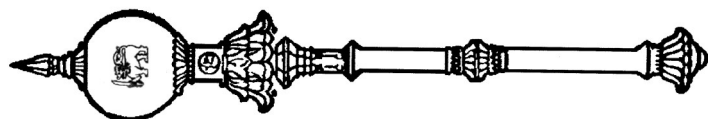


313 වන කාණ්ඩය - 8 වන කලාපය
தொகுதி 313 - இல. 8
Volume 313 - No. 8

2024 ජූලි 02වන අභ්‍යරුලාදා
2024 யூலை 02, செவ்வாய்க்கிழமை
Tuesday, 02nd July, 2024



පාර්ලිමේන්තු විවාද
(හැන්සාඩ්)

பாராளுமன்ற விவாதங்கள்
(ஹன்சாட்)

PARLIAMENTARY DEBATES
(HANSARD)

නිල වාර්තාව
அதிகார அறிக்கை
OFFICIAL REPORT

අන්තර්ගත ප්‍රධාන කරුණු

නිවේදන:

පාර්ලිමේන්තුව කැඳවීම [නිරු 1471]

ජනාධිපතිතුමාගෙන් ලත් සන්දේශය:

මහජන ආරක්ෂක ප්‍රකාශනය [නිරු 1472]

නිවේදන:

ආර්ථික පරිවර්තන පනත් කෙටුම්පත:

ශ්‍රේෂ්ඨාධිකරණයේ තීරණය [නිරු 1472-1514]

රාජ්‍ය මූල්‍ය කළමනාකරණ පනත් කෙටුම්පත:

ශ්‍රේෂ්ඨාධිකරණයේ තීරණය [නිරු 1514-1537]

කථානායකතුමාගේ සහතිකය [නිරු 1538]

විදේශ නඩු තීන්දු අනුමැතිය පිළිබඳව, ලියාපදිංචි කිරීම සහ බලාත්මක කිරීම පිළිබඳ පනත් කෙටුම්පත: ශ්‍රේෂ්ඨාධිකරණයට පෙන්වීමක් [නිරු 1538]

ගරු රාජවරෝදයම් සම්පත්තිය මහතාගේ අභාවය [නිරු 1538]

ගරු ජනාධිපතිතුමාගේ විශේෂ ප්‍රකාශනය

[නිරු 1539-1549]

නොපැමිණීමේ අවසරය:

ගරු ජී.ජී. පොන්නම්බලම් මහතා [නිරු 1561]

වෛද්‍ය (සංශෝධන) පනත් කෙටුම්පත:

පළමුවන වර කියවන ලදී [නිරු 1561]

වෛද්‍ය (සංශෝධන) පනත් කෙටුම්පත:

පළමුවන වර කියවන ලදී [නිරු 1562]

පிரතාන உள்ளடக்கம்

අறிවිච්ඡාදන:

පාරාලාමනාත්තේ කුද්දල් [ප: 1471]

ආණ්ඩුපතිවරයාගෙන් ලත් සන්දේශය:

පොතුසන පාලනාපදාන ප්‍රකාශනය [ප: 1472]

අறிවිච්ඡාදන:

පොලොවනාතර නිලධාරීන්ගේ සේවය: උපකාරී
නීතිමණ්ඩල තීරණය [ප: 1472-1514]

පරිපාලන නීතිසාර් මුකාමෙත්තුව සේවය: උපකාරී
නීතිමණ්ඩල තීරණය [ප: 1514-1537]

පරිපාලන ක්‍රියාමාර්ගය [ප: 1538]

වෙනිතාලු

තීරණයකට

පරිපාලන

භූමිමාලිකා, පරිපාලනය

මාර්ගය

මාර්ගය

වෙනිතාලු

සේවය:

උපකාරී

නීතිමණ්ඩලයට [ප: 1538]

මාර්ගයට රාජකාරියට සම්බන්ධයෙන් මාර්ගය
[ප: 1538]

මාර්ගයට ආණ්ඩුපතිවරයා විසින් [ප: 1539-1549]

වෙනිතාලු:

මාර්ගයට උපකාරී [ප: 1561]

මාර්ගයට (නීතිමණ්ඩලය) සේවය:

මාර්ගයට [ප: 1561]

මාර්ගයට (නීතිමණ්ඩලය) සේවය:

මාර්ගයට [ප: 1562]

PRINCIPAL CONTENTS

ANNOUNCEMENTS:

Summoning of Parliament [Col. 1471]

MESSAGE FROM THE PRESIDENT:

Public Security Proclamation [Col. 1472]

ANNOUNCEMENTS:

Economic Transformation Bill: Determination of the
Supreme Court [Cols. 1472-1514]

Public Financial Management Bill: Determination of
the Supreme Court [Cols. 1514-1537]

Speaker's Certificate [Col. 1538]

Reciprocal Recognition, Registration and Enforcement
of Foreign Judgments Bill: Petition to the Supreme
Court [Col. 1538]

Death of Hon. Rajavarithiam Sampanthan [Col. 1538]

SPECIAL STATEMENT BY HONOURABLE
PRESIDENT [Cols. 1539-1549]

LEAVE OF ABSENCE:

Hon. G.G. Ponnambalam [Col. 1561]

MEDICAL (AMENDMENT) BILL:

Read the First time [Col. 1561]

MEDICAL (AMENDMENT) BILL:

Read the First time [Col. 1562]

පාර්ලිමේන්තුව பாராளுமன்றம் PARLIAMENT

2024 ජූලි 02 වන අඟහරුවාදා
2024 யூலை 02, செவ்வாய்க்கிழமை
Tuesday, 02nd July, 2024

පු.හ. 9.30ට පාර්ලිමේන්තුව රැස් විය.
කථානායකතුමා [ගරු මහින්ද යාපා අබේවර්ධන මහතා]
இலாபனார்டு வீ. ச.
பாராளுமன்றம் மு.ப. 9.30 மணிக்குக் கூடியது.
சபாநாயகர் அவர்கள் [மாண்புமிகு மஹிந்த யாப்பா அபேவர்தன]
தலைமை வகித்தார்கள்.
The Parliament met at 9.30 a.m.,
MR. SPEAKER [THE HON. MAHINDA YAPA
ABEYWARDANA] in the Chair.

නිවේදන அறிவிப்புகள் ANNOUNCEMENTS

පාර්ලිමේන්තුව කැඳවීම பாராளுமன்றத்தைக் கூட்டல் SUMMONING OF PARLIAMENT

ගරු කථානායකතුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)
පාර්ලිමේන්තුව කැඳවීමේ ගැසට් නිවේදනය පාර්ලිමේන්තුවේ
මහ ලේකම් විසින් දැන් සභාවට කියවනු ලැබේ.
අනතුරුව පහත සඳහන් ගැසට් නිවේදනය පාර්ලිමේන්තුවේ මහ
ලේකම් විසින් කියවන ලදී:
அதன்பிறகு, பாராளுமன்றச் செயலாளர் நாயகம் பின்வரும்
வர்த்தமானி அறிவித்தலை வாசித்தார்:
Whereupon the Secretary-General of Parliament read the following
Gazette Notification.



ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

අංක 2390/07 - 2024 ජූනි මස 25 වැනි අඟහරුවාදා - 2024.06.25

(යමක් ලංකාවේ ප්‍රසිද්ධ කරන ලදී)

I වැනි කොටස: (I) වැනි ඡේදය - සාමාන්‍ය

රජයේ නිවේදන

කථානායකවරයාගේ නිවේදනය

2024 ජූලි 02 වැනි අඟහරුවාදා පූර්ව හා 9.30 ට ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ පාර්ලිමේන්තුවේ
රැස්වීමේ කැඳවීම

ගරු අග්‍රාමාත්‍යතුමාගේ දුරකථන මගින් පාර්ලිමේන්තුවේ සභාවට නිවේදනය 16 ප්‍රථම නිවේදනය ප්‍රකාර 2024 ජූලි 02 වැනි අඟහරුවාදා
පූර්ව හා 9.30 ට රැස්වන ලද පාර්ලිමේන්තුව මා විසින් කැඳවන ලද මෙම පාර්ලිමේන්තුවේ කථානායක මහින්ද යාපා අබේවර්ධන
මහ මහ මණ්ඩල දැනුම්දෙයි.

මහින්ද යාපා අබේවර්ධන,
කථානායක.

2024 ජූනි මස 25 වැනි දින,
ශ්‍රී ලංකාවේ ප්‍රකාශයට පත් කළේ.

