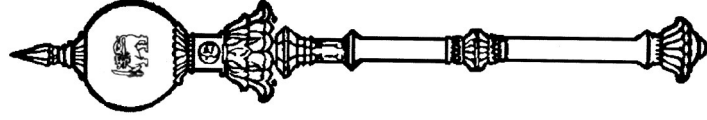


247 වන කාණ්ඩය - 5 වන කලාපය
தொகுதி 247 - இல. 5
Volume 247 - No. 5

2016 ඔක්තෝබර් 20වන බ්‍රහස්පතින්දා
2016 ஒக்ரோபர் 20, வியாழக்கிழமை
Thursday, 20th October, 2016



පාර්ලිමේන්තු විවාද
(හැන්සාඩ්)

பாராளுமன்ற விவாதங்கள்
(ஹன்சார்ட்)

PARLIAMENTARY DEBATES
(HANSARD)

නිල වාර්තාව
அதிகார அறிக்கை
OFFICIAL REPORT

අන්තර්ගත ප්‍රධාන කරුණු

නිවේදන:

එකතු කළ අගය මත බදු (සංශෝධන) පනත් කෙටුම්පත : ශ්‍රේෂ්ඨාධිකරණයට පෙන්වීම
කථානායකතුමාගේ සහතිකය
ශ්‍රී ලංකා ඉංජිනේරුවරුන්ගේ සභාව පනත් කෙටුම්පත : ශ්‍රේෂ්ඨාධිකරණයේ තීරණය

විසර්ජන පනත් කෙටුම්පත, 2017:

පළමුවන වර කියවන ලදී

பிரதான உள்ளடக்கம்

அறிவிப்புகள்

சேர்ப்பெறுமதி வரி (திருத்தம்) சட்டமூலம் : உயர் நீதிமன்றуக்கு மனுக்கள்
சபாநாயகரது சான்றுரை
இலங்கைப் பொறியியற் பேரவை சட்டமூலம் : உயர் நீதிமன்றத் தீர்ப்பு

ஒதுக்கீட்டுச் சட்டமூலம், 2017 :

முதன்முறை மதிப்பிடப்பட்டது

PRINCIPAL CONTENTS

ANNOUNCEMENTS:

Value Added Tax (Amendment) Bill: Petitions to the Supreme Court
Speaker's Certificate
Engineering Council, Sri Lanka Bill: Determination of the Supreme Court

APPROPRIATION BILL, 2017:

Read the First time

பார்லிமேன்තුව பாராளுமன்றம் PARLIAMENT

2016 ஓக்டோபர் 20வது இலட்சத்தினா

2016 ஒக்டோபர் 20, வியாழக்கிழமை
Thursday, 20th October, 2016

பூ.ஊ.10.30 பார்லிமேன்තුව රැස් විය.
காணாயககலுම [ගරු කරු ජයසූරිය මහතා] මූලාසනාරූඪ විය.
பாராளுமன்றம் மு.ப. 10.30 மணிக்குக் கூடியது.
சபாநாயகர் அவர்கள் [மாண்புமிகு கரு ஜயசூரிய] தலைமை
வகித்தார்கள்.
The Parliament met at 10.30 a.m.,
MR. SPEAKER [THE HON. KARU JAYASURIYA] in the Chair.

නිවේදන அறிவிப்புக்கள் ANNOUNCEMENTS

I

එකතු කළ අගය මත බදු (සංශෝධන) පනත්
கேடுமீபன : ශ්‍රේෂ්ඨාධිකරණයට පෙත්සම්
சேர்ப்பெறுமதி வரி (திருத்தம்) சட்டமூலம் : உயர்
நீதிமன்றத்துக்கு மனுக்கள்
VALUE ADDED TAX (AMENDMENT) BILL: PETITIONS TO THE
SUPREME COURT

ගරු කර්තෘයකකුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)
ආණ්ඩුක්‍රම ව්‍යවස්ථාවේ 121(1) ව්‍යවස්ථාව ප්‍රකාරව “එකතු
කළ අගය මත බදු (සංශෝධන)” නමැති පනත් කෙටුම්පත
සම්බන්ධයෙන් 2016.10.07 දින මා විසින් කරන ලද නිවේදනයේ
සඳහන් පෙත්සමට අමතරව, ශ්‍රේෂ්ඨාධිකරණය වෙත ඉදිරිපත්
කරන ලද තවත් පෙත්සම් තුනක පිටපත් මා වෙත ලැබී ඇති බව
පාර්ලිමේන්තුවට දැන්වීමට කැමැත්තෙමි.

