



Seventh Parliament of the
Democratic Socialist Republic of Sri Lanka

Parliament Series No. 287

5th Report of

THE COMMITTEE ON PUBLIC PETITIONS
Under Standing Order No. 128(5) of the Parliament of the
Democratic Socialist Republic of Sri Lanka for the period
from 22.04.2010 to 31.12.2012
relevant to the first session of the Seventh Parliament

Presented by

The Hon. Lalith Dissanayake, M.P.
Chairman, Committee on Public Petitions.

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Message of the Hon. Chairman

As the Chairman of the Committee on Public Petitions from 22.04.2010 to 31.12.2012 I am happy to get this opportunity to add a few ideas to the report of the Committee on Public Petitions.

The Committee on Public Petitions has been established for the people to get some redress for the grievances caused on certain occasions by the decisions taken by the officers of the Government Institutions and the activities of such Institutions. Committee on Public Petitions can be considered as a committee in the legislature that people can directly deal with to get redress for the injustice caused to them. Similarly, based on the large number of petitions directed through the Members of Parliament, it is observed that public awareness on the Committee on Public Petitions has increased at present.

I perform my duties as the Chairman of the Committee on Public Petitions of the 7th parliament from March 2012 up to now and I would like to remind that Hon. Janaka Bandara MP acted with great enthusiasm and dedication as the Chairman of the Committee from April 2010 to January 2012.

Within the period of 2 ½ years, the time span considered for this report, the Committee on Public Petitions has summoned 110 times and 929 petitions have been considered. In the aforesaid meetings, it has been able to provide redress to 161 petitioners by hearing 929 petitions out of those received by the 7th Parliament and those carried forward from the 6th Parliament.

The petitions received with relevance to the 7th Parliament, can be indicated as follows,

Petitions received pertaining to the period of the 7 th Parliament	- 1689
The number of petitions heard by the Committee	- 718
The number of petitions to which relief measures have been recommended out of the petitions heard	- 315
The number of petitions which have been provided with redress by putting the recommended relief measures into practice	- 101
Accordingly, the percentage between the recommended relief and the relief practically received pertaining to the 7 th Parliament	- 32%

As the Chairman of the Committee I very humbly take great pride in granting relief to a number of petitioners and I appreciate the co-operation given by the Committee members to make this event a success. I take this opportunity to thank the Hon. Gamini Lokuge, Hon.(Dr) Rajitha Senarathna, Hon. Gamini Vijith Vijayamuni Soyza, Hon. Susantha Punchinilame, Hon. M. K. A. D. S. Gunasardhana. Hon. (Mrs.)Thalatha Athukorala, Hon.(Dr.) (Mrs.) Sudarshanie Fernandopulle, Hon. Sujeewa Senasinghe for acting as the Chairman of the committee whenever I was unable to participate in the committee. At the same time I would like to remind with great gratitude Hon.

(Mrs.) Pavithra Devi Wanniarachchi, Hon. Sarath Weerasekara, Hon. Palitha Range Bandara, Hon. Ajith Kumara, Hon. Vinayagamurthi Murlidaran, Hon. Pon Selvarasa and Hon. (Mrs.) Rosy Senanayake for their active participation.

Further, according to the standing orders the petitions received by the Committee on Public Petitions can be referred to the Parliamentary Commissioner for Administration for further consideration and during the period that was taken into consideration 111 petitions have been referred to the Parliamentary Commissioner for Administration. I would like to deliver a special thank to the Parliamentary Commissioner for Administration for his support given to the Committee by inquiring into those petitions efficiently.

At the same time, as the Chairman of the Committee I would like to thank the Secretaries to the Ministries and their staff and it is my duty to mention that following our requests the Secretaries to the Ministries submit Cabinet Memorandum through their Ministers and took steps to provide relief to the petitioners. I think it will be a big mistake of mine if I did not mention that the Ministers like Postal, Finance and Planning, Power and Energy, Co-operatives and internal trade and Land and Land Development supported the Committee by the name of the humanity to provide relief to the people. At the same time I must mention that the Public Service Commission, Pensions Department, Director General (Establishments), and Director General (Combined Services) were very much cooperative to the Committee.

Public Service Commission is an institution which functions in accordance with the Constitution and their Procedural Rules and due to that, problems have arisen when implementing the recommendations which are given by the Committee on the grounds of compassion and therefore it is mentioned that the problems pertaining to the Public Service Commission and Judicial Service Commission have to be solved.

We have to accept that it is not possible to provide relief to all petitioners who come before the committee and the possibility of implementing the decision given by the committee within the existing legal framework too should be taken into consideration when providing relief to the petitioners as the members of the Committee. The Committee does not give unfair decisions that cannot be implemented and the committee has given its utmost consideration in this regard because if not, we ourselves will demean the Committee. However the committee has looked into the grievances of the petitioners in a humanitarian view and steps have been taken to provide relief to the petitioners as much as possible within the existing legal framework and I think it will serve the purpose of ensuring the sovereignty and credibility of the Parliament.

At the same time I would like to take this opportunity to thank the Secretary General of Parliament and the staff of the Committee on Public Petitions who worked with great enthusiasm and dedication, the Interpreters' section of the Parliament and the other staff.

As the Chairman of the Committee on Public Petitions I expect the support of the member MPs and the staff of the Parliament to successfully carry out the duties of the Committee on Public Petitions.

Thank you.

1. Committee on Public Petitions of Parliament

The decisions taken by the officers in Public Institutions in certain occasions can be unfair and unjustifiable and in such occasions the Committee on Public Petitions of the Parliament is one of the places that the general public can file their grievances.

The Committee is functioning further or parallel to the following institutes that help the people.

- 1) Parliamentary Commissioner for Administration(Ombudsman)
- 2) Sri Lanka Human Rights Commission
- 3) Public Service Commission and
- 4) Administrative Appeals Tribunal

2. Beginning and evolution of the Committee on Public Petitions.

The inclusion of the Committee on Public Petitions in No. 27 to 30 of the Standing Orders that have been prepared in 1946 to facilitate the functioning of parliament in orderly and meaningful manner indicates that in the Constitutions introduced to Sri Lanka by the Lord Colebrook who came to Sri Lanka in 1927 for constitutional reforms and the constitutional reforms done by the Lord Donoughmore who came to Sri Lanka and the Soulberry Constitution introduced in 1947 which took inspirations from the Westminster system have taken certain measures to address people's grievances. We can see such provisions in the amendments done to the Standing Orders at a later stage and though there were provisions with regard to the Committee on Public Petitions there is no clear evidence of the functioning of it.

Article 74 of the Constitution of the Democratic Socialist Republic of Sri Lanka – 1978 has given the power to the Parliament to formulate the standing orders for the regulation of the business of Parliament and preservation of order at its sittings. Accordingly, the Parliament of Sri Lanka has improved the Standing Orders and enacted the Standing Orders of the Democratic Socialist Republic of Sri Lanka with effect from 01.05.1979. However the Standing Orders with regard to the Committee on Public Petitions have not clearly interpreted the functions of the Committee Office of Public Petitions the said Standing Order had been amended on 03rd November 1981 detailing the functions of the Committee Office. From that day the Committee has functioned as a sub committee of the Committee Office of the Parliament in accordance with the aforesaid orders and the rules passed by the committee from time to time and the Hansard Report on 12.11.1981 shows that at the earlier stages the Hon. Speaker has acted as the Chairman of the Committee.

Later the number of petitions received by that committee increased annually and the tasks performed by the secretariat, follow up activities, sending reminders, preparing files and folders needed additional staff and the Secretariat has to answer to the inquiries made by the Ministerial Secretaries, Department Heads, the Members of Parliament who present the petitions and the petitioners themselves and the Secretariat

was burdened with additional tasks mentioned above and therefore in the year 1990 the Committee on Public Petitions proposed to establish a separate office for public petitions to perform this additional duties efficiently. The number of petitions that present to the Parliament has been increased from the beginning of the decade 2000 and the need to establish a separate office has been again proposed in 2007.