ජනාධිපතිතුමාගෙන් ලන් සන්දේශය சனாதிபதியிடமிருந்து வந்த செய்தி MESSAGE FROM THE PRESIDENT

මහජන ආරක්ෂක ප්‍රකාශනය பொதுசனப் பாதுகாப்புப் பிரகடனம் PUBLIC SECURITY PROCLAMATION

ගරු කථානායකතුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)
පහත සඳහන් සන්දේශය ගරු ජනාධිපතිතුමාගෙන් මා වෙත
ලැබී තිබේවා.



ශ්‍රී ලංකා ජනාධිපති
இலங்கை சனாதிபதி
President of Sri Lanka

මගේ අංකය : B/ප්/ප්/00/4/5/1

2024 ජූනි මස 22 වන දින

ගරු මහින්ද යාපා අබේවර්ධන මැතිතුමා
කථානායක
ශ්‍රී ලංකා පාර්ලිමේන්තුව

ගරු කථානායකතුමා,

(40 වැනි අධිකාරය වූ) මහජන ආරක්ෂක ආඥා පනත

(40 වැනි අධිකාරය වූ) මහජන ආරක්ෂක ආඥා පනතේ 12 වැනි වගන්තියෙන් මා වෙත පැවරුණු
බලතල ප්‍රකාරව, මහජන සාමය පවත්වාගෙන යාම සඳහා වන අවශ්‍යතාවය සැලකිල්ලට
ගනිමින්, පළමුවැනි උපලේඛනයේ නිශ්චය කොට දැක්වෙන තත්ත්වයට හමුදාවල සියළුම
සාමාජිකයින් එහි දෙවැනි උපලේඛනයේ නිශ්චය කොට දැක්වෙන ප්‍රදේශවල මහජන සාමය
පවත්වාගෙන යාම සඳහා කැඳවන වට්ට ආඥාවක් නිකුත් කොට ඇත.

ඒ අනුව, උක්ත ආඥා පනතේ 21(2) වගන්තිය සමඟ කියවිය යුතු 2(3) වගන්තිය ප්‍රකාරව ඒ බව
පාර්ලිමේන්තුව වෙත මෙයින් දැනුම් දෙමි.

මෙයට - හිතවත්

රාජ්‍ය විනිශ්චය
ජනාධිපති

නිවේදන அறிவிப்புகள் ANNOUNCEMENTS

ආර්ථික පරිවර්තන පනත් කෙටුම්පත: ශ්‍රේෂ්ඨාධිකරණයේ තීරණය

பொருளாதார நிலைமாற்றம் சட்டமூலம்: உயர்
நீதிமன்றத் தீர்ப்பு
ECONOMIC TRANSFORMATION BILL: DETERMINATION OF
THE SUPREME COURT

ගරු කථානායකතුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)

I wish to inform Parliament that I have received the
Determination of the Supreme Court in respect of the Bill
titled "Economic Transformation", which was challenged
in the Supreme Court in terms of Article 121(1) of the
Constitution.

[ගරු කථනායකතුමා]

The Determination of the Supreme Court as to the constitutionality of the Bill concludes and upon careful consideration have suggested Amendments that will render the provisions of the Bill consonant with the Constitution as follows:

- (1) Clause 8 of the Bill should be amended by deleting Article 4 contained therein, as Parliamentary supervision is adequately covered by Article 43 and 148.
- (2) Clause 13 (b) requires to be deleted as the creation of an independent regulator could be established by an amending legislation.
- (3) Clause 13 to be amended to empower the legal entity "Economic Commission" to purchase, hold and sell shares, stocks, debentures and similar assets.
- (4) Clause 15 is inconsistent with the Constitution and can only be passed with a two-thirds majority and a Referendum. But if amendments recognizing the power of the President in regard to alienation or disposition of State land are passed in the manner and form as discussed by this Court, the provision can be passed with a simple majority.
- (5) Clause 26 requires to be amended to prescribe the qualifications, experience and the terms and conditions of employment of the EC Director General through regulations for the purposes of clarity and transparency.
- (6) Clause 45 to be amended to replace the term "investor" with "investment" for purposes of clarity, highlighting the importance of the term "investment" within the context therein.
- (7) Clause 46 (5) should be amended to specify a timeframe for the Minister to refer to the Cabinet of Ministers any refusal, denial, or failure by a Specified Institution to respond to an inquiry or request under Subsections (2) or (4), thereby mitigating unnecessary delays.
- (8) Clause 48 ((2) shall be revised to remove the requirement for consultation with the Secretary to the Department of Treasury regarding the appointment of members to the Invest Sri Lanka Board.
- (9) Clause 55 (2) (b) to be amended to remove all references to the repealed law in the aforementioned Clause.
- (10) Clause 57 to be amended to include a requirement that every Order made under this Section to be laid before Parliament for approval within three months of its issuance.
- (11) Clause 64(d), granting Zones SL the power to acquire properties for establishing investment zones, is to be deleted. This Amendment reflects that Zones SL's authority is limited to recommending lands required for investment zones to the Economic Commission and does not extend to land acquisition.