II

காணாயககலுමගේ සහතිකය
சபாநாயகரது சான்றுரை
SPEAKER'S CERTIFICATE

ගරු කර්තෘයකකුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)
ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ආණ්ඩුක්‍රම
ව්‍යවස්ථාවේ 79 ව්‍යවස්ථාවේ විධිවිධාන ප්‍රකාරව, 2016

ඔක්තෝබර් මස 17 වැනි දින ම'විසින් පහත සඳහන් පනත්
කෙටුම්පත්වල සහතිකය සටහන් කරන ලද බව පාර්ලිමේන්තුවට
දන්වනු කැමැත්තෙමි.

අපරාධ නඩු විධාන සංග්‍රහය (සංශෝධන)
නීති කොමිෂන් සභා (සංශෝධන)

III

ශ්‍රී ලංකා ඉංජිනේරුවරුන්ගේ සභාව පනත්
කෙටුම්පත : ශ්‍රේෂ්ඨාධිකරණයේ තීරණය
இலங்கைப் பொறியியற் பேரவை சட்டமூலம் : உயர்
நீதிமன்றத் தீர்ப்பு
ENGINEERING COUNCIL, SRI LANKA BILL: DETERMINATION
OF THE SUPREME COURT

ගරු කර්තෘයකකුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)
Sir, I wish to inform the Parliament that I have
received the Determination of the Supreme Court in
respect of the Bill entitled “Engineering Council, Sri
Lanka” which has been challenged in the Supreme Court
in terms of Article 121(1) of the Constitution.
The Supreme Court has determined that -

- (i) the omission to nominate Engineering Technicians in the Council under Clause 3(b) is inconsistent with Article 12(1) of the Constitution;
- (ii) the failure to nominate a fair representation of all the categories of “Engineering Practitioners” referred to in Clause 41 is inconsistent with Article 12(1) and 12(2) of the Constitution;
- (iii) Clauses 3(b), 4(1), 4(2), 4(3), 4(4), 4(6), 5(1), 5(2), 8(2), 8(3), 8(4)(a), 8(4)(b), 8(5), 8(6), 11, 16(6), 20(1), 20(3), 21(1), 21(8), 29, 30(1), 30(2), 31(1), 31(2), 34(1), 34(2) 38(1), 38(2), 38(3)(a) and 38(4) are consistent with Articles 3, 43(1) and 43(3) and require to be passed by the special majority required in terms of Article 84(2) and approved by the people at a referendum by virtue of provisions of Article 83;
- (iv) Clause 9(3) is inconsistent with Article 12(1); and
- (v) Clause 39(2)(e) does not provide for the guidelines that are required to determine the roles, responsibilities and competence of different categories of the engineering practitioners registered under this Act and thereby it violates Article 12(1) of the Constitution.

The Supreme Court has further determined that the inconsistencies will cease if the above Clauses are amended as per the determination of the Court.

I order that the determination of the Supreme Court be printed in the Official Report of today’s Proceedings.

[ගරු කර්තව්‍යකරු]

ශ්‍රේෂ්ඨාධිකරණයේ තීරණය :

உயர் நீதிமன்றத் தீர்ப்பு:

Determination of the Supreme Court:

IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

A BILL TITLED, "ENGINEERING COUNCIL, SRI LANKA"

In the matter of an application made under and in terms of Article 121 read together with Article 78 of the Constitution to determine whether the above Bill is inconsistent with the Constitution of the Democratic Socialist Republic of Sri Lanka.

BEFORE

K. Sripavan
Priyantha Jayawardena, P.C.
Prasanna Jayawardena, P.C.

Chief Justice
Judge of the Supreme Court
Judge of the Supreme Court

S.C. (S.D.) No. 35/2016

Petitioners

1. Habeeba Mohamed Maraikayar
Mohamed Azeem, Chief Organizer,
RDA Engineering Diplomates
Association Maganeguma Mahamedura,
Battaramulla.
2. Denesh Sanjeeva Ranasinghe
President, HNDE Students Union,
HNDE Institute, Colombo 05.
3. Nallaiah Kangatharan, Jt. Secretary,
Telecommunication Engineering
Diplomates Association,
Colombo 01.
4. Jagath Bandula Gurusinghe
President, All Employees Union of
Information and Telecommunications,
Colombo 01.
5. Gayan Weerasin Haripriya Kamalanath
Hettiarachchi,

Treasurer, National Organization of
Engineering Professionals,
Colombo.