After the approval was obtained from the Staff Advisory Committee, the Committee on Public Petitions was established as a separate office on 22nd October 2008 and now it is functioning efficiently up to now.

3. The composition of the Committee

The Committee on Public Petitions consists of 10 MPs nominated by the Committee of Selection representing all political parties and three members shall form the quorum.

During the period after the year 1981 the number of members of such committees has been changed from time to time by resolutions passed in the Parliament and accordingly by resolutions passed in the Parliament the number of members in the Committee on Public Petitions has been increased to 31 and later it was increased to 33 and now at present 29 members are performing their duties and the composition of the committee from 22.04.2010 to 31.12.2012 is as follows.

The Committee during the period from 22.04.2010 to 31.12.2012

1. Hon. Janaka Bandara (Chairman up to 20.03.2012)
2. Hon. Lalith Dissanayaka (Chairman from 20.03.2012)
3. Hon. Chandima Weerakkodi (up to 30.12.2011)
4. Hon. M. K. D.S. Gunawardhana (from 30.12.2011)
5. Hon. T. B. Ekenayaka
6. Hon. Gamini Lokuge
7. Hon. (Mrs.) Pavithra Devi Wanniarachchi
8. Hon. Kumar Welgama
9. Hon. (Dr.) Rajitha Senarathna
10. Hon. Gamini Vijith Vijayamumuni Soyza
11. Hon. Susantha Punchinilame
12. Hon. (Mrs.) Nirupama Rajapaksha
13. Hon. Muthu Sivalingam
14. Hon. Karu Jayasuriya (upto 20.12.2012)
15. Hon. Palitha Range Bandara (from 20.12.2012)
16. Hon (Mrs.) Thalatha Athukorala
17. Hon. Wasantha Aluwihare
18. Hon. Gayantha Karunathilaka
19. Hon. Faizal Cassim
20. Hon. Ajith Kumara
21. Hon. (Dr.) Jayalath Jayawardena
22. Hon. Dayasiri Jayasekara

23. Hon. Achala Jagodage
24. Hon. (Dr.) (Mrs.) Sudarshini Fernandopulle
25. Hon. (Ven.) Athuraliye Rathana Thero
26. Hon. A. Vinayagamoorthy
27. Hon. (Dr.) Sarath Weerasekara
28. Hon. Pon. Selvarasa
29. Hon. Sujeewa Senasinghe
30. Hon. (Mrs.) Rosy Senanayake
31. Hon. Sunil Handunneththi
32. Hon. Hunais Farook

4. Powers of the Committee on Public Petitions

According to the second amendment made for the Standing Orders on 3rd November 1981, Standing Order No. 25(a) of the Parliament of Sri Lanka has been imposed and according to that after a Member of Parliament presents a petition in Parliament it is referred to the Public Petitions Committee and the Committee proceeds with the petition as per Standing Order 128.

According to the amended Parliament (Powers and Privileges) Act No. 21 of 1953 (herein after mentioned as Privileges Act) Parliament and/or committees have powers to summon any person before the Committee or send for any paper in his possession or under his custody and section 12 of that Act provides for ascertaining evidence from them through oral examination. These powers have been stipulated by the Standing Order 128(7) and the affairs of the Committee are personal accordingly.

According to Standing Orders 128(4) and (5) the Committee shall from time to time report to Parliament its opinion on the action to be taken in respect of petitions referred to it together with such other observations on such petitions as it may think fit.

Sections 16 and 17 of the Privileges Act provides for the persons testifying before the Committee and the evidence thereof be protected while section 14 of that Act has assigned some duties to witnesses.

Punishment can be met out to officers who do not attend the meetings of the Committee without reasons for absence being intimated and/or refuse to produce relevant documents by Parliament or Supreme Court under subsection “b” of the above Act.

While running the affairs of the Committee on the agreement of both parties in the accepted practice, refusal to act on that agreement later is an offence punishable by Supreme Court under subsection “a” of the Privileges Act for lying before Parliament. Committee always attempts to soften the rigidity of administrative decisions by looking at the problems in a humanitarian point of view rather than confining to the legal framework relating to them.

The Committee, which attempts to provide redress to the problems of the

petitioners on the agreement of both parties, plays the role of a mediator in this context. However, at instances when parties do not reach agreements, the Committee does not hesitate to make recommendations which it thinks are fair.

Contents in petitions are not made public and evidence obtained by the Committee will not be made available to media.

If petitioners find it difficult to properly file the necessary information and present it before the Committee they can obtain the service of a defending officer. However this practice of appearing before the Committee with a defending officer is not encouraged by the Committee since it involves a cost on the part of the petitioner.

The procedure adopted by the Committee to make inquiries is flexible and informal. Even though specific time limits have not been prescribed on various stages of the inquiry the Committee always attempts to consider the petitions as early as possible and make fair recommendations.

5. Presentation of petitions by Hon. Member in Parliament.

The procedure followed in this regard is spelt out in Standing Order 25 (Standing Order 25 A is annexed as an appendix). Accordingly petition shall be addressed to Hon. Speaker and shall be presented by a Member. The petition shall be signed by the Member. The petitioner should describe very clearly and briefly the injustice caused to him and mention clearly, at the end of the petition the redress sought by him. Petitioner or petitioners should have signed the petition and a person who is unable to write should affix his mark in the presence of a witness. No document of any type or affidavits should not be attached to the petition.

Petitions thus received are checked by the Petitions Committee Office of the Secretariat of Parliament and if they are found to be consistent with the Standing Orders, they are referred to the Hon. Speaker by the Secretary General of Parliament for approval. Petitions approved by the Hon. Speaker are presented in the House by the relevant Member. Petitions thus presented in the House are referred back to the Committee on Public Petitions for further action.

Committee on Public Petitions receives a large number of petitions daily and nearly 25% of those petitions have to be rejected on numerous reasons. (the form used by the Petitions Committee Office is annexed as annexure 2)

6. Role of the Committee on Public Petitions

According to Standing Orders, when a petition is presented in Parliament, it is considered in the following two manners.

- (a) Consideration by the Committee itself
- (b) Referring the petition to the Ombudsman for his determinations and investigating on such views.

- (a) Consideration by the Committee itself

Having referred the petition to the Secretary of the relevant Ministry and obtained a report, an extract of that report is sent to the petitioner to obtain his determinations on it. With the receipt of the views of the petitioner the petition is ready for consideration before the Committee and letters are sent to the petitioner, the Secretary of the relevant Ministry and the relevant officers to appear before the Committee.

It is the responsibility of the Secretary of the Ministry to bring with him the other relevant officers with the relevant documents. At this meeting the Committee attempts to arrive at an agreement with the parties with a view to providing redress to the petitioner, by examining the documents and cross examining officers. It is the responsibility of the Secretary of the Ministry to grant relief to the petitioner by implementing the agreements reached.

- (b) Obtaining determinations of the Ombudsman (Parliamentary Commissioner for Administration)

As per article 156 of the Constitution of the Democratic Socialist Republic of Sri Lanka of 1978 the Parliamentary Commissioner for Administration Act No. 17 of 1981 was passed by the Parliament which makes provisions for the creation of the post of Parliamentary Commissioner for Administration (Ombudsman) in order to discharge the duty of inquiring and reporting under and in accordance with the provisions of the law the complains or allegations of violation of fundamental rights or any other acts of injustice made by the public officers and the officers of semi government institutions, public corporations, local government bodies and other institutions.