- (12) Clause 75 to be revised to specify that the qualifications, experience and terms and conditions of employment for the Chief Executive Officer of Zones SL shall be prescribed by regulations. This provision aims to ensure the appointment of individuals with adequate qualifications and experience, thereby preventing appointment of unqualified individuals to higher positions such as Chief Executive Officer.
- (13) Clause 90 (2) to be amended to extend the period for Specified Institutions to provide written reasons for refusal or denial from fifteen days to twenty-one days, ensuring enhanced procedural fairness and transparency in the approval process.
- (14) Clause 90 of the Bill to be amended to include a new sub-clause stipulating that if a Specified Institution declines, denies or fails to respond to an inquiry or request, Zones SL must promptly notify the Minister. Within two weeks thereafter, the Minister shall escalate the matter to the Cabinet of Ministers for appropriate action. This Amendment is aimed at ensuring timely resolution and accountability in cases of denied information requests.
- (15) Clause 94 (2) (5) of the Bill requires to be amended to delete the words "under the provisions of the Board of Investment of Sri Lanka Law, No. 4 of 1978;" because any terms and conditions relating to employment have not been laid down in the BOI Act.
- (16) Clause 96 should be amended to require that every Order issued under this Section be submitted to Parliament for approval within three months of its issuance. The Order shall only take effect upon Parliament's approval. The Amendment shall be incorporated to ensure consistency with other clauses of the Bill where Orders made under the Bill are referred to Parliament for its approval.
- (17) Clause 147 to be amended to include that the qualifications, experience and the terms and conditions of the Executive Director of the Productivity Commission to be prescribed by the regulations.
- (18) Clause 175 is to be amended to specify that the qualifications, experience and terms and conditions of the Director of the Institute of Economics and International Trade shall be prescribed by regulations.
- (19) Clause 192 (1) and (2) are required to be removed in their entirety.
- (20) Clause 194(2)(m) to be amended to remove references to the repealed law in consistency with the Amendment proposed at Clause 55. Furthermore, a proviso to be added, which states that the period that an employee served with the BOI shall be taken into consideration when calculating the statutory payments that are payable to such employee.

- (21) Clause 194(2)(n) to be amended to incorporate specific time periods in respect of the operation of the voluntary retirement scheme.
- (22) Clause 195, the Interpretation Clause, to be amended in respect of the placement of the acronym "BOI" and the interpretation of the word "Minister".
- (23) Clause 196 to be amended to rectify the reference to "any other written law" and it to be read as "In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail".
- (24) Proviso to Clause 55(2)(b)(iv) has to be amended by deleting the reference to the Board of Investment Sri Lanka Law, No.4 of 1978, as such a reference would not reflect the true position.
- (25) Clause 55(2)(b)(v) has to be deleted to render the rule-making power consistent with the Constitution.

Subject to the above, the Supreme Court is of the opinion that, if these necessary Amendments are made, the Bill and its provisions will become consistent with the Constitution and could be passed with a simple majority.

I order that the Determination of the Supreme Court be printed in the Official Report of today's Proceedings of the House.

ශ්‍රේෂ්ඨාධිකරණයේ තීරණය:

உயர் நீதிமன்றத் தீர்ப்பு:

Determination of the Supreme Court:

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

S.C. (SD) No. 61/2024 to S.C. (SD) No. 71/2024 and S.C. (SD) No. 73/2024 to S.C. (SD) 76/2024 and S.C. (SD) 78/2024 and S.C. (SD) 79/2024

"ECONOMIC TRANSFORMATION" BILL

BEFORE:

Hon. S. Thurairaja, PC - Judge of the Supreme Court
Hon. A. H. M. D. Nawaz - Judge of the Supreme Court
Hon. A. L. Shiran Gooneratne - Judge of the Supreme Court

S.C. (SD) No. 61/2024
Petitioner

Sri Lanka Board of Investment Non-Executive Officers Podujana Trade Union, No. 246/C, Sri Ariyajothi Mawatha, Issadeen City, Matara.