6. Susanthawenerath Yapa,
President, Media Professional
Technologists,
Sri Lanka Telecom Head Quarters,
Colombo 01.
7. W.M. Kusil Madawa Chathuranga,
General Secretary, IET Students Union,
Institute of Engineering Technology,
Katunayake.
8. S.M. Pathum Lakshan Samarakoon,
President, NDT Students Union,
University of Moratuwa, Katubedda.
9. Mabotuwana Vithanage Chandani,
Secretary, Engineering Diplomates
Association,
Rathmalana.
10. Pujitha Uduwana, Chairman,
Savinda Enterprises Private Limited,
Polgasovita.
11. S.A.S. Kalpa, Vice President,
Engineering Diplomates Association of
Sri Lanka,
Land Reclamation and Development
Corporation,
Welikada, Rajagiriya.
12. Prasanna Pieris, Secretary,
Provincial Public Service Engineering
Diploma Holders Association,
Pahala Bomiriya, Kaduwela.

Intervent - Petitioners

1. Institution of Engineers Sri Lanka,
120/15, Wijerama Mawatha,
Colombo 7.

2. Wimalasena Gamage,
President,

Institution of Engineers Sri Lanka,
120/15, Wijerama Mawatha,
Colombo 7.

3. Jayawilal Meegoda,
President - Elect,
Institution of Engineers Sri Lanka,
120/15, Wijerama Mawatha,
Colombo 7.

4. Jayalath Arachchige Granie Rufus
Jayalath,
Secretary,
Institution of Engineers Sri Lanka,
120/15, Wijerama Mawatha,
Colombo 7.

Respondent

Hon. Attorney General,
Attorney General's Department,
Colombo 12.

Counsel

Manohara de Silva, PC with Hirosha
Munasinghe instructed by Nimal
Hippola for the Petitioners.

Faisz Mustapha, PC with Faisza
Markar and Pulasthi Rupasinghe for the
Intervent - Petitioners instructed by
Mrs. U. Wickramaarachchi.

Janak de Silva, Senior Deputy Solicitor
General with Manohara Jayasinghe,
State Counsel for the Respondent.

Court assembled for hearing at 10.30 a.m. on 7th October, 2016.

A Bill titled "Engineering Council, Sri Lanka" which states in its Pre-ambule "An Act to provide for the establishment of the Engineering Council, Sri Lanka which shall be responsible for the

maintenance of professional standards and conduct of engineering practitioners; registration of different categories of engineering practitioners; and to provide for matters connected therewith or incidental thereto" has been gazetted on 1st August, 2016 and was placed on the Order Paper of Parliament on the 20th of September, 2016.

A Petition has been presented in terms of Article 121 (1) of the Constitution invoking the constitutional jurisdiction of this Court seeking a determination by this Court, in terms of Article 123 of the Constitution. The Intervenor – Petitioners filed a Petition seeking to be heard on this matter and this Court has in terms of Article 134 (3) of the Constitution, heard submissions made on their behalf.

At the hearing, the learned President's Counsel appearing for the Petitioners submitted that, Clause 3 of the Bill which sets out the composition of the Council provides that, 9 members of the Council out of 13 members who are appointed by the Prime Minister to the Council are Chartered Engineers and, thereby Chartered Engineers would form the majority of the Council, which is inconsistent with Articles 3, 4 (d), 12 (1), 12 (2), 14 (1) (g) and 43 of the Constitution.

He further submitted that, although the provisions of the Bill vest the power of registering "Engineering Practitioners" in the Council and Clause 41 defines "Engineering Practitioners" to include Engineering Diplomates and Engineering Technicians, these two categories of "Engineering Practitioners" are not represented in the Council. On this basis, the learned President's Counsel submitted that, Clause 3 (b) of the Bill is inconsistent with Article 12(1) of the Constitution. He submitted that, the inconsistency would cease if provision is made in Clause 3 (b) by including the representation of these two categories on the Council.

Mr. Faisz Musthapha, PC who appeared for the Intervenor – Petitioners submitted that since Clause 3 (a) (ii) provides that the Director – General of Tertiary and Vocational Education Commission established under the Tertiary and Vocational Education Commission Act No. 20 of 1980 or his representative is a member of the Council, there is a representation of Engineering Diplomates. However, both Senior DSG and Musthapha PC agreed that, Clause 3 (b) does not include a representation from "Engineering Technicians" in the Council.

We are in agreement that, the absence of any representation on the Council of "Engineering Technicians" who are a category of "Engineering Practitioners" referred to in Clause 41, results in a violation of Article 12 (1) of the Constitution. However, the said inconsistency would cease if a suitable amendment is made providing to have a representation of the Engineering Technicians.

The learned President's Counsel for the Petitioners also submitted that, in terms of Clause 3 (b), the majority of the composition of the Council consisted of Chartered Engineers. He submitted that all categories of "Engineering Practitioner" referred to in Clause 41 should have reasonable representation on the Council and that, Clause 3 (b) of the Bill should be amended to include a

fair representation of all the categories referred to in Clause 41 of the Bill. He further submitted that the failure to have a fair representation of all the categories referred to above is inconsistent with Articles 12 (1) and 14 (1) (g) of the Constitution.