His Excellency the President has appointed a Parliamentary Commissioner for Administration (Ombudsman). In accordance with the article 10 of the Parliamentary Commissioner for Administration Act, the petitions which are referred to him out of those received by Parliament are inquired into by him and his determinations according to section 17 of the Act in regard to those are referred back to the Committee along with reasons for such determination. Views so referred to the Committee are re-inquired by the Committee without calling the relevant parties and if the Committee is in agreement with such determinations the office sends letters to the relevant parties

informing them to implement those determinations.

The Committee acts as mentioned in (a) above in regard to petitions which the Ombudsman refers without his determinations and such petitions of which the Committee opines that the determinations of the Ombudsman should be further inquired into.

The list of names of Ombudsman who have co-operated with the Committee on Public Petitions from 1981 until the date this report went to press.

Mr. Sam Wijesinghe	- 1982 - 1991
Mr. L.H. Alwis	- 1991 - 1993
Mr. G. Abeygunasekara	- 1993 - 1995
Professor B.E.S.J. Bastianpillai	- 1995 - 2001
Dr. R.B. Ranaraja	- 2001 - 2010
Mr. L.A. Tissa Ekanayake	- 2010 up to date

7. The list of names of the Committee and the relevant officers of the Committee on Public Petitions who served from 1981 up to date of the 7th Parliament.

- (1) The list of names of the Chairman who served in the Committee on Public Petitions from 1981 up to the date of this report going to press.

Hon. Alhaj Abdul Bakeer Markar	- 1983 – 1988
Hon. Stanley Thilakaratne	- 1989 – 1990
Hon. Chandra Ranatunga	- 1991 – 1994
Hon. Mahinda Wijesekara	- 1995 – 1999
Hon. Chamal Rajapaksha	- 2000 – 2001
Hon. Lakshman Yapa Abeywardena	- 2002 – 2003
Hon. DEW Gunasekara	- 2004 – 2005
Hon. Mahinda Yapa Abeywardena	- 2006 – up to 2010 April
Hon. Janaka Bandara	- April 2010 – January 2012
Hon. Lalith Dissanayake	- from 22 nd March 2012

- (2) Secretary General of Parliament is ex-office Secretary of the Committee. Accordingly since 1981 Secretaries General of Parliament Mr. S.N. Seneviratne, Mr. B.S.B. Thiththawella, Mrs Priyani Wijesekara and Mr. Dhammika Kitulgoda have acted in the Committee as its Secretary representing the Secretary General of Parliament and have given necessary directions to the Assistant Directors and the present Secretary General Mr. W.B.D. Dasanayake too follows suit. The Deputy Secretary General and Assistant Secretary General of Parliament assist the Secretary General of Parliament overseeing the activities of the Committee.

On the order of the Secretary General of Parliament, the following officers have served as Secretary of the Committee on Public Petitions during the respective periods.

1. Mr. K.T.N.De Silva	-1981
2. Mr. M.S.M.C.B. Sakalasuriya	-1985
3. Mr. W.Palliyaguruge	-1986
4. Mr. Ronald A De Soya	-1987
5. Mr. T.H.A.L.De Silva	-1991
6. Mr. U Wijesinghe	-1995
7. J.R. Gajaweera Arachchige	-2000
8. Mr. J.Samaraweera	-2002
9. Mr. N.S.K.Waidyaratne	-2006
10. Mr. W.M.P.C.De Silva	-2008
11. Mrs Ramani Jayawardane	-from 2011

8. Activities of the Committee on Public Petitions of 7th Parliament

In pursuance of a special resolution adopted by the Committee on Public Petitions of the seventh Parliament established subsequent to the dissolution of sixth Parliament on 05.02.2010 and the general election held on 08.04.2010, the petitions received by the Committee during the sixth Parliament and whose investigations could not be completed were examined by the seventh Parliament. In addition, there had also been a large number petitions received afresh by the seventh Parliament for consideration.

Since the seventh Parliament had to deal with a large number of petitions as a result, the Committee at its meetings held on Fridays arrived at conclusions on the basis of the reports of the Ministries and the observations of the petitioners without summoning the parties as was done by the Committee of the 6th Parliament.

Further, as per a decision of the Committee Office, petitioners were summoned on every day on which the committee held its meetings and after the completion of discussion on petitions, action was taken to review the progress from the relevant Ministry and officials as regards the implementation of agreements relevant to the petitions of the Ministry scheduled or the day, thus increasing the efficiency by following up with 05-10 petitions per day.

Similarly, petitions that caused problems for the Committee as a result of being implemented by the member MPs of the committee without the participation of external parties and 05 to 10 petitions which could be solved without calling for other parties were solved per day and consequently the Committee was able to conclude a large number of petitions during this period., Having decided that it was more efficacious to routinely discuss and finalize problematic petitions that could be concluded, the Committee decided to continue with this practice. Accordingly, the Committee resolved that delays which occurred on account of the collection and discussion of the reports of solutions submitted by the Ombudsman on a separate day

could be avoided further and that relief could be granted to the parties expeditiously by considering them at the next meeting according to the order of receipt which enables the swifter submissions of the recommendations of the Committee to the relevant institutions.

9. The following policy decisions have been taken by the Committee on Public Petitions of the 7th Parliament :-

- 1) To prepare a common format for the presentation of the petitions and to make the general public aware of the matters considered therein through the Members of Parliament,
In submitting petitions to the Committee on Public Petitions of the 7th Parliament, (the format for the presentation of petitions is given under the first schedule)
- (2) To refer again to the Public Services Commission together with favourable recommendations of the Ministry for reconsideration, if it is clear an injustice has been caused to petitioners as a result of their petition being rejected by the Public Services Commission on the grounds of technicalities,
- (3) The committee observed that despite the possibility of administering punishment under section 14 of the Parliament Powers and Privileges Act and section 190 of the Criminal Procedures Code against officials of Ministries who consent at the Committee to recommendations made by the Committee on Public Petitions and subsequently violate such agreement for belittling the Committee on Public Petitions, such a course of action was distant and difficult to be implemented in practice. The Committee, having taken into account the legal and departmental impediments encountered by officials in implementing the matters agreed upon at the Committee, also decided to review the agreements reached at the Committee when such problematic situations emerge and make necessary amendments. However the committee underscored the need for officials to be more responsible in reaching agreements.
- (4) Not to pursue action regarding petitions coming under the purview of the Judicial Services Commission, since the Commission has declined to forward reports on such petitions to the Committee,.
- (5) The Committee having paid its attention on the period of time for the presentation of petitions, decided to disregard and dispose of petitions which have lapsed a period of five years from the date from which action was last taken regarding the injustice caused to the petitioner and to have petitions submitted under a common format enabling the easy determination of such periods of time.

- (6) Not to entertain petitions on non-admission of children to schools
- (7) To consider petitions which are currently being inquired into by the Human Rights Commission, Ombudsman or the Public Services Commission, after the completion of such inquiries by the said institutions. (The questions relevant for the clarification of these issues have been incorporated in the common format on submission of petitions)
- (8) Not to reconsider petitions which have been resubmitted seeking further relief when a ruling had already been given and disposed of by the Committee.
- (9) To discuss in the committee without summoning the petitioner the measures that can be taken with regard to petitions on issues that clash with state policies, and
- (10) Not to consider petitions received in connection with financial frauds.

Further, 3 special meetings of the Committee on Public Petitions of the 7th Parliament and it was observed therein that problems had arisen as regards the enforceability of the standing orders currently in force. Since this undermines not only the Committee on Public Petitions of Parliament but the people's faith in the supremacy of Parliament, the Committee identified the need for amending standing orders relevant to the Committee on Public Petitions empowering it to conduct an inquiry into the petitions of the petitioners and issue an enforceable order and the proposals of the Committee towards this end have been directed to the Chairman of the Committee.

