



PARLIAMENTARY SERIES NO 277

THE NINTH PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC
OF SRI LANKA
(Fourth Session)

REPORT

OF

THE COMMITTEE ON ETHICS AND PRIVILEGES

ON THE ALLEGED INCIDENT OCCURED BETWEEN HON. (MRS.) DIANA
GAMAGE, HON. ROHANA BANDARA AND HON. K. SUJITH SANJAYA
PERERA ON 20TH OCTOBER 2023 IN THE PARLIAMENT PREMISES

Presented by

Hon. Chamal Rajapaksa

Chair of the Committee on Ethics and Privileges

Presented to Parliament on 01 December 2023

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THE COMMITTEE ON ETHICS AND PRIVILEGES

Ninth Parliament

(Fourth Session)

Hon. Chamal Rajapaksa (Chair)

Hon. (Dr.) Wijeyadasa Rajapakshe, PC

Hon. Kanaka Herath

Hon. Vijitha Berugoda

Hon. Tharaka Balasuriya

Hon. Anuradha Jayaratne

Hon. Johnston Fernando

Hon. Dullas Alahapperuma

Hon. Kabir Hashim

Hon. R.M. Ranjith Madduma Bandara

Hon. (Mrs.) Thalatha Athukorala, Attorney at law

Hon. Jayantha Ketagoda

Hon. G.G. Ponnambalam

Hon. Hesha Withanage

Hon. (Mrs.) Kokila Gunawardena

Hon. Ali Sabri Rahim (suspended on Parliamentary motion with effect from 22.09.2023)

Hon. Samanpriya Herath

Hon. (Dr.) (Mrs.) Harini Amarasuriya

Report

The Committee on Ethics and Privileges presents its first report of the fourth session of the Ninth Parliament as follows.

Matter referred for investigation by the Committee on Ethics and Privileges

- The report of the Special Committee appointed by the Hon. Speaker to investigate into the complaints and promptly submit a report regarding the alleged incident between Hon. (Mrs.) Diana Gamage, Hon. Rohana Bandara and Hon. K. Sujith Sanjaya Perera on 20th October 2023 in the Parliament premises was handed over to the Hon. Speaker on 14th November 2023 and the Hon. Speaker referred the said report to the Committee on Ethics and Privileges on 15th November 2023.

Business of the Committee on Ethics and Privileges

The Committee on Ethics and Privileges met on 28th November 2023 at 2.00 pm in the Committee Room No. 08 of the Parliament and investigated the report of the Special Committee. The following Members of the Committee participated in the Committee this day.

Hon. Chamal Rajapaksa (Chair)

Hon. Vijitha Berugoda

Hon. Tharaka Balasuriya

Hon. Johnston Fernando

Hon. Kabir Hashim

Hon. R.M. Ranjith Madduma Bandara

Hon. (Mrs.) Thalatha Athukorala, Attorney at law

Hon. Jayantha Ketagoda

Hon. Samanpriya Herath

According to the Special Committee report, the Committee on Ethics and Privileges observed that a committee was appointed comprising with undermentioned Members of Parliament, chaired by the Hon. Ajith Rajapaksha, Deputy Speaker by the Hon. Speaker on 20th October 2023 to investigate the complaints and immediate submitting a report in relation to the alleged incident taken place between Hon. (Mrs.) Diana Gamage, Hon. Rohana Bandara and Hon. K. Sujith Sanjaya Perera in the Parliamentary premises on 20th October 2023.

Hon. Ajith Rajapaksha (Chair)

Hon. Chamal Rajapaksa

Hon. (Dr.) Ramesh Pathirana

Hon. Gayantha Karunatileka

Hon. Imthiaz Bakeer Markar

Hon. (Mrs.) Thalatha Athukorala, Attorney at law

Hon. (Dr.) Seetha Arambepola

} It was observed that appointments are made to the Committee through announcement made in Parliament on 07th November 2023.

The Committee on Ethics and Privileges decided to monitor the audio tapes and video tapes related to the incident and accordingly the committee conducted the examination of the relevant video recordings. Since there was no sound recorded in the parliamentary video recordings, the Committee decided to observe the video footages with sound tapes circulated on social media networks and the Committee observed the relevant videos.

Then the following recommendations and evidences received by the relevant special committee were observed by the Committee.

- i. The unanimous decision of the committee was to suspend Hon. (Mrs.) Diana Gamage from participating in the parliamentary meetings for a period of three months.
- ii. The majority agreed through decision that Hon. Sujith Sanjaya Perera should be strongly warned about his reaction and a split decision delivered with one member to suspend him for two months, two members for suspending him for two months and four members for stern warning from the Hon. Speaker.
- iii. Due to releasing relevant video by Hon. Rohana Bandara and taking into consideration the disgrace caused to Hon. (Mrs.) Diana Gamage, five Committee members agreed to suspend Parliament meeting for two weeks and two members agreed to suspend him for one and half months.