He further submitted that Clause 4 (1) provides for the appointment of a Chartered Engineer as the Chairman of the Council and that, Clause 9 (1) and Clause 9 (2) (b) provide that, when the Chairman is absent, the members present could elect a Chairman for that meeting, and that, where there is an equality of votes at a meeting, the Chairman shall have a casting vote in addition to his original vote. The Petitioners submitted that, as the majority of the members of the Council consist of Chartered Engineers, this will invariably result in the appointment of a Chartered Engineer to chair the meeting. Counsel argued that, as a result of these provisions, any determination by the Council affecting other Engineers will invariably be in favour of Chartered Engineers. On this basis Counsel submitted that, the said Clauses violate Articles 12 (1) and 12 (2) of the Constitution.

The learned Senior DSG and Mr. Faisz Musthapha agreed that, the said Clause 3 (b) should be amended to provide for a reasonable representation of all the categories of "Engineering Practitioner" referred to in Clause 41 of the Bill whilst Chartered Engineers should continue to form the majority of the members of the Council since there was a rational and reasonable basis of classification which justified Chartered Engineers forming the majority of the Council.

Having considered the submissions we are of the opinion that the failure to include a fair representation of all the categories of "Engineering Practitioner" referred to in Clause 41 is inconsistent with Article 12 (1) and 12 (2) of the Constitution and such inconsistency would cease if Clause 3 (b) is amended so as to provide for a reasonable representation on the Council of all the categories of "Engineering Practitioners" referred to in Clause 41. We also agree with the submission made by the learned Senior DSG and Mr. Faisz Musthapha that, there is a rational and reasonable basis of classification which justifies Chartered Engineers forming the majority of the Council.

The learned President's Counsel for the Petitioners submitted that in terms of Article 3 of the Constitution sovereignty is vested in the people and is inalienable and that, the executive power of the people is exclusively exercised by the President in terms of Article 4 (b) of the Constitution. Further, though the said executive power may be exercised by the President it can be delegated, but not alienated. Article 43 (2) of the Constitution provides for the President to appoint ministers to be in charge of the ministries to be determined on the advice of the Prime Minister. However, Article 43 (3) has conferred power on the President to change the assignment of subjects and functions and the composition of the Cabinet of Ministers at any time.

Learned President's Counsel submitted that, despite the above provisions of the Constitution which vest the aforesaid powers exclusively in the President, Clauses 3 (b), 4 (1), 4 (2), 4 (3), 4

(4), 4 (6), 5 (1), 5 (2), 8 (2), 8 (3), 8 (4) (a), 8 (4) (b), 8 (5), 8 (6), 11, 16 (6), 20 (1), 20 (3), 21 (1), 21 (8), 29, 30 (1), 30 (2), 31 (1), 31 (2), 34 (1), 34 (2), 38 (1), 38 (2), 38 (3) (a) and 38 (4) of the Bill vest, exclusively in the Prime Minister, the power of appointment and removal of the members of the Council, remuneration of the members of the Council, prescribing regulations regarding professional misconduct, appointing the members of the Appeals Board and making regulations relating to the Appeals Board, issuing directions to the Council, making regulations under the Act and several other powers which are executive functions within the meaning of Article 4 (b) of the Constitution.

He further submitted that, therefore, the aforementioned Clauses of the Bill are in violation of Article 4 (b), 43 (1) and 43 (3).

Mr. Manohara de Silva drew the attention of Court to SD 04/2015 where this Court determined the constitutionality of the Bill entitled "Nineteenth Amendment to the Constitution"; this Court determined that, "Though Article 4 provides the form and manner of exercise of the sovereignty of the people, the ultimate act or decision of his executive functions must be retained by the President. So long as the President remains the Head of the Executive, the exercise of his powers remain supreme or sovereign in the executive field and others to whom to such power is given must derive authority from the President or exercise the Executive power vested in the President as a delegate of the President. The President must be in a position to monitor or to give directions to others who derive authority from the President in relation to the exercise of his Executive power. Failure to do so would lead to a prejudicial impact on the sovereignty of the People".

Mr. Faisz Musthapha who appeared for the Intervenor – Petitioners agreed with the aforesaid submissions of the learned President's Counsel for the Petitioners.

We agree with the submissions made by the learned President's Counsel for the Petitioners and the Intervenor – Petitioners that the executive power of the President cannot be alienated or abrogated under the Constitution. Therefore, we are inclined to agree that, the aforesaid Clauses amount to an alienation and / or abrogation of the executive power of the President conferred by the Constitution and thus, the said Clauses of the Bill are inconsistent with Article 4 (b) of the Constitution read with Article 3 and Articles 43 (1) and 43 (3) of the Constitution.