10. Implementation of the recommendations made by the Committee on Public Petitions of the sixth Parliament in its 4th report

Recommendations made in the 4th report	Implementation
That measures should be taken to summon the secretaries of the Ministries and seek their support to implement the agreements reached at the Committee.	All secretaries were summoned and a workshop was conducted.
That the support of the Members of Parliament should be enlisted to make people aware as to how petitions should be submitted.	A specimen outlining the manner in which a petition should be submitted was handed over to all Members of Parliament.
Implementation of a follow up mechanism whether the relevant institutions have granted relief to petitioners as agreed in the Committee.	Following up on several petitions for which recommendations were given at previous meetings at each meeting of the committee in relation to a particular ministry.

11. Follow up on the targets set by the Committee on Public Petitions of the 7th Parliament in the 4th report of the Committee

- (1) Completing the hearing of a petition within a year of submission

The Committee having decided that the achievement of this objective is restricted by external factors such as the number of petitions, the delay in obtaining reports and the number of sittings of the Committee, targeted to resolve the petitions as soon as possible.

- (2) Implementing the agreement to grant relief within 3 months

This target has been achieved to a certain extent through the follow up mechanism adopted by the Committee.

- (3) Implementing the agreements of the last Parliament

Attempts have been made to cause the implementation of these agreements through the follow up mechanism.

12. Targets and recommendations of the Public Petitions Committee of 7th Parliament

- (1) Completing inquiries of a petition as soon as possible after being presented in Parliament by a Hon. Member of Parliament.
- (2) Causing the implementation, as soon as possible, of the agreements reached with various ministries and institutions to grant relief to the petitioner.
- (3) Taking steps to grant relief to petitioners who have hitherto not been granted relief by ministries despite reaching agreements during previous parliaments.
- (4) Taking measures to enlist the support of the Insurance Ombudsman and the Finance Ombudsman to settle petitions.
- (5) Amending the law to enable the reviewing of the appeals of petitions which have been inquired into and completed by the Public Services Commission but redirected by the Committee following its hearing.
- (6) Studying the functioning of the Committee on Public Petitions and making use of such experiences to improve the efficiency of our Committee.
- (7) Working in collaboration with Petitions Committees in operation at provincial councils as more petitioners could thus be granted relief.

- (8) Since it is claimed in the first report submitted by the Committee on Public Petitions in 1994 with relevance to the period from 1981 to 1990 that allegations have been made to the effect that the jurisdiction of the Ombudsman has been curtailed as by section 11 of the Ombudsman's Act No 17 of 1981, it is recommended to submit a proposals to the Legal Draftsman in consultation with the Ombudsman, to see whether the relevant section should be amended and also to recommend that the Ombudsman be empowered to conduct follow ups to ascertain whether the petitioners have truly been granted relief as regards the petitions considered by the Ombudsman.
- (9) Recommending the introduction of a suitable procedure for further action regarding the non implementation of the recommendations made as no such procedure has been introduced in that respect even though the report of the Ombudsman presented to the President and Parliament as per 3(c) of section 17 of the Ombudsman Act amended by 1996/26 is presented to Parliament through the Committee on Public Petitions on instances where relief is not granted to the petitioners despite the recommendations made ; and
- (10) Recommending the introduction of a suitable procedure for further action regarding the non implementation of the relief measures recommended by the Human Rights Commission subsequent to investigation as no such procedure has been stipulated other than presenting to Parliament the reports prepared by the Human Rights Commission as per section 15(8) of Human Rights Commission Act No. 21 of 1996 mentioning the instances of not implementing the relief granted, even though reports mentioning the matter and referred to His Excellency the President are referred to the Hon. Speaker by the President's office.

13. A summary of petitions during 7th Parliament

(a) A summary of the petitions investigated by the Committee during the period from 22.04.2010 to 31.12.2012

(1) Number of petitions received by the Committee on Public Petitions	- 2684
(2) Number of petitions rejected by the Committee as a result of not being in compliance with the Standing Orders	- 995
(3) Number of petitions submitted to Parliament and taken up for necessary action	- 1689
(4) Number of petitions referred to the Ombudsman by the said Committee	- 111
(5) Number of meetings held by the Committee on Public Petitions	- 110
(6) Number of petitions taken up for discussion by the Committee with relevance to the 7 th Parliament	- 718
Number of petitions taken up for discussion by the Committee with relevance to the 6 th Parliament	- 211
(7) Number of petitions that received relief through the petitions received with relevance to the 7 th Parliament	- 101
Number of petitions that received relief through the petitions received with relevance to the 7 th Parliament	- 60
(8) Number of petitions dismissed by the Committee subsequent to investigations, deemed as not possible to grant relief,	
Within the period relevant to the 7 th Parliament	- 348
Within the period relevant to the 6 th Parliament	- 438

(b) Summary according to the relief granted through the petitions received by the Committee during the period of the 7th Parliament

Relief Granted	Relevant Ministry	Number of petitions received relief	Total	
Reinstating in service	Education - (702, 1075)	2	16	
	Economic Development - (705, 1082, 1201)	3		
	Defence and Urban Development - (1052, 1295, 1601)	3		
	Water Supply and Drainage - (201)	1		
	Local Government and Provincial Councils - (266)	1		
	Labour Relations and Productivity Promotion - (241)	1		
	Co-operatives and Internal Trade - (500)	1		
	Health - (156)	1		
	Construction, Engineering Services, Housing and Common Amenities - (1167)	1		
	Rehabilitation and Prison Reforms - (58)	1		
	National Languages and Social Integration - (796)	1		
Transfers	Education - (1009, 1031)	2	4	
	Finance and Planning - (735)	1		
	Local Government and Provincial Councils - (218)	1		
Granting Promotions/Regularizing Promotions by granting active service	Defence and Urban Development - (164, 288)	2	6	
	Fisheries and Aquatic Resources Development - (700)	1		
	Environment - (438)	1		
	Social Services - (904)	1		
	Finance and Planning - (340)	1		

Granting extension of service	Higher Education – (1239)	1	
			1
Granting the correct pension or provident fund in arrears	Defence and Urban Development – (22)	1	20
	Education - (914)	1	
	Co-operatives and Internal Trade – (73, 462)	2	
	Livestock and Rural Community Development – (192)	1	
	Land and Land Development – (229)	1	
	Health – (51, 384)	2	
	Power and Energy – (14, 224, 402)	3	
	Fisheries and Aquatic Resources Development – (857, 150)	2	
	Construction, Engineering Services, Housing and Common Amenities – (186)	1	
	Public Administration and Home Affairs – (178, 547)	2	
	Traditional Industries and Small Enterprise Development – (196, 429)	2	
	Ports and Highways – (475, 476)	2	
	Granting increments/salary in arrears	Education - (231)	
Finance and Planning – (681)		1	
Rehabilitation and Prison Reforms – (1240)		1	
Local Government and Provincial Councils - (974)		1	
Placing on the due salary scale	Agriculture – (126)	1	4
	Health – (170)	1	
	Transport – (784)	1	
	Fisheris and Aquatic Resources - (162)	1	

Granting compensation	Defence and Urban Development – (1577)	1	11
	Ports and Highways – (97, 322)	2	
	Construction, Engineering Services, Housing and Common Amenities – (132, 370)	2	
	Finance and Planning – (147, 149, 823, 926)	4	
	Foreign Employment Promotion and Welfare – (240)	1	
	Traditional Industries and Small Enterprise Development - (300)	1	
Requesting Widow's and Orphan's Pension	Environment – (143)	1	5
	Transport – (262)	1	
	Ports and Highways – (568)	1	
	Irrigation and Water Resources Management – (87)	1	
	Telecommunication and Information Technology - (177)	1	
Confirmation of services	Education - (333)	1	7
	Finance and Planning – (433, 489)	2	
	Health – (535, 1001)	2	
	Local Government and Provincial Councils – (419, 595)	2	
Granting ex-gratia payment	Co-operatives and Internal Trade – (62)	1	6
	Finance and Planning – (108, 302, 554)	3	
	Irrigation and Water Resources Management – (298)	1	
	Civil Aviation - (810)	1	

Anti dating promotions/ appointments	Power and Energy – (34)	1	
	Mass Media and Information – (56)	1	
	Social Services – (221)	1	
	Finance and Planning – (472)	1	
	Defence and Urban Development – (634, 636)	2	
	Irrigation and Water Resources Management – (613)	1	
	Public Administration and Home Affairs - (321)	1	8
Providing alternative routes	Ports and Highways – (242)	1	
			1
Granting land titles or permits	Construction, Engineering Services, Housing and Common Amenities – (35)	1	
	Presidential Secretariat – (161, 1129)	2	
	Environment - (828)	1	4
Repatriation of Migrant Workers	Foreign Employment Promotion and Welfare – (797, 1014)	2	
			2
Land Settlement	Agrarian Services and Wildlife – (575)	1	
			1
Removal of electricity wires posing danger to houses	Power and Energy – (783)	1	
			1
			101

(c) The Ministry wise summary of the petitions received and investigated by the Committee during the tenure of 7th Parliament.