Ahangama Vithanage Thushara Sisira Kumara, No. 246/C, Sri Ariyajothi Mawatha, Issadeen City, Matara.

Lakshan Dimuthu Dissanayake, Chief Secretary, 419/A, Neluwa Road, Moraweka.

Counsel

Uditha Egalahewa, PC with N.K. Ashokbaran and Shenal Fernando.

S.C. (SD) No. 62/2024
Petitioner

Deshabandu Sureash Rapusingha Gunewardene, 28/3 A, 4th Lane, Epitiamulla Road, Pitakotte.

Counsel

Nuwan Pieris instructed by Ms. Amali Amarathunga.

S.C. (SD) No. 63/2024

Petitioner

Professor Lalithasiri Gunaruwan "Gunaruwana", Thuduwa, Panadura.

Counsel

Manohara de Silva, PC with Ms. Harithriya Kumara, Ms. Nadeeshani Lankatillake, Ms. Kaveesha Gamage, Hirosha Munasinghe, Ms. Sasiri Chandrasena, Senal Kariyawasam instructed by A. Perusinghe.

Intervient Petitioner

K. M. Mahinda Siriwardana, Secretary to the Ministry of Finance, Economic Stabilization and National Policies, Ministry of Finance, The Secretariat, Colombo 01.

Counsel

Sanjeeva Jayawardena, PC with Rukshan Senadheera instructed by Vidanapathirana Associates.

Intervient Petitioner

Meera Muhiadeen Nayeemudeen, Secretary, Ministry of Investment Promotion, 12th floor, West Tower, World Trade Center, Echelon Square, Colombo 01.

Counsel

Eraj De Silva, PC with Daminda Vijerathne and Janagan Sundramoorthi, Suel Lithufi instructed by Vidanapathirana Associates.

Intervient Petitioner

Hon. Dilum Suraj Bandara Amunugama, State Minister of Investment Promotion, State Ministry of Investment Promotion, 25th floor, West Tower, World Trade Center, Echelon Square, Colombo 01.

Counsel

Ronald Perera, PC with Suren Gnanaraj, Ms. Rashmi Dias and Sakuni Weeraratne instructed by Vidanapathirana Associates.

S.C. (SD) No. 64/2024
Petitioners

1. Sunil Handunneththi, No. 92/3, Paasal Mawatha, Rukmale, Pannipitiya

2. Dr. Harshana Suriyapperuma No. 182/3, Desingha Mawatha, Pelawatta, Battaramulla.

Counsel

Shantha Jayawardena with Nayantha Wijesundera, Hiranya Damunupola and Wihangi Tissera.

Intervient Petitioner

K. M. Mahinda Siriwardana, Secretary to the Ministry of Finance, Economic Stabilization and National Policies, Ministry of Finance, The Secretariat, Colombo 01.

Counsel

Sanjeeva Jayawardena, PC with Rukshan Senadheera instructed by Vidanapathirana Associates.

Intervient Petitioner

Meera Muhiadeen Nayeemudeen, Secretary, Ministry of Investment Promotion, 12th floor, West Tower, World Trade Center, Echelon Square, Colombo 01.

Counsel

Eraj De Silva, PC with Daminda Vijerathne and Janagan Sundramoorthi, Suel Lithufi instructed by Vidanapathirana Associates.

Intervient Petitioner

Hon. Dilum Suraj Bandara Amunugama, State Minister of Investment Promotion, State Ministry of Investment Promotion, 25th floor, West Tower, World Trade Center, Echelon Square, Colombo 01.

Counsel

Ronald Perera, PC with Suren Gnanaraj, Ms. Rashmi Dias and Sakuni Weeraratne instructed by Vidanapathirana Associates.