Therefore, we are of the opinion that the Clauses No. 3 (b), 4 (1), 4 (2), 4 (3), 4 (4), 4 (6), 5 (1), 5 (2), 8 (2), 8 (3), 8 (4) (a), 8 (4) (b), 8 (5), 8 (6), 11, 16 (6), 20 (1), 20 (3), 21 (1), 21 (8), 29, 30 (1), 30 (2), 31 (1), 31 (2), 34 (1), 34 (2), 38 (1), 38 (2), 38 (3) (a) and 38 (4) are inconsistent with Articles 3, 43 (1) and 43 (3) and required to be passed by the special majority required under Article 84 (2) and approved by the people at a referendum by virtue of provisions of Article 83.

If the aforesaid Clauses of the Bill are amended by replacing the words "Prime Minister" with the word "Minister", there would be no inconsistency with the Constitution.

However, such an amendment would not preclude the President from assigning the subject and functions of the Bill under consideration to the Prime Minister under and in terms of Article 43 (3) of the Constitution.

The learned President's Counsel for the Petitioners submitted that, although Clause 4 (4) states "The Prime Minister may for reasons assigned remove the Chairman from the office of Chairman", the guidelines for taking such a decision are not provided in the Bill, and thereby it violates Article 12 (1) of the Constitution.

In the determination of Private Medical Institutions (Registration Bill) S.D. 2 of 2000 it was held that "the Clause 'A minister may at any time after assigning reasons remove an appointed member of the Council from office.' would become subject to judicial review and the potentiality of arbitrary action being the basis of the inconsistency with Article 12 (1) would thus be removed."

In the light of the aforesaid determination, the Petitioners' contention that the said Clause is inconsistent with the Constitution cannot be sustained.

In the circumstances, we are of the opinion that Clause 4 (4) of the Bill specifies that, reasons need to be assigned for the removal of the Chairman from the office, and as such the said Clause is not inconsistent with the provisions of the Constitution.

The learned President's Counsel submitted that according to Clause 9 (3) Chairman can refuse a meeting being called on a written request by a member of the Council, for justifiable reasons. He submitted that, guidelines have not been stipulated and that, therefore, conferring such a discretion on the Chairman is arbitrary and violative of Article 12 (1) of the Constitution.

We are of the view that, Clause 9 (3) is inconsistent with Article 12 (1). However, if the words "justifiable reasons" in Clause 9 (3) are replaced with the words "for reasons assigned", the said inconsistency would cease to exist.

The learned President's Counsel for the Petitioners submitted that Clause 39 (2) (e) does not provide the guidelines that are required to determine the roles, responsibilities and competence of different categories of the engineering practitioners registered under this Act and thereby it violates Article 12 (1) of the Constitution. The said Clause states as follows; "providing for roles, responsibilities and competence of different categories of the engineering practitioners registered under this Act".

The Senior DSG submitted that a specific provision could be made to add the words "taking into consideration their academic qualifications and practical experience" at the end of the said Clause 39 (2) (e).

Clause 41 of the Bill defines who is to be regarded as an "engineering practitioner". Clause 41 further states that the engineering practitioners referred to in the said Clause should possess

[ගරු කර්තෘයකතූම]

corresponding qualifications specified in Schedule A of the Bill. The learned President's Counsel for the Petitioners submitted that Clause 14 (1) requires that the engineering practitioners shall not engage in the practice of the engineering profession unless such engineering practitioner is registered under Clause 15.

The learned President's Counsel for the Petitioners submitted that the words "and recognized by the Council" do not give any guidelines for the criteria that needs to be adopted in using the discretion of the Council to accord recognition and that, therefore, the use of said phrase in Schedule A is violative of Articles 12 (1) and 14 (1) (g) of the Constitution.

He further submitted that the said institutions and the Tertiary and Vocational Education Commission, referred to in Schedule A are regulated by their respective Acts enacted by Parliament and therefore, that once an engineering practitioner is admitted as member of one of the said institutions or has been recognized by one of the said institutions or has been recognized by the Tertiary and Vocational Education Commission (as the case may be), there is no need for the Council also to separately review whether that person should be recognized as being eligible for registration as an engineering practitioner. On this basis, he submitted that, the use of said phrase in Schedule A is superfluous and violates Articles 12 (1) and 12 (2) of the Constitution. Faiz Mustapha, PC for the Intervenor - Petitioners too agreed with the said submission and both learned President's Counsel suggested if the said words "and recognized by the Council" are deleted from Schedule A of the Bill, there will be no inconsistency with Articles 12 (1) and 12 (2) of the Constitution.