	Ministry	No. of petitions received by the Com.	No. of petitions investigated by the Committee	No. of petitions recommended by the Committee	No. of petitions granted relief on the rec. of the Com.	The % of granting relief on the rec. of the Com.
1	Agrarian Services and Wildlife	15	11	5	1	20 %
2	Agriculture	25	10	6	1	17 %
3	Buddha Sasana and Religious Affairs	1	Not Investigated			
4	Civil Aviation	2	1	1	1	100 %
5	Co-operatives and Internal Trade	24	14	7	4	57 %
6	Coconut Development and Janatha Estate Development	3	Not Investigated			
7	Construction, Engineering Services, Housing and Common Amenities	17	14	9	5	56 %
8	Culture and the Arts	1	Not Investigated			
9	Defence and Urban Development	279	113	31	9	29 %

10	Economic Development	13	8	4	3	75 %
11	Education	346	77	39	7	18 %
12	Environment	14	9	5	3	60 %
13	Foreign Affairs	1	1	1	0	0 %
14	Finance and Planning	129	91	43	13	30 %
15	Fisheries and Aquatic Resources	6	6	5	4	80 %
16	Foreign Employment Promotion and Welfare	6	3	3	3	100 %
17	Health	62	36	17	6	35 %
18	Higher Education	9	4	2	1	50 %
19	Highways and Road Development	8	6	3	3	100 %
20	Indigenous Medicine	6	3	1	0	0 %
21	Industry and Commerce	18	9	3	0	0 %
22	Irrigation and Water Resources Management	33	19	13	3	23 %
23	Justice	12	4	1	0	0 %
24	Labour and Labour Relations	6	5	2	0	0 %
25	Land and Land Development	35	18	9	1	11 %
26	Livestock and Rural Community Development	8	5	3	1	33 %

27	Local Government and Provincial Councils	83	29	14	5	36 %
28	Mass Media and Information	16	13	5	1	20 %
29	Minor Export Crop Promotion	2	2	1	0	0 %
30	National Heritage and Cultural Affairs	3	1	0	0	
31	National Languages and Social Integration	1	1	1	1	100 %
32	Petroleum Industries	7	4	0	0	
33	Plantation Industries	9	5	1	0	0 %
34	Ports and Highways	17	11	4	3	75 %
35	Postal Services	53	27	11	0	0 %
36	Power and Energy	35	10	6	5	83 %
37	Private Transport Services	1	Not Investigated			
38	Labour Relations and Productivity Promotion	4	3	1	1	100 %
39	Public Administration and Home Affairs	98	37	11	3	27 %
40	Rehabilitation and Prison Reforms	18	14	5	2	40 %

41	Social Services	2	2	2	2	100 %
42	Sports	1	Not Investigated			
43	Technology and Research	1	Not Investigated			
44	Telecommunication and Information Technology	22	16	8	1	13 %
45	Traditional Industries and Small Enterprise Development	14	6	5	3	60 %
46	Transport	87	37	16	2	13 %
47	Water Supply and Drainage	7	7	5	1	20 %
48	Youth Affairs	1	Not Investigated			
49	Youth Affairs and Skills Development	9	5	0	0	
50	Secretary to the President	7	5	5	2	40 %
51	Parliament of Sri Lanka	1	1	1	0	0 %
	Total	1578	703	315	101	32 %

The number of petitions submitted to the Parliamentary
Commissioner for Administration

- 111

The number of petitions that examined out of the aforesaid
number of petitions

- 15

14. A few petitions for which relief was granted by the Committee, in brief,

- (1) Mrs. K.F. Farshana
Assistant Teacher
Hindu National College, Pussellava
COM/PP/2012/1075

The petitioner had been working as an assistant teacher in Hindu National College in Pussellava since 2004 and she had not been able to report for duties due to the fact that she became ill in the year 2007. Even though medical certificates were submitted by her a vacation of the post order has been served on her. She has submitted this petition requesting that she be reinstated on the post.

This petition was forwarded to the Ministry of Education and subsequently an investigation was conducted into it by the Ministry. Steps have been taken to provide the employment back to the petitioner after necessary facts were confirmed.

- (2) Mr. D.V. Sarath Wijesinghe
Principal, Balangoda Landuyaya Vidyalaya, Ratnapura
COM/PP/2012/1031

The petitioner has served in difficult areas for about 22 years and had applied for the post of Principal in Balangoda Boys' School under annual transfer scheme for the year 2010, in the formal manner. The petitioner has submitted this petition requesting that the aforesaid transfer be granted to him due to the fact that it has not yet been given to him notwithstanding the approval of the Zonal and Provincial Directors of Education has been granted for it.

Steps have been taken to grant the transfer to the petitioner to Balangoda Boy's School in Ratnapura as per his application after the relevant transfers were expedited once this petition was forwarded to the Ministry of Education,

- (3) Mr. S. Abeysekara
Police Constable, Department of Police
COM/PP/2010/164

The petitioner's appointment had been cancelled without any inquiry based on the information alleged to have been received to the effect that he had connections with People's Liberation Front during the period 1987/1988 when he was working in the Kalmunai camp. He has submitted this petition requesting that he be granted the promotions, active period of service, salary increments that he has been deprived of due to the fact that he was not been able to complete 16 years in active service as the period of time during which his appointment had been cancelled though has been reinstated on service upon an appeal made by him against the cancellation of his appointment.

This petition was forwarded to the Department of Police and subsequently steps were taken to add the period of time during which his appointment had been cancelled to his period of active service and grant him a promotion to the post of Police Sergeant along with the relevant salary increments.

- (4) Mr. R.L.G. Dharmawickrama (Retired)
Department of Animal Production and Health (Uva Province)
COM/PP/2010/192

The petitioner has worked in Sri Lanka Army during the period from the year 1985 up to 2005 having been released from the department service. He has been deprived of six salary increments due to the fact that the Animal Development Instructor special grade appointment which was entitled to on 01.07.1984 was received by him late.

He, who is presently at the retirement age, has submitted this petition requesting that he be granted salary arrears, arrears of pension gratuity as the aforesaid situation affects his pension.

This petition was forwarded to the Ministry of Livestock and Rural Community Development and steps have been taken to grant the outstanding salary increments, revised the pension accordingly and award Rs.73080/- as arrears of pension gratuity.

- (5) Mr. R.A. Warnarathna
Electronic Medical Scientist, Sri Jayawardenapura General Hospital
COM/PP/2010/170

The petitioner has requested through his petition to place him n salary scale code number MN/7/2006 A to which the staff of the Electronic Medical Scientists including himself is entitled to as per Public Administration Circular No. 6/2006 and pay the salary arrears due to him on that salary scale. The Committee called a report from the National Salaries and Cadre Commission in this regard and the aforesaid report mentioned that it was reasonable to grant the MT 2/2006 salary scale to the petitioner. This decision was conveyed to the officers of the Sri Jayawardenapura Hospital and they have taken steps to place the petitioner on the MN/3/2006A salary scale providing further concessions to the petitioner.

