



(Ninth Parliament - Fourth Session)

No. 2(1).]

ADDENDUM TO THE ORDER BOOK No. 2

OF

PARLIAMENT

Issued on Tuesday, July 25, 2023

NOTICE OF MOTIONS FOR WHICH NO DATES HAVE BEEN FIXED

P. 28/2023

Hon. Sajith Premadasa
Hon. Lakshman Kiriella, Attorney at Law
Hon. (Prof.) G. L. Peiris
Hon. (Dr.) V. Radhakrishnan
Hon. Gayantha Karunatileka
Hon. Chandima Weerakkody, Attorney at Law
Hon. (Dr.) Nalaka Godahewa
Hon. J. C. Alawathuwala
Hon. Harshana Rajakaruna
Hon. K. Sujith Sanjaya Perera
Hon. W. H. M. Dharmasena
Hon. R. M. Ranjith Madduma Bandara
Hon. Kabir Hashim
Hon. Buddhika Pathirana
Hon. Udaya Gammanpila
Hon. Tissa Attanayake

Hon. S. M. Marikkar,— Select Committee of Parliament to inquire into the matters of revision of the electricity tariff by the Ceylon Electricity Board in contravention of the rules of the Public Utilities Commission of Sri Lanka and the absolute duty of the government of ensuring the well being of the people and obtaining the “approval” for that,— Whereas the generation, transmission and distribution of electricity for the use of the people of Sri Lanka in whom sovereignty has been vested by Article 3 of the Constitution, are regulated by the Sri Lanka Electricity Act, No. 20 of 2009 and that they are exercised by the public authorities established for that purpose by the law;

And whereas the function of administration of the provisions of the Act has been vested in the Public Utilities Commission of Sri Lanka which was established under Act, No.35 of 2002, by Section 2 of the Sri Lanka Electricity Act;

(2)

And whereas “to regulate tariffs and other charges levied by licensees and other electricity undertakings, in order to ensure that the most economical and efficient service possible is provided to consumers” is the function of the Commission in terms of Section (3)(1)(d) Sri Lanka Electricity Act and it shall at all times be the people in whom sovereignty has been vested by the Constitution who shall be the end recipients of these public utilities rendered by the government;

And whereas in terms of Section (3)(1) of the said Act the Chairman and the Members of the Commission can be appointed by the Minister only with the concurrence of the Constitutional Council and Section 6 has ensured the independence of the Public Utilities Commission of Sri Lanka stipulating that the members are subject to a disciplinary control exercised directly by Parliament;

And whereas according to the documents tabled when the Address for the removal of the Chairman of the Public Utilities Commission of Sri Lanka was taken up for debate on 24.05.2023, the approval of the Commission for a tariff revision had been sought by Ceylon Electricity Board (C.E.B.) which is a public corporation licenced for distribution of electricity through the letter dated 05.01.2023, and accordingly the Commission decided to engage in consultation with the stakeholders by publishing advertisements in 3 national newspapers and requested several clarifications from C.E.B;

And whereas it was repeatedly stated by the Chairman of the Public Utilities Commission of Sri Lanka that the increase in the electricity tariff as proposed by the Ceylon Electricity Board was not necessary;

And whereas two members of the Commission including the Deputy Chairman resigned on 08.02.2023 and the Chairman was out of Sri Lanka from 13.02.2023 up to 27.02.2023 on a leave approval obtained from the Prime Minister in October 2022;

And whereas two new members were appointed to the Commission on two days as on 02.02.2023 (for a vacancy that had existed earlier) and on 13.02.2023 (for a vacancy that occurred as a result of the resignation on 08.02.2023);

And whereas it becomes apparent that three members of the Commission including the two newly appointed members had met on 14.02.2023 claiming that the meeting was to “approve” the total tariff revision requested by C.E.B., and that the tariff revision “was approved” was informed to C.E.B. by the acting Director General of the Commission and the letter had been signed by two members of the Commission and it carried the seal of the Commission;