We are of the view that, if the words "and recognized by the Council" are deleted from Schedule A which relate to "Chartered Engineer", "Associate Engineer", "Affiliate Engineer", "Incorporated Engineer", "Engineering Diplomat" and "Engineering Technician (i)", it would cease the inconsistency with the Constitution.

In the foregoing circumstances, our determination is summarized as follows;

(i) The omission to nominate Engineering Technicians in the Council under Clause 3 (b) is inconsistent with Article 12 (1) of the Constitution. However, the said inconsistency would cease if a suitable amendment is made to have a fair representation of the Engineering Technicians, in the Council.

(ii) The failure to nominate a fair representation of all the categories of "Engineering Practitioners" referred to in Clause 41 is inconsistent with Article 12 (1) and 12 (2) of the Constitution and such inconsistency would cease if Clause 3 (b) is amended so as to provide for a reasonable representation on the Council of all categories of "Engineering Practitioners" referred to in Clause 41.

(iii) The Clauses No. 3 (b), 4 (1), 4 (2), 4 (3), 4 (4), 4 (6), 5 (1), 5 (2), 8 (2), 8 (3), 8 (4) (a), 8 (4) (b), 8 (5), 8 (6), 11, 16 (6), 20 (1), 20 (3), 21 (1), 21 (8), 29, 30 (1),

30 (2), 31 (1), 31 (2), 34 (1), 34 (2), 38 (1), 38 (2), 38 (3) (a) and 38 (4) are inconsistent with Articles 3, 43 (1) and 43 (3) and require to be passed by the special majority required under Article 84 (2) and approved by the people at a referendum by virtue of provisions of Article 83.

However, if the aforesaid Clauses of the Bill are amended by replacing the words "Prime Minister" with the word "Minister", there would be no inconsistency with the Constitution and the Bill can be passed with a simple majority.

(iv) Clause 9 (3) is inconsistent with Article 12 (1). However, if the words "justifiable reasons" in Clause 9 (3) are replaced with the words "for reasons assigned", the said inconsistency would cease to exist.

(v) Clause 39 (2) (e) does not provide for the guidelines that are required to determine the roles, responsibilities and competence of different categories of the engineering practitioners registered under this Act and thereby it violates Article 12 (1) of the Constitution. However, if the said Clause is amended as suggested by the Senior DSG by adding the words "taking into consideration their academic qualifications and practical experience" at the end of the said Clause 39 (2) (e) the said inconsistency would cease to operate.

On the foregoing basis, we make a determination in terms of Article 123 (1) of the Constitution, that upon the aforesaid amendments being given effect to, the Bill and the provisions thereof, will be consistent with the Constitution.

We wish to place on record our deep appreciation for the valuable assistance rendered by the Senior Deputy Solicitor General and the President's Counsel representing the Petitioners and the Intervenor - Petitioners.

K. Sriprayan,
Chief Justice,

Priyanka Jayawardena, PC
Judge of the Supreme Court, and

Prasanna S. Jayawardena, PC
Judge of the Supreme Court

* මෙම ඇමුණුම ප්‍රස්තාවකාලයේ ද තබා ඇත.

[இந்த இணைப்பு நூல் நிலையத்திலும் வைக்கப்பட்டுள்ளது]
[This annex is also placed in the Library.]

ගරු කර්තෘයකතූම

(மாண்புமிகு சபாநாயகர் அவர்கள்)

(The Hon. Speaker)

ප්‍රධාන කටයුතු ආරම්භයේදී පනත් කෙටුම්පත් -

ගරු වාසුදේව නානායකාර මහතා

(மாண்புமிகு வாசுதேவ நாணாயக்கார)

(The Hon. Vasudeva Nanayakkara)

ගරු කර්තෘයකතූම, -

ගරු කර්තෘයකතූම

(மாண்புமிகு சபாநாயகர் அவர்கள்)

(The Hon. Speaker)

ගරු මන්ත්‍රීමති, mikes ක්‍රියා කරන්නේ නැහැ. ප්‍රධාන කටයුතුවලින් පසුව මම ඔබතුමාට අවස්ථාව දෙන්නම්.

ගරු වාසුදේව නානායකාර මහතා

(மாண்புமிகு வாசுதேவ நாணாயக்கார)

(The Hon. Vasudeva Nanayakkara)

මේ ලේඛනය ගැනයි මම කියන්න උත්සාහ කළේ.

ගරු කර්තෘයකතූම

(மாண்புமிகு சபாநாயகர் அவர்கள்)

(The Hon. Speaker)

ඒ සඳහා මම අවස්ථාව දෙන්නම්.

ප්‍රධාන කටයුතු ආරම්භයේදී පනත් කෙටුම්පත් පිළිගැන්වීම පිළිබඳ දැනුම්දීම.

