



[Eighth Parliament - First Session]

No. 48.]

ORDER PAPER OF PARLIAMENT

FOR

Tuesday, February 09, 2016 at 1.00 p.m.

QUESTIONS FOR ORAL ANSWERS

69/15

1.

Hon. Buddhika Pathirana,— To ask the Minister of Fisheries and Aquatic Resources Development,—(1)

- (a) Will he inform this House—
 - (i) whether Chinese Vessels have been permitted to engage in fishing in the international maritime zone of the Indian Ocean;
 - (ii) if so, of the number of vessels to which the aforesaid permission has been granted;
 - (iii) of the conditions relevant to the agreement between those vessels and Sri Lanka; and
 - (iv) of the annual income expected from providing permission in this manner?
- (b) Will he also inform this House —
 - (i) of the number of Sri Lankan Vessels engaged in fishing in the international waters;
 - (ii) of the steps that have been taken to remedy the injustice faced by Sri Lankan fishermen as a result of Chinese Vessels;
 - (iii) of the reasons for not supporting the Sri Lankans to purchase large fishing vessels instead of providing permission for Chinese Vessels;
 - (iv) whether it has been planned to provide large fishing vessels and required facilities including modern technical tools enabling Sri Lankans to engage in fishing in the international waters; and
 - (v) if so, how; from which date?
- (c) If not, why?

2. Hon. Dullas Alahapperuma,— To ask the Minister of Higher Education and Highways,—(1)

- (a) Is aware that a special project titled “i-Road” was implemented under the supervision of the Road Development Authority?
- (b) Will he inform this House—
 - (i) the foreign financial institutions which provided loans for this project;
 - (ii) the date on which loan agreements were signed with the said institutions; and
 - (iii) the relevant conditions?
- (c) Will he table separately in respect of each Pradeshiya Sabha as regards the “i-Road” project—
 - (i) the roads selected;
 - (ii) the date on which the said roads were selected;
 - (iii) contractor for the construction of each road;
 - (iv) the date on which agreements were entered into with the relevant construction institutes;
 - (v) the date on which the construction should be completed as per the said agreements; and
 - (vi) the roads of which constructions were completed as at 01.11.2015?
- (d) If not, why?

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

- (a) Is he aware that a sum of Rs. 29,400,000/- was misused by the Divineguma Department by printing 5000000 almanacs with the photographs of the former president Hon. Mahinda Rajapaksa, based on the Presidential Election 2015?
- (b) Will he inform this House —
 - (i) of the reason for printing 5000000 almanacs to be distributed among 1800000 families of Samurdhi beneficiaries for the year 2015;
 - (ii) of the person in authority who has approved the particular expenditure;
 - (iii) whether the aforesaid person is vested with the authority to approve that expenditure;
 - (iv) of the institution that undertook the printing of these 5000000 almanacs; and
 - (v) whether a procurement procedure has been followed for that purpose?

(3)

- (c) Will he also inform this House —
- (i) of the progress of the investigation conducted by the FCID in relation to the misappropriation of money which has incurred owing to the utilization of moneys that remained in the Divineguma Fund for the election promotion activities of their party;
 - (ii) whether an investigation with pertinence to this misappropriation of money has been carried out by the relevant Department or the Ministry;
 - (iii) if so, of the disciplinary action taken at that inquiry; and
 - (iv) of the measures that will be taken to recover the loss, if the above expenditure has been borne by the Divineguma Fund?
- (d) If not, why?

249/'15

4.

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

- (a) Is he aware that a girl named Fathima Azra, who studied in the Advanced Level class at K/ Badiudeen Muhmud Girls school died after falling into an unprotected drain in Katugastota area in Kandy amidst bad weather with heavy rains in the afternoon of 15.10.2015?
- (b) Will he inform this House whether necessary action will be taken to pay compensation to the bereaved parents of the aforesaid girl who died in that unexpected accident?
- (c) If not, why?

276/'15

5.

Hon. Udaya Prabhath Gammanpila,— To ask the Minister of Justice,—(1)

- (a) Will he inform this House separately—
 - (i) the number of terrorist suspects bailed out;
 - (ii) the number of terrorist defendants, bailed out; and
 - (iii) the number of perpetrators of terrorist activities who were granted with the Presidential Pardon?on the advice of the Attorney General during the period from 09.01.2015 to 31.10.2015?
- (b) If not, why?

6.

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

- (a) Will he state—
 - (i) whether the Ministry has a course of action to develop temples and viharas;
 - (ii) if so, what that course of action is; and
 - (iii) the methodology for allocating funds for temples and viharas?
- (b) Will he inform the House—
 - (i) the number of dhamma school teachers in Sri Lanka;
 - (ii) how much is dhamma school teacher paid as allowance;
 - (iii) whether that allowance is adequate;
 - (iv) if not, whether he will take steps to increase the amount paid as allowance; and
 - (v) if he will, the date on which it will be done?
- (c) If not, why?

314/15

7.

Hon. Heshu Withanage,— To ask the Minister of Education,—(1)

- (a) Will he accept that —
 - (i) irregularities have been caused in connection with student admissions to the grade one in the President's College, Embilipitiya; and
 - (ii) the principal had directly engaged in aforesaid malpractices?
- (b) Will he inform this House—
 - (i) whether an investigation has been conducted by the Director, National Schools in this regard;
 - (ii) if so, the date on which it was conducted; and
 - (iii) the outcome of the aforesaid investigation?
- (c) Will he also inform this House—
 - (i) of the measures that would be taken against the principal who engaged in aforesaid irregularities;
 - (ii) of the measures that would be taken with regard to the future of aforesaid school?
- (d) If not, why?