- (6) Mr. G.K.H. Pushpakumara
Former Store Keeper, Medical Supplies Division Department of Health
COM/PP/2010/156

The petitioner has been dismissed from service based on false audit report and he has submitted requesting that he be provided his job back.

As per the agreement reached at the Committee Meeting in regard to the petition, steps have been taken to reinstate the petitioner having submitted a Cabinet Paper.

- (7) Mr. W.A. Nimal Wijeweera
Former Public Relations Officer, Ministry of Higher Education
COM/PP/2010/147

The petitioner had reported a vehicle with duty concessions in 1994 and it has been provided to some other person by tenders when he was about to get it released from the port. The petitioner had submitted this petition requesting that he be given a vehicle of the brand he imported or the money collected from the auction.

As per the agreement made at the Committee with regard to the petition, Sri Lanka Ports Authority has taken action to pay a sum of Rs. 1.5 million to the petitioner for the loss incurred by him.

- (8) Mrs. Ranjani Jayarathna
COM/PP/2010/143

The petitioner has submitted her petition requesting that the W&OP pension due to be paid to her as her husband who was employed as a forest conservation field officer at the Department of Forest Conservation had passed away due to a heart attack that occurred during active duty.

As per the agreement made in the Committee with regard to this petition, action has been taken by the Ministry of Environment to pay the pension to the petitioner through the Department of Pensions with effect from July 2011.

- (9) Mr. S.V. Sabanadan
Civil supervisor, Department of Agriculture
COM/PP/2010/126

The petitioner has submitted the petition requesting that he be given the salary increments and promotions he lost after stating that he joined the service in 1980, his salary increments were suspended from 1981 to 1986 as he was unable to obtain proficiency in Sinhala language and the suspended salary increments were not paid to him even after he obtained proficiency in Sinhala language subsequently and that he was unable to obtain salary increments from 1990 to 1992 as the efficiency bar was not held in Tamil language by the institution during that time.

After this petition was referred to the Department of Agriculture through the Ministry of Agriculture, the salary increments due to be paid to him by the Department were granted to the petitioner and he has been placed in the appropriate salary scale.

- (10) Mr. B.G. Cyril Senaratne, Mr. A.G. Athula Ranasinghe, Mr. R.M. Jayaratne
Vaccination Officers, Rabies Prevention Division, District Health Service
Directorate, Matale.
COM/PP/2011/535

The petitioners, who claim that a grave injustice has been caused to them as their seniority of over 7 years in the position of vaccination officer was ignored when giving appointments for the permanent position of vaccination officers in 2002, request that they too be given permanent appointments in the post of vaccination officer with effect from the same date of appointment of the other vaccination officers.

This petition was referred to the Central Province Ministry of Health through the Ministry of Health and it has been informed that action will be taken to appoint two of the petitioners to two vacancies available in the position of veterinary vaccination officer and that the other petitioner will be appointed to a position once a vacancy arises in future.

- (11) Mr. H.M. Gunaratne
Former Store Keeper, CWE
COM/PP/2010/62

The petitioner requests that he be given consolatory and service rights entitled to him after taking his 16 year service into consideration as he was sacked without holding an inquiry when the petitioner was indicted after he removed items from parcels prepared to supply draught rations in 2001 and issued them to the relevant divisions after the order for the same was cancelled.

Action has been taken by the Ministry of Cooperatives and Internal Trade to pay an ex gratia allowance to the petitioner as per the agreement made at the Committee with regard to this petition.

- (12) Mr. A.M.P. Rajakaruna
Supral Grade Clerk, Ceylon Electricity Board
COM/PP/2010/34

The petitioner has requested that he be given the promotion as an Assistant Investigation Officer for which he is entitled, as he has applied to the post of Assistant Investigation Officer on three occasions and he was called for interviews on two occasions while he was not even called for the interview on his third attempt.

Action has been taken to give the petitioner the appointment as an Assistant Investigation backdated to 15.02.2010 as per the agreement made with the Ministry of Power and Energy when the petition was taken up at the Committee for the second time.

(13) Mr. R.E. Perera

Private, Volunteer Force, Sri Lanka Army
COM/PP/2010/22

The petitioner has requested that action be taken to award him with a pension as he was only given the gratuity payment although he retired from the army with full entitlement to pension after serving in active duty for 22 years and 09 months.

The Ministry of Defense has taken action to pay the pension after resolving the issue that prevailed about the term of active duty of the petitioner with the intervention of the Committee.

(14) Mr. K.P. Wijyaratne

Former Technician, Orthopedic Clinic, Kandy General Hospital
COM/PP/2010/384

The petitioner has submitted this petition seeking assistance to obtain clearance reports from relevant authorities and receive his pension as he was not awarded the pension and gratuity payment because he was unable to obtain a letter stating there are no dues to be paid by him to the orthopedic stores although the petitioner had handed over all items in his care when he retired.

Action has been taken to pay the pension after utilizing the services of a Board of Survey to resolve the problematic situation that arose because the petitioner had not formally handed over the items in his care.

(15) Mr. L Nenasena

COM/PP/2010/322

The petitioner has submitted the petition requesting a reasonable sum of money as compensation for the damages caused to his house as a result of blasting rocks when constructing the Southern Express Highway.

As per the decision made by the Committee to pay compensation due to be paid to the petitioner in accordance with the valuation of the Government Valuation Department within one month, the compensation entitled to the petitioner has been paid by the Southern Transport Development Authority under the purview of the Road Development Authority and the Committee has been informed that he has accepted the said compensation.

(16) Mr. M.K. Gamini Sarath
Machine Driver, Hingurana Sugar Factory
COM/PP/2010/300

The petitioner has submitted this petition requesting that he be given the compensation and gratuity that he is entitled for his service of 25 years during which the petitioner had first been employed with breaks in the service given the nature of his duties and later had been employed as a permanent employee from 1995 onwards.

The Committee has been informed that the sum of rupees 18,958/- due to him for the period of time that the petitioner worked as a casual worker has been paid as per the advice given to Hingurana Sugar Industries by the Committee to pay the aforesaid money and that sum of Rs. 12500/- retained by the company will be released after the house held by the petitioner is handed over to the factory.

(17) Mr. T. Sri Manoraj Fernando
Labourer – Health Service, Kalutara Urban Council
COM/PP/2010/266

The petitioner had submitted the petition requesting that he be given the job that he lost as he was unable to report for duty as a result of a snake bite.

The Committee, after taking this petition into consideration, has taken action to give the petitioner a new appointment as a health service labourer at the Kalutara Urban Council as per an agreement made with Ministry of Provincial Councils and Local Government.

(18) Mr. L.P. Nawaratne
COM/PP/2010/242

The petitioner has requested that an alternate road be constructed as the access road to his land has been blocked as a result of the Kasideniya road through Kimbie Ela Abhayagama has been blocked with the construction of the Southern Express Highway.

This petition was referred to the Road Development Authority through Ministry of Ports and Highways and although they have no direct responsibility regarding the aforesaid injustice, action has been taken to release a sum of Rs. 200,000/- to the Divisional Secretary of Baddegama to construct a common road under the rural road development project so that it would enable vehicles to travel to the land belonging to the petitioner.

(19) Mr. S.G. Dissanayake

Former Driver, Department of the Land Commissioner
COM/PP/2010/229

The petitioner has submitted this petition requesting that his pension be revised considering him to be a driver of class 1 of the drivers' service with effect from 01.04.1975 as the starting salary of a person in the position of a tractor driver is equal to the starting salary of a class 1 driver of the drivers' service.