පනත් කෙටුම්පත් පිළිගැන්වීම சமர்ப்பிக்கப்பட்ட சட்டமூலங்கள் BILLS PRESENTED

විසර්ජන පනත් කෙටුම්පත, 2017 ஒதுக்கீட்டுச் சட்டமூலம், 2017 APPROPRIATION BILL, 2017

"2017 මුදල් වර්ෂයේ සේවා වියදම් සඳහා විධිවිධාන සැලසීම සඳහා ද; ඒ සේවා කාර්යය සඳහා ශ්‍රී ලංකාව තුළ හෝ ඉන් බැහැර හෝ ණය ලබා ගැනීමට බලය දීම සඳහා ද; ඒ මුදල් වර්ෂය තුළ ආණ්ඩුවේ ඇතැම් කටයුතු වෙනුවෙන් මුල්‍ය ප්‍රතිපාදන සැපයීම සඳහා ද, එම කටයුතු වෙනුවෙන් ඒ මුදල් වර්ෂය තුළ වියදම් සඳහා අවශ්‍ය වන මුදල් ඒකාබද්ධ අරමුදලින් හෝ ආණ්ඩුවේ හෝ ආණ්ඩුවට සුදුස්සක් කළ හැකි වෙනත් යම් අරමුදලකින් හෝ මුදල්වලින් හෝ අන්තිකාරම් වශයෙන් ගෙවීමට ඉඩ සැලසීම සඳහා ද; ඒකාබද්ධ අරමුදලට ඒ මුදල් ආපසු ගෙවීමට විධිවිධාන සැලසීම සහ ඉහත කී කරුණු හා සම්බන්ධ හෝ එයට ආනුෂංගික කරුණු සම්බන්ධයෙන් විධිවිධාන සැලසීම සඳහා ද වූ පනත් කෙටුම්පතකි.

(අමාත්‍ය මණ්ඩලයේ අනුමතිය දන්වා තිබේ.)"

ගරු කර්තෘයකතූම

(மாண்புமிகு சபாநாயகர் அவர்கள்)

(The Hon. Speaker)

ඒ සඳහා කැබිනට් මණ්ඩලයේ අනුමතිය ලැබී තිබෙනවාද?

ගරු රවී කරුණානායක මහතා (මුදල් අමාත්‍යතුමා)
(மாண்புமிகு ரவி கருணாநாயக்க - நிதி அமைச்சர்)

(The Hon. Ravi Karunanayake - Minister of Finance)

ගරු කථානායකතුමනි, කැබිනට් මණ්ඩලයේ අනුමැතිය සම්පූර්ණයෙන් ලැබී තිබෙනවා.

පිළිගන්නා ලද්දේ මුදල් අමාත්‍ය ගරු රවී කරුණානායක මහතා විසිනි.

2016 නොවැම්බර් 10වැනි බ්‍රහස්පතින්දා දෙ වන වර කියවිය යුතුයයි ද, එය මුද්‍රණය කළ යුතුයයි ද නියෝග කරන ලදී.

நிதி அமைச்சர் மாண்புமிகு ரவி கருணாநாயக்க அவர்களால் சமர்ப்பிக்கப்பட்டது.

2016 நவம்பர் 10, வியாழக்கிழமை இரண்டாம்முறை மதிப்பிடப்பட வேண்டுமெனவும் அச்சிடப்பட வேண்டுமெனவும் கட்டளையிடப்பட்டது.

Presented by the Hon. Ravi Karunanayake, Minister of Finance;

to be read a Second time upon Thursday, 10th November, 2016 and to be printed;

ගරු කථානායකතුමා

(மாண்புமிகு சபாநாயகர் அவர்கள்)

(The Hon. Speaker)

ගරු වාසුදේව නානායක්කාර මැතිතුමා.

ගරු වාසුදේව නානායක්කාර මහතා

(மாண்புமிகு வாசுதேவ நாணாயக்கார)

(The Hon. Vasudeva Nanayakkara)

ගරු කථානායකතුමනි, “ශ්‍රී ලංකා ඉංජිනේරුවරුන්ගේ සභාව” නමැති පතක් කෙටුම්පත පිළිබඳව ගරු ශ්‍රේෂ්ඨාධිකරණයේ තීරණය ඔබතුමා විසින් මේ සභාවට දැනුම් දුන්නා. මම ඉල්ලා සිටින්නේ, එම ශ්‍රේෂ්ඨාධිකරණ තීරණයත් සමඟ මෙය නැවතත් අදාළ ආංශික අධීක්ෂණ කාරක සභාවට යොමු කරන්නය කියලායි. එය එසේ විය යුතුයි.

