clause may be postponed, unless upon an amendment thereto a question shall have been fully put from the Chair.
  - (vi) Postponed Clauses shall be considered after the remaining Clauses of the Draft Constitution have been considered and before new Clauses are brought in.

- (vii) New Clauses may be offered before the Schedules to the Draft Constitution are considered and shall be deemed to have been read the first time. The questions which follow thereupon shall be “That the Clause be read a second time” and “That the Clause (or the Clause as amended) be added to the Draft”.
  - (viii) New Schedules may be offered after the Schedules to the Draft Constitution have been disposed of and shall be treated in the same manner as new Clauses.
  - (ix) When every Clause and Schedule and proposed new Clause or Schedule have been dealt with, the Preamble, if there be one, shall be considered and a question put “That this be the Preamble of the Draft ”.
  - (x) If any amendment be necessary to the title of the Draft Constitution, it shall be made at the conclusion of the proceedings detailed above.
21. The provisions of Standing Order Nos. 42, 43 and 44 of the Parliament shall *mutatis mutandis* apply to the proceedings of the Constitutional Assembly.
  22. If two-thirds of the Constitutional Assembly does not approve the resolution on the Draft Constitution, the Constitutional Assembly and the Committees referred to in this Resolution shall stand dissolved.
  23. If the Constitutional Assembly approves the Resolution on the Draft Constitution by a two-thirds majority, the Report and the Draft Constitution shall be submitted by the Steering Committee to the Cabinet of Ministers, and thereupon the Constitutional Assembly and the Sub-Committees referred to in this Resolution shall stand dissolved.
  24. The Cabinet of Ministers shall certify the Bill contained in such Report as a Bill to repeal and replace the Constitution as a whole in terms of Article 75(b) and Article 120(b) of the Constitution and that such Bill is intended to be passed with the special majority required by Article 83 of the Constitution and submitted to the People by Referendum.
  25. The Bill shall thereafter be published in the Gazette as required by Article 78(1) of the Constitution.
  26. The President shall thereafter refer the Bill to every Provincial Council, for the expression of the views of every such Council, as required by Article 154G(2) of the Constitution.
  27. The Prime Minister shall thereafter present such Bill to Parliament and such Bill shall be placed on the Order Paper of Parliament.
  28. After the presentation of such Bill to Parliament as aforesaid the Prime Minister shall move that the Bill be passed by Parliament by a special majority required under Article 83 of the Constitution.

If not less than two-thirds of the whole number of the Members of Parliament vote in favour of the said Bill, the Speaker shall make an appropriate certification in terms of Article 79 of the Constitution, that the Bill has been duly passed by Parliament by a special majority, and that the Bill shall not become law until approved at a Referendum by the People in whom the sovereignty of Sri Lanka vests.
  29. Thereafter the Bill shall be submitted by the President in terms of Article 85(1) of the Constitution, to the People by Referendum for their approval.

30. If the Bill is approved by the People at a Referendum, the Bill shall become law upon the President certifying the Bill in terms of Article 80(2) of the Constitution.
31. The expenses of the Constitutional Assembly, the Sub-Committees referred to in Clause 5, and the staff and advisors appointed in terms of this Resolution, shall be charged on the Consolidated Fund, and Parliament shall take appropriate steps in respect of same in terms of Article 150 of the Constitution.
32. For the avoidance of doubt, it is hereby declared that the adoption or rejection or adoption subject to amendment of such a Draft Constitution as proposed by the Constitutional Assembly, shall be the responsibility of Parliament.
33. For the avoidance of doubt, it is hereby further declared that a Constitution Bill shall only be enacted into law if it is passed in Parliament by a special majority of two-thirds of the whole number of the Members of Parliament, including those not present and subsequently approved by the people at a Referendum as required by Article 83 of the Constitution.”

\*4.

Microfinance Bill — Second Reading.

\*5.

Local Authorities Elections (Amendment) Bill — Second Reading.

\*6.

Theravadi Bhikku Kathikawath (Registration) Bill — Second Reading.

\*7.

The Minister of Development Strategies and International Trade,— Regulations under the Imports and Exports (Control) Act,— That the Regulations made by the Minister of Finance under Section 20 read with Sub-section (3) of Section 14 of the Imports and Exports (Control) Act, No. 1 of 1969 as amended by Act No. 48 of 1985 and Act, No. 28 of 1987 and published in the Gazette Extraordinary No. 1903/41 of 26<sup>th</sup> February 2015, which were presented on 23.09.2015, be approved.

(Cabinet approval signified.)

\*8.

The Minister of Finance,— Order under the Stamp Duty (Special Provisions) Act,— That the Order made by the Minister of Finance and Planning under Section 3 of the Stamp Duty (Special Provisions) Act, No. 12 of 2006 read with Article 44(2) of the Constitution, relating to Stamp Duty and published in the Gazette Extraordinary No. 1882/17 of 30<sup>th</sup> September 2014, which was presented on 23.09.2015, be approved.

(Cabinet approval signified.)

\*9.

The Minister of Finance,— Notification under the Excise Ordinance,— That the Notification made by the Minister of Finance, under Section 28(a) read with Section 16(c) of the Excise Ordinance (Chapter 52), as amended from time to time regarding Excise License Fee and published in the Gazette Extraordinary No. 1901/19 of 13<sup>th</sup> February 2015, which was presented on 23.09.2015, be approved.

(Excise Notification No. 973)

(Cabinet approval signified.)

\* *Indicates Government Business*

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