General observations of the Committee on Ethics and Privileges related to incident concerned

- All the members of the Committee observed that due to this incident that took place in the Parliament premises, the respect of all the Members of Parliament has been damaged and it is an incident that damages the dignity of the Parliament.
- Members of Parliament should always protect their dignity both inside and outside the Parliament premises, and protect the dignity of others, especially on the Parliament premises.
- Members of the Committee of the view that all Members of Parliament, in the Chamber of Parliament as well as in the Parliament Premises, to the provisions of the Code of Conduct for Members of Parliament approved by the Parliament on 07th March 2018 and adopted to effective from 15th April 2018 with rules and regulations laid down in the Parliament (Powers and Privileges) Act No. 21 of 1953 and the Parliamentary Standing Orders be followed.
- Members of the Parliament shall excise civility and especially as representatives of the people always shall use appropriate language. *(The members shall excise civility and use appropriate language in political discourse and especially in Parliamentary debate as public representatives. Section 30 – attendance, behavior and civility under Part VIII of the Code of Conduct -)*
- A Member of Parliament should never assault, harass or intimidate any person. *(No Member shall assault, harass or intimidate any person Section 31 - attendance, behavior and civility under Part VIII of the Code of Conduct)*
- Members of the Committee were of the opinion that Members of Parliament should behave respectfully, politely and in a manner that does not harm the dignity of the Parliament. *(Section 32 - attendance, behavior and civility under Part VIII of the Code of Conduct - Every Member shall act in a manner that is respectful of his fellow Members and the Parliamentary Staff and people of the country with dignity, courtesy and without diminishing the dignity of the Parliament.)*

- Section 22 of the Parliament (Powers and Privileges) Act No. 21 of 1953 states as follows;

Part II

Breaches of Privilege of Parliament and Punishment thereof

22 (1) Each of the acts and omissions specified in the Schedule to this Act is hereby declared to be a breach of the privileges of parliament.

(2) Every breach of the privileges of parliament which is specified in the Schedule to this Act (whether in part A or Part B thereof) shall be an offence under this Part punishable by the Supreme Court under the provisions hereinafter contained in that behalf.

(3) Every breach of the privileges of Parliament which is specified in Part B of the Schedule to this Act and which is committed in respect of, or in relation to, Parliament shall be an offence under this Part punishable by Parliament under the provisions contained in that behalf.

The paragraphs in Part B of Schedule in Parliament Act (Powers and Privileges)

Part B

Offences to be punishable by Parliament or Supreme Court

(4) Assaulting, insulting or willfully obstructing any member in Parliament in committee or in the precincts of Parliament

(7) Disrespect conduct in the precincts of Parliament

- In the relevant incident, the initiation of the incident, intentional preparation, behavior in the relevant incident, threat, assault and video recording of the relevant incident were observed.
- The Committee agreed that there are sufficient facts and evidences on the conduct and behavior of Hon. Diana Gamage, Hon. Rohana Bandara and Hon. K. Sujith Sanjaya Perera in the incident that took place in the Parliament premises on 20th October 2023 cannot be accepted.

Recommendations

Having considered all the above observations, the Committee makes the following recommendations.

At time of arriving at recommendations, Hon. Vijtha Berugoda was absent.

Here, Committee members delivered a devided decision.

- Hon. Tharaka Balasuriya, Hon. Johnston Fernando, Hon. Jayantha Katagoda and Hon. Samanpriya Herath decided Hon. (Mrs.) Diana Gamage, Hon. K. Sujith Sanjaya Perera and Hon. Rohana Bandara should be banned from parliamentary meetings for one month each.
- Hon. Kabir Hashim, Hon. R.M. Ranjith Madduma Bandara and Hon. Thalatha Athukorala decided that the recommendations given in the report of the special committee appointed by Hon. Speaker to investigate the incident should be implemented.
- Chairman of the Committee on Ethics and Privileges, Hon. Chamal Rajapaksa refrained from making the decision.
- Accordingly, in the opinion of the majority of the members of the Committee on Ethics and Privileges, according to Section 28 of the Parliamentary (Powers and Privileges) Act No. 21 of 1953, "*..... order his suspension from the service of Parliament for any period not exceeding one month*", the three Members of Parliament namely Hon. Diana Gamage, Hon. K. Sujith Sanjaya Perera and Hon. Rohana Bandara who involved in the incident should be banned from parliamentary sittings for one month each.
- Members did not object to the implementation of the majority opinion, and the Committee on Ethics and Privileges of Parliament recommends that the following members be suspended from serving in Parliament for one month.

Hon. (Mrs.) Diana Gamage

Hon. K. Sujith Sanjaya Perera

Hon. Rohana Bandara