ගරු කථානායකතුමා

(மாண்புமிகு சபாநாயகர் அவர்கள்)

(The Hon. Speaker)

ඒ පිළිවෙළ අනුගමනය කරනවා, ගරු මන්ත්‍රීතුමනි.

පාර්ලිමේන්තුවේ රැස්වීම්

பாராளுமன்ற அமர்வு

SITTINGS OF THE PARLIAMENT

ගරු ලක්ෂ්මන් කිරිඇල්ල මහතා (උසස් අධ්‍යාපන හා මහාමාර්ග අමාත්‍යතුමා සහ පාර්ලිමේන්තුවේ සභානායකතුමා)

(மாண்புமிகு லக்ஷ்மன் கிரிஎல்ல - உயர்கல்வி மற்றும் நெடுஞ்சாலைகள் அமைச்சரும் பாராளுமன்றச் சபை முதல்வரும்)

(The Hon. Lakshman Kiriella - Minister of Higher Education and Highways and Leader of the House of Parliament)

ගරු කථානායකතුමනි, මා පහත සඳහන් යෝජනාව ඉදිරිපත් කරනවා:

"අද දින විසිර යෑමේදී මෙම පාර්ලිමේන්තුව 2016 ඔක්තෝබර් මස 25 වැනි අඟහරුවාදා අ.හා. 1.00 වන තෙක් කල් තැබිය යුතු ය."

ප්‍රශ්නය විමසන ලදින්, සභා සම්මත විය.

வினா விடுக்கப்பட்டு ஏற்றுக்கொள்ளப்பட்டது.

Question put, and agreed to.

කල්තැබීම

ஒத்திவைப்பு

ADJOURNMENT

ගරු ලක්ෂ්මන් කිරිඇල්ල මහතා

(மாண்புமிகு லக்ஷ்மன் கிரிஎல்ல)

(The Hon. Lakshman Kiriella)

ගරු කථානායකතුමනි, "පාර්ලිමේන්තුව දැන් කල් තැබිය යුතුය" යි මා යෝජනා කරනවා.

ප්‍රශ්නය විමසන ලදින්, සභා සම්මත විය.

வினா விடுக்கப்பட்டு ஏற்றுக்கொள்ளப்பட்டது.

Question put, and agreed to.

පාර්ලිමේන්තුව පු. හා. 10.37ට, අද දින සභා සම්මතිය අනුව, 2016 ඔක්තෝබර් 25 වන අඟහරුවාදා අ.හා. 1.00 වන තෙක් කල් ගියේය.

மு.ப. 10.37க்கு பாராளுமன்றம் அதனது இன்றைய தீர்மானத்துக்கிணங்க, 2016 ஒக்டோபர் 25, செவ்வாய்க்கிழமை பி.ப. 1.00 மணிவரை ஒத்திவைக்கப்பட்டது.

Parliament Adjourned accordingly at 10.37 a.m. until 1.00 p.m. on Tuesday, 25th October, 2016, pursuant to the Resolution of Parliament of this Day.

සැ.සු.

මෙම වාර්තාවේ අවසාන මුද්‍රණය සඳහා ස්වකීය නිවැරදි කළ යුතු තැන් දක්වනු ලබන මන්ත්‍රීන් මින් පිටපතක් ගෙන නිවැරදි කළ යුතු ආකාරය එහි පැහැදිලිව ලකුණු කොට, පිටපත ලැබී දෙසතියක් නොඉක්මවා හැන්සාඩ් සංස්කාරක වෙත ලැබෙන සේ එවිය යුතුය.

குறிப்பு

உறுப்பினர் இறுதிப் பதிப்பிற் செய்யவிரும்பும் பிழை திருத்தங்களைத் தமது பிரதியில் தெளிவாகக் குறித்து அதனைப் பிழை திருத்தப்படாத பிரதி கிடைத்த இரு வாரங்களுள் **ஹன்சாட்** பதிப்பாசிரியருக்கு அனுப்புதல் வேண்டும்.

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කොළඹ 5, පොල්හේන්ගොඩ, කිරුළපන පාර, අංක 163 දරන ස්ථානයෙහි පිහිටි
රජයේ ප්‍රවෘත්ති දෙපාර්තමේන්තුවේ පිහිටි රජයේ ප්‍රකාශන කාර්යාංශයෙන්
මිල දී ගත හැක.

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බාගත හැක.

ஹன்சாட் அறிக்கையின் பிரதிகளை
இல. 163, கிருலப்பனை வீதி, பொல்ஹேன்கொட, கொழும்பு 5இல் அமைந்துள்ள
அரசாங்க தகவல் திணைக்களத்தின் அரசாங்க வெளியீடுகள் அலுவலகத்தில்
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