The petition was taken up at the Committee and the Land Commissioner of the Uva Province has been advised to promote the petitioner to class 1 of the drivers' service, with effect from 01.01.1982 and make relevant payments after converting salary according to which, action also has been taken to revise the pension of the petitioner.

(20) Mr. W.K. Munidasa

Former Driver, Ministry of Social Services
COM/PP/2010/221

The petitioner requests that he be promoted group 2A of the consolidated drivers' service his complete service period be calculated as he was unjustly treated when his prior service period of 5 years was not counted when giving to promotion to group 2A after being absorbed to group 2B of consolidated drivers' service.

As per the recommendation made to the Department of Social Services by the Committee to grant the aforesaid relief to the petitioner, action has been taken to backdate the promotion to group 2A of the drivers' service with effect from 01.02.1987

(21) Mr. R.M. Kamalasiri Bandara

Samurdhi Animator, Welimada Divisional Secretariat Division
COM/PP/2012/1201

The petitioner had submitted the petition requesting that he be reinstated in service on compassionate grounds as he was an honest and dedicated employee and he lost his job because he was unable to report for duty as a results of his parents been ill.

As per the recommendation made by the Committee to the Samurdhi Authority through the Ministry of Economic Development to reinstate the petitioner on duty on sympathetic grounds without any outstanding salaries and allowances after taking this petition into consideration, the Samurdhi Authority has taken action to reinstate him on duty.

(22) Mr. M.D.S. Jayalath,
Samurdhi Animator, Damana Divisional Secretariat Division
COM/PP/2012/1082

The petitioner had submitted the petition saying that he had lost his job as he had failed to report for duty consequent to some mental illness and requesting that he be reinstated in his job paying kind consideration to this situation.

The Committee recommended through the Ministry of Economic Development to the Samurdhi Authority the reinstatement of the petitioner on sympathetic grounds and accordingly the Samurdhi Authority has taken steps to reinstate the petitioner in his job.

(23) Mr. D.M. Tilakaratne,
Samurdhi Animator, Mahiyangana Divisional Secretariat Division
COM/PP/2011/705

The petitioner had submitted the petition saying that he had lost his job as he had failed to report for duty consequent to some illness and requesting that he be reinstated in his job paying kind consideration to this situation.

The Committee recommended through the Ministry of Economic Development to the Samurdhi Authority the reinstatement of the petitioner on sympathetic grounds and accordingly the Samurdhi Authority has taken steps to reinstate the petitioner in his job.

(24) Mr. D.H. Albert,
COM/PP/2010/161

Even after the lapse of a year since the plan and the necessary documents had been submitted to the Land Reforms Commission after completing the surveying of the land under the directions of the officials of the Land Reforms Commission consequent to the request made to the Committee by the petitioner in order to obtain a deed for the land he possesses, the petitioner had not received the deed and he had submitted a petition again requesting that the said deed be issued to him.

Acting upon the recommendation made by the Committee to the Land Reforms Commission directing them to issue the relevant deed, the Land Reforms Commission awarded the deed No.3925 dated 23.11.2011 to the petitioner's son on 24.10.2012.

(25) Mrs. W.G. Anulawathie,

A woman who had been employed in Kuwait as a housemaid
COM/PP/2010/240

The petitioner had submitted the petition saying that she had been employed in Kuwait and rendered helpless due to the war in Kuwait and later, on information she had received that compensation is paid to such employees, she had registered with the Ministry of Foreign Affairs and applied for compensation, but, as no compensation had been paid to her she had requested that the compensation she is entitled to be paid to her.

The Committee referred this petition to the Sri Lanka Foreign Employment Bureau through the Ministry of Foreign Affairs and, after examining the documents the petitioner had submitted, the SLFEB has taken action to pay a sum of Rs. 75,000/= to the petitioner.

(26) Mr. J.M.M. Sumendra

COM/PP/2011/828

The petitioner says that he has been gemming in a land he inherited from his parents for 20 years and that has been unable to continue his gemming as his license was cancelled and he requests that his license be enforced again.

The committee referred this petition to National Gem and Jewellery Authority through the Ministry of Environment and action has been taken to issue the license again to the petitioner to continue gemming in his land.

(27) Mrs. V.P. Rathnasekara and seven others

Those who were recruited to the Bank of Ceylon as Computer Secretarial Assistants
COM/PP/2011/433

The petitioners say that they have been working at branches of the BOC in difficult areas in the Northwestern Province since year 2005 and that they had done the computer examination conducted by the BOC in year 2010, but without making their service permanent, the BOC has recruited personnel from outside causing great injustice to the petitioners and hence they request that they be recruited to the permanent cadre of the BOC.

Implementing the recommendations made by the committee to the Bank of Ceylon for giving an opportunity to the petitioners when filling the vacancies of the BOC in future, the petitioner and the others have been recruited to the permanent cadre of the BOC in the capacity of Stenographer (trainee) with effect from 12.10.2011.

(28)Mr. P.K. Siri Vithanage

Assistant Manager – Grade IV, Sri Lanka Fisheries Corporation
COM/PP/2011/700

The petitioner says that a great injustice was caused to him as he missed the opportunity of being promoted to Grade I when he was subject to forced retirement at the age of 57 even though he was capable of continuing his service until he is 60 years and requests that his service be extended until he is 60 years and be promoted to Grade I which he is entitled to and the due arrears be paid to him.

Considering this petition and, in terms of the recommendation made by the Human Rights Commission, the committee resolved that arrears of about one year be paid to the petitioner and consequently, implementing this recommendation, Sri Lanka Fisheries Corporation has taken measures to pay a sum of Rs.220,397.53 to the petitioner as arrears.

(29)Mrs. A.M. Chandrawathi

COM/PP/2010/262

The petitioner requests that the widows' and orphans' pension be paid to her on behalf of her late husband who worked at the Railway Department and that one of her children be given employment at the Railway Department.

The Transport Ministry officials pointed out that there is some legal obstruction with regard to the payment of widows' and orphans' pension and implementing the recommendation of the Committee to give employment to the elder son of the petitioner, the said son of the petitioner has been appointed to a post of temporary labourer at the Railway Department.

(30)Mr. N.G. Wijeratne,

Retired Billing Officer, Ceylon Electricity Board
COM/PP/2008/10672

The petitioner says that, despite his application for an extension of service to continue work even after the age of 55 without retiring, his application was not granted based on the fact that he had taken 45 days of no-pay leave in the year prior to the year of his application for the extension of service and consequently he was subject to forced retirement at the age of 55 and he requests that he be paid the arrears and the revised pension assuming that he had continued service until he is 60 years.

The Committee referred this petition to the Ministry of Power and Energy and the service of the petitioner was extended up to 28.07.2005, the date on which the

petitioner completes 60 years of age, and he was placed on the salary step that is relevant to the said date and action has been taken to pay the pension based on the revised salary.

15. A few occasions where the Committee did not provide relief to the petitioners.

A number of petitions out of those which the committee received during this period have been rejected due to various reasons as mentioned below and they have been stated below with examples:

1. Requests for reinstatement of petitioners who had had continuous, unsatisfactory service records:

Mr. T.A. Jayawickrama – Petition No: COM/PP/2010/117

The petitioner had submitted the petition requesting reinstatement, but the Committee rejected the petition considering the unsatisfactory service record of the petitioner who had been considered on several occasions to have vacated the post and later reinstated.

2. Occasions where it is not possible to provide relief within the legal framework of institutions:

Mrs. K.G. Seelawathi – Petition No: COM/PP/2010/356

The petitioner had requested by her petition that the leave encashment and the lawful retirement allowance which she is entitled to and which are in arrears be paid to her as the 45 days of leave, public holidays and weekend holidays which she had enjoyed during her service as a compositor from 1983 to 2000 and as a clerk from year 2000 to year 2006 had been curtailed, but her petition was rejected as there is no possibility of providing the relief that the petitioner had requested due to the limitation of the number of leave to 21 in terms of the regulations of the National Cooperative Employees Commission.