And whereas it has been specifically provided by Section 9(1) of the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002 that a meeting of the Commission may be convened by the Chairman of the Commission and while the Commission was engaged in consulting the stakeholders, the authority to take a decision regarding a crucial matter such as tariff revision that would seriously affect the public should not be vested in the three members;

And whereas the Section 9(3) of the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002, requires that all the meetings of the Commission should be presided

(3)

over by the Chairman or the Deputy Chairman in the absence of the Chairman, the Chairman did not preside over the “meeting” which was said to have held as he was overseas, and the Deputy Chairman could not preside as he had resigned, resulting no one presided over such meeting;

And whereas Section 9(6) of the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002 stipulates that all the decisions that are taken by the Commission should be justified by reason in writing, and the said letter which was purported to have given “approval”, bears no validity as it has not been supported accordingly;

And whereas there is no clarity as to where the “meeting” was held, as to who participated, as no minutes of the said meeting were recorded in the Meeting Record Book of the Commission, and as per Section 3(1), the Commission should be comprised of five members while the Section 10(c) of the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002 clearly stipulates that the “The seal of the Commission shall not be affixed to any instrument or document except with the sanction of the Commission”,

And whereas the “meeting” of the three Members at which the total tariff revision was said to have been approved as requested by C.E.B., was not a valid one, in view of the following facts:—

- (i) The meeting was not summoned by the Chairman in terms of Section 9(1) of the Act and was not held in terms of the provisions of the said Act;
- (ii) The decision is not justified by reasoning in terms of Section 9(6) of the Act; and
- (iii) The seal of the Commission has been affixed, in breach of Section 10(c) of the Act to indicate that the “approval” of the Commission was granted with the authority of the Commission, and the members of the said process are guilty of conspiracy and abetment of forgery since the letter itself is a forged document within the interpretation of Section 453 of the Penal Code and punishable under Section 454 of the same;

Whereas the extremely elevated tariff rates are charged by the C.E.B currently as a fixed tariff, based on the number of units of electricity consumed and with a special service levy on the total payable, making it three times the actual amount of electricity consumed. This is an increase of 1138% on the 1.5 million consumers and creates a serious impact specifically on the consumers who are in dire poverty consuming less than 35 units monthly and therefore can be called as a measure that engulfs the poor in the dark;

And whereas in terms of Article 148 of the Constitution which bestows full control over public finance on Parliament, and in terms of the provisions of the Sri Lanka Public Utility Commission Act, No.35 of 2002 is finally answerable to Parliament as the Commission;

This Parliament resolves that a Select Committee of Parliament be appointed in terms of Article 74(1) of the Constitution;

(4)

- (a) to recommend the measures to be taken against the responsible authorities in relation to the revision of electricity tariffs, after having examined the legitimacy and appropriateness of the “approval” given for the tariff revision that is currently adopted by the C.E.B, in case if this approval is deemed illegitimate and/or inappropriate in any way; and
 - (b) to recommend the emergency remedial measures that need to be taken by Parliament in the public interest including a tariff structure and redressing the “low end” consumers, domestic consumers and consumers of religious and charity organizations focusing on the cost recovery guidelines declared by the International Monetary Fund and the Supreme Court Determination Number SCFR 113/2008 dated 22-10-2008, in case if the aforesaid “approval” is deemed to be given against the provisions of the Sri Lanka Public Utility Commission Act, No. 35 of 2002 since the commission was defunct.
2. (a) that the Chair and Members of the Committee shall be appointed by the Speaker; and
- (b) that notwithstanding the provisions of Standing Order 101 of Parliament, the Committee shall consist of twenty one (21) Members.
3. That the Committee shall have the power to—
- (a) fix its quorum;
 - (b) summon any person to appear before it, to require any person to procure any document or record, to procure and receive all such evidence, written or oral, as the Committee may think it necessary for the fullest consideration of the matters referred to above;
 - (c) obtain the services of specialists and experts in the relevant fields to assist the Committee; and
 - (d) make interim reports from time to time and to sit notwithstanding any adjournment or prorogation of Parliament.
4. The Committee shall present its report to Parliament within a period of three months (03) from the first meeting of the Committee or within such further period as Parliament may grant.