323/15

8.

Hon. (Dr.) Nalinda Jayathissa,— To ask the Minister of Health, Nutrition and Indigenous Medicine,—(1)

- (a) Will he inform this House—
 - (i) of the number of thalassemia patients, identified in this country by now; and
 - (ii) of the spread of the aforesaid patients in terms of districts?

(5)

- (b) Is he aware that—
- (i) at a meeting chaired by the then Deputy Minister of Health, held in the Ministry of Health on 02.07.2004, it was agreed to set up a Bone Marrow Stem Cell Transplant Centre in Kurunegala (teaching) Hospital premises;
 - (ii) Rs. 100 lakhs had been allocated by North Western Provincial Ministry of Health, for this purpose; and
 - (iii) there are trained doctors for bone marrow transplant surgeries in the government hospitals?
- (c) Will he inform this House—
- (i) whether he is aware the fact that thalassemia patients have been restored to health by bone marrow transplant surgeries, in a Sri Lankan private hospital;
 - (ii) if so, of the reason led, not to establish a Bone Marrow Stem Cell Transplant Centre in Kurunegala (teaching) Hospital premises or Lady Ridgway Hospital for Children premises, or at any other government hospital, yet; and
 - (iii) of the measures that will be taken to perform stem cell transplant surgeries, one of the proper treatment methodologies for thalassemia patients, in the government hospitals of this country?
- (d) If not, why?

70/15

9.

Hon. Buddhika Pathirana,— To ask the Minister of Rural Economic Affairs,—(1)

- (a) Will he admit that—
- (i) bovine foot and mouth disease is spreading throughout Sri Lanka very rapidly;
 - (ii) the Department of Animal Production and Health does not possess a sufficient stock of vaccines given to prevent this disease;
 - (iii) many items contained in the Circular issued by the said Department in relation to controlling that disease, have been cancelled; and
 - (iv) it has not been possible to control that disease as a result of such cancellation?
- (b) Will he inform this House—
- (i) of the items that have been removed from the Circular issued by the Department of Animal Production and Health;
 - (ii) of the reasons for removing those items;
 - (iii) whether action will be taken to include those items again;
 - (iv) of the steps taken to provide without shortage, the medicine required to control the bovine foot and mouth disease; and
 - (v) of the measures taken to breed the cattle resource destroying owing to that disease?
- (c) If not, why?
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AT THE COMMENCEMENT OF PUBLIC BUSINESS

Notice of Presentation of Bills

1. The Minister of Labour and Trade Unions Relations,— National Minimum Wage of Workers,— Bill to provide for the payment of National Minimum Wage by employers to workers and for matters connected therewith or incidental thereto.
2. The Minister of Labour and Trade Unions Relations,— Budgetary Relief Allowance of Workers,— Bill to provide for the payment of a Budgetary Relief Allowance by employers to workers and for matters connected therewith or incidental thereto.

Notice of Motions

3. Hon. Mohan Priyadarshana De Silva,— Leave to introduce Bill (No.1),— That leave be granted to introduce the following Bill:—
“ Bill to incorporate the Ganegama Sri Indasara Dharmayathana Sanrakshana Sabhawa.”
4. Hon. Harshana Rajakaruna,— Leave to introduce Bill (No.2),— That leave be granted to introduce the following Bill:—
“ Bill to incorporate the Institute of Environmental Professionals, Sri Lanka.”

NOTICE OF MOTIONS AND ORDERS OF THE DAY

- *1. Local Authorities Elections (Amendment) Bill — Second Reading.
- *2. Fisheries and Aquatic Resources (Amendment) Bill — Second Reading.
- *3. Minister of Internal Affairs, Wayamba Development and Cultural Affairs,— Regulations under the Registration of Persons Act,— That the Regulations made by the Minister of Internal Affairs, Wayamba Development and Cultural Affairs under subsection (1) of Section 52 of the Registration of Persons Act, No. 32 of 1968 and published in the Gazette Extraordinary No. 1946/31 of 22nd December 2015, which were presented on 26.01.2016, be approved.
(Cabinet approval signified.)
- *4. 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.)

*5.

Microfinance Bill — Second Reading.

*6.

Theravadi Bhikku Kathikawath (Registration) Bill — Second Reading.

*7.

Buddhist Temporalities (Amendment) Bill — Second Reading.

*8.

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 6th August 2015, which was presented on 21.11.2015, be approved.

(Cabinet approval signified.)

*9.

Minister of Sports,— Regulations under the Sports Law,— That the Regulations made by the Minister of Sports under Section 41 of the Sports Law No. 25 of 1973 read with Section 31 of that Law, amending the Sections 13 and 17 contained in the National Sports Association Regulations No. 01 of 2013 published in the Gazette Extraordinary No. 1793/3 of 15th January 2013, and published in the Gazette Extraordinary No. 1940/7 of 9th November 2015, which were presented on 26.01.2016, be approved.

(Cabinet approval signified.)

*10.

Resolution for the appointment of the Constitutional Assembly—Adjourned question (09th 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 08th 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.

(9)

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.”

*11.

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 26th February 2015, which were presented on 23.09.2015, be approved.

(Cabinet approval signified.)

*12.

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 30th September 2014, which was presented on 23.09.2015, be approved.

(Cabinet approval signified.)

*13.

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 13th February 2015, which was presented on 23.09.2015, be approved.

(Excise Notification No. 973)

(Cabinet approval signified.)

* *Indicates Government Business*