Mr. Y. Dharmasena – Petition No: COM/PP/2011/680

The petitioner had stated in his petition that he had to retire from Sri Lanka Army as he had come to the age of 60 and was unable to get the pension as he had not completed 22 years of service in SL Army, but some others who retired under similar conditions were granted an addition of 3-4 years to their service as per the circular issued on 15.06.1989 and action had been initiated to pay them the pension and the gratuity. Hence the petitioner had requested that his service be revised accordingly and the pension be paid to him.

The Committee rejected this petition due to the impossibility of providing relief to the petitioner as per the existing rules and regulations of Sri Lanka Army since

approval had not been granted to add 3 years to the service of the persons who retire from the volunteer force after 31.12.1983.

3. Lack of legal provisions to provide the expected relief after being rejected by both the Public Services Commission and the Administrative Appeals Tribunal:

Mr. L. Ariyadasa – Petition No: COM/PP/2011/758

The Committee rejected this petition due to the lack of legal provisions required for the reinstatement of the petitioner as requested, since the petitioner had been issued an order of vacating post consequent to absence from service while he was employed at Castle Street Hospital for Women and the Public Services Commission and the Administrative Appeals Tribunal had determined that the said order should be executed as it is.

4. Occasions where relief cannot be provided as the petitioner had not been subject to any injustice:

Mr. W. Premasiri – Petition No. COM/PP/2011/722

The petition was rejected as no injustice had been caused to the petitioner by being sacked from service as a Police Constable after a disciplinary inquiry had been conducted at Department level against him for his misconduct he had committed while working as a Police Constable.

5. Failure on the part of the petitioner to provide explanation and lack of interest by the petitioner:

Mr. K.V.A. Dayananda – Petition No: COM/PP/2012/1146

The Committee rejected this petition on the conclusion that the petitioner had no interest in taking action regarding the petition because of the unexplained absence of the petitioner even after the he had been informed to be present before the Committee for investigation.

6. Having some judicial act in effect in relation to the petition:

Mr. T.N.C. Fonseka – Petition No: COM/PP/2010/289

While the petition was being considered at the Committee, it was revealed that a case is being heard regarding this matter under No:52867/1 at the Magistrate's Court, Colombo, and consequently no further action was taken regarding the petition

Acknowledgement

The Parliamentary Committee on Public Petitions conveys its heartiest gratitude to,

1. The members of the inaugural committee and the members of all the committees held up to now
2. All the Members of the Parliament who performed as the Chairman of the Committee
3. All the Ombudsmen and their staff who worked with us
4. The Secretary General of the Parliament, Deputy Secretary General of the Parliament and the Assistant Secretary General of Parliament who facilitated and endowed with knowledge in order to proceed with the Committee
5. All the Secretaries of the Ministries and their staff who assisted to provide relief to the petitioners, implementing consensus which were entered in to in the Committees
6. The Ministries who submitted cabinet papers on the request of the Committee to bring relief for the servants, the cabinet of the ministries who approved aforesaid cabinet papers and all the officials contributed
7. All the Secretaries of the Committee on Public Petitions and their staff who worked on behalf of the Secretary General of the Parliament by running Committee on Public Petitions as a subcommittee within Committee Office
8. All the officials of the present Committee on Public Petitions who contributed with their labour and knowledge to compile this report

Schedule 1

The procedure that should be followed by the petitioners in submitting a petition to the Committee on Public Petitions

1. The petitioner should address the Hon. Speaker
2. The petition prepared by the petitioner himself, should be signed and forwarded by a present Member of Parliament declaring, "Hon. Speaker, I submit the petition", on the top of the petition. (submitting with a covering letter without signing by the Member of Parliament is not sufficient)
3. The contents of the petition should be limited to 2 pages, approximately and submitted by the petitioner clearly in the shortest form. Petition should be concluded with the plea for relief.
4. The name and the address of each person who signs the petition should be stated and if cannot write the thumb impression should be placed before a witness.
5. The original of the petition should be sent with the signature. Signature should not be photocopied not necessary to send copies of the petition.
6. The place of employment, the injustice caused, and the relief requested should be mentioned plainly.
7. Any letter, affidavits or any other document should not be attached to the petition.
8. The conduct of any Member of Parliament should not to criticized by the petition and any debate of the Parliament should not to referred to.
9. The facts if the petition had been submitted to the Committee on a previous occasion, the decision made, and weather it was rejected by the Committee should be mentioned in the petition along with its number.
10. If the petition had been submitted to Human Rights Commission, Labour Tribunal and the Ombudsman that should be mentioned in the petition itself.
11. It should be disclosed by your petition that a fundamental right of yours has been breached or other injustice has been caused by an official of a state corporation, Local Authority or a similar institution. The petitions that do not reveal so are not within the purview of this Committee on Public Petitions.
12. If the matters of the petition are under the scrutiny of any Court by now such petitions are not accepted. The petitions that forwarded against a court order or for a waiver of a court order will be rejected.
13. This Committee can not intervene if your petition is connected with a matter which a policy decisions must be taken.

Schedule 2

..... of 2012

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Dear Sir / Madam,

In reference to the petition, dated submitted to the Public Petitions Committee of the Parliament , through Hon. Minister/Member of Parliament Mr./Mrs.

There exists a formal procedure in submitting a petition and the petitions, not so submitted will be rejected. Thus, your attention is drawn towards the following matters.

1. Public Petitions Committee only considers the petitions, that disclose a breach of a fundamental right of you / causing of another injustice, by a government official/state corporation/local government body/or other institution of similar capacity.
2. So a petition that copes with such matter should be addressed to Hon. Speaker and submit through a present Member of Parliament.
3. You should mention the facts of the incident with the name of the institution that caused the injustice and it should to submitted to the Committee, pleading the relief you demand alone with your signature/finger print, without other annexes.
4. And also as to obtain a relief with regard to the matters depicted in the petition, it should be submitted within 5 years, from the date on which previous action was instituted.
5. It should not be a petition which is being investigated, presently, before the Courts, Ombudsman or the Human Rights Commission and on the revelation the petition will be inserted until such other matter is concluded.

The shortcomings mentioned in following (a) and (b) should not exist in your petition.

You are kindly informed that if a matter or few matters of part (a) below, are highlighted, the petition should be resubmitted, rectifying aforesaid shortcomings, as the Committee has observed those as shortcomings of your petition and if at least one matter of part (b) has been highlighted, your petition has been dismissed and can not be resubmitted.

- i. Petition, not addressed to Hon. Speaker
- ii. Not signed by a present Member of Parliament declaring, “Hon. Speaker, I submit the petition”, on top of the petition. (Submitting alone with a covering letter without a signature of a Member of Parliament is not sufficient)
- iii. Not presented the contents of the petition.(limited to 2 pages, approximately clearly in the shortest form)
- iv. Not concluding the petition with the relief, pleaded
- v. Not placing your signature / finger prints on the petition

- vi. Criticizing a conduct of a Member of Parliament/making references to a debate of the Parliament
- vii. Non submission of the original copy of the petition with the signature
- viii. The fact that the petition is being investigated, presently, before the courts, Ombudsman or the Human Rights Commission

Part (b)

- i. Non revelation of the fact that a breach of fundamental rights or an injustice has been caused by a government official
- ii. A request made to alter a cabinet decision
- iii. A request to amend a court order
- iv. A request to change a decision of Administrative Appeals Tribunal
- v. Connected to a matter that was once dismissed by the Committee on Public Petitions
- vi. Re application on a matter that has been given relief earlier
- vii. A matter connected to grade one school admission
- viii. Petitions with the matters connected with financial frauds

Yours Truly

Secretary
Committee on Public Petitions