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Hon. Mayantha Dissanayake
Hon. Rohana Bandara
Hon. Mano Ganesan
Hon. Vijitha Herath
Hon. M. Udayakumar
Hon. (Dr.) (Ms.) Harini Amarasuriya

Hon. Field Marshal Sarath Fonseka,— Vote of No Confidence against
Hon. Keheliya Rambukwella, Minister of Health,— Whereas solutions have not been
put forward so far for the crisis that has arisen in the health sector at present;

And whereas the opinion of the experts is that most of the sorrowful incidents that
are reported from hospitals day by day are deaths and impairments caused due to the
use of drugs which either substandard or are low in quality;

And whereas he is accountable as the Minister of Health for not duly appointing the

Board of Directors of the National Medicines Regulatory Authority, for the importing of low quality drugs, for the importing of drugs deviating from the tender procedure, for the importing of drugs at exorbitant prices, for the scarcity of essential drugs and shortage of laboratory equipment in the hospital system and for the purchasing of unregistered drugs on the pretext of emergency purchases thereby resulting in deaths and impairments due to their use;

And whereas the Minister of Health has neglected to duly regulate the process of importing drugs to this country in a manner not inconsistent with the guiding principles of State Policy stipulated in Article 27 of the Constitution regardless of the fact that the government is bound to uphold the Principles therein;

And whereas the Minister has acted ruining the safe health service available for people, thereby breaching the pledge he has given in terms of Article 53 of the Constitution;

And whereas the Minister has neglected his fundamental duties required by Article 28 of the Constitution and people have to pay the price of his irresponsible conduct with their lives;

That this Parliament resolves that it has no confidence in the competence of Hon. Keheliya Rambukwella, Minister of Health to function as a Minister of the Cabinet of Ministers any longer.

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Hon. Udaya Gammanpila

Hon. Jayantha Samaraweera

Hon. (Dr.) Sarath Weerasekera

Hon. (Prof.) Channa Jayasumana,— Select Committee of Parliament to investigate into and report to Parliament on the destruction of antiquities in the Northern and Eastern Provinces,— Whereas there are many archaeologically important sites which are thousands of years old in the Northern and Eastern Provinces;

And whereas the majority of those artifacts are the heritage of Buddhists living around the world;

And whereas individuals and organizations that represent separatist and extremist views have started a campaign to systematically destroy those antiquities;

And whereas it has been alleged that the destruction of the antiquities is supported by government officials and politicians;

And whereas government officials are alleged of supporting the destruction of antiquities by avoiding proper reporting to the court in cases where voluntary organizations file lawsuits against the destruction of antiquities in the courts;

And whereas the demolition of these antiquities has raised the risk of causing ethnic or religious conflicts in Sri Lanka; and

And whereas Parliament has the right to know the real situation of the information published in the media and social media about the destruction of these antiquities.

This Parliament resolves that a Select Committee of Parliament be appointed to investigate into and report to Parliament on the destruction of antiquities in the Northern and Eastern Provinces;

2. (a) that the Chair and Members of the Committee shall be appointed by the Speaker; and
(b) that in terms of the provisions of Standing Order 101 of Parliament, the Committee shall consist of twelve (12) Members.
 3. That the Committee shall have the power to—
 - (a) fix its quorum;
 - (b) summon any person to appear before it, to require any person to procure any document or record, to procure and receive all such evidence, written or oral, as the Committee may think it necessary for the fullest consideration of the matters referred to above;
 - (c) obtain the services of specialists and experts in the relevant fields to assist the Committee; and
 - (d) make interim reports from time to time and to sit notwithstanding any adjournment or prorogation of Parliament.
 4. The Committee shall present its report to Parliament within a period of six months (06) from the first meeting of the Committee or within such further period as Parliament may grant.
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