Intervient Petitioner

Gorakapitiya Don Indika Pushpakumara,

		Secretary, No.416, Jathika Sevaka Sangamaya, Kotte Road, Pitakotte.	
Counsel	:	Dushantha Kularathna with Saman Liyanage, Janaka Gamage, and G.D.I Pushpakumara instructed by Optima Law Associates.	
S.C. (SD) No. 65/2024 Petitioner	:	Palamandadige Viran Pushpa Kumara Fernando, 36/1, "Sandakelum", Egodauyana, Moratuwa.	
Counsel	:	Uditha Egalahewa, PC with N.K. Ashokbaran and Shenal Fernando.	
Intervient Petitioner	:	K. M. Mahinda Siriwardana, Secretary to the Ministry of Finance, Economic Stabilization and National Policies, Ministry of Finance, The Secretariat, Colombo 01.	
Counsel	:	Sanjeeva Jayawardena, PC with Rukshan Senadheera instructed by Vidanapathirana Associates	
Intervient Petitioner	:	Meera Muhiadeen Nayeemudeen, Secretary, Ministry of Investment Promotion, 12th floor, West Tower, World Trade Center, Echelone Square, Colombo 01.	
Counsel	:	Eraj De Silva, PC with Daminda Vijerathne and Janagan Sundramoorthi, Suel Lithufi instructed by Vidanapathirana Associates.	
Intervient Petitioner	:	Hon. Dilum Suraj Bandara Amunugama, State Minister of Investment Promotion, State Ministry of Investment Promotion, 25th floor, West Tower, World Trade Center,	
		Echelon Square, Colombo 01.	
Counsel	:	Ronald Perera, PC with Suren Gnanaraj, Ms. Rashmi Dias and Sakuni Weeraratne instructed by Vidanapathirana Associates.	
S.C. (SD) No. 66/2024 Petitioner	:	Lahiru Chathuranga Weerasekara, Organizing Secretary, Youth For CH Enge, 22/1, Melder Place, Nugegoda.	
Counsel	:	Nuwan Bopage with Ms. Dinusha Thirinagama and Hansaka Chandrasinghe instructed by Ms. Nishadini Jayawardena.	
S.C. (SD) No. 67/2024 Petitioners	:	1. Sarath Karunadasa, Organizing Secretary, Entrepreneurs Struggle Center, No. 528, Mahayaya, Ulpothagama, Hasalaka. 2. Entrepreneurs Struggle Center, No. 30, Kandewatta Rd, Nawala, Nugegoda.	
Counsel	:	Thanuka Nandasiri with Nuwan Bopage instructed by W. Charith De Silva.	
S.C. (SD) No. 68/2024 Petitioner	:	Dudeesha Duminda Nagamuwa, Propaganda Secretary, Frontline Socialist Party, 22/1, Melder Place, Nugegoda.	
Counsel	:	Nuwan Bopage with Ms. Dinusha Thirinagama and Hansaka Chandrasinghe instructed by Ms. Nishadini Jayawardena.	
S.C. (SD) No. 69/2024 Petitioners	:	1. Ajantha Niroshan Padukka, No. 68, Kottawa Road, Piliyandala.	

		2. Enapatti Kankanamalage Achintha Iranjith Dinalankara, No. 490/1, Bopatta Road, Minnana, Gatahaththa.	
Counsel	:	Farman Cassim, PC with Ms. Jessica Abeyratne, Vinura Kularatne and Faadhila Thassim instructed by A. D. Shayamali I. Athukorala.	
S.C. (SD) No. 70/2024 Petitioners	:	1. Amarasinghe Suranjaya, General Secretary, Commercial and Industrial Workers' Union, No 17, Barracks Lane, Colombo 02. 2. J. B. Gurusinghe, General Secretary, United Federation of Labour, No 17, Barracks Lane, Colombo 02. 3. Senanayake Mudiyanseelage Amaranth Ranajan Senanayake, General Secretary, Ceylon Bank Employees Union, No. 20, Temple Road, Maradhana, Colombo 10. 4. K. A. Kalpa Madhuranga, Secretary, PROTECT Union, No. 475/4, Thimbirigasyaya Road, Colombo 05. 5. Tharindu Iranga Jayawardhana, President, Young Journalists' Association, No. 176/3, Oruthota, Gampaha. 6. Rathnayake Mudiyanseelage Tharindu Amila Uduwaragedara, National Organiser, Federation of Media Employees' Unions, No. 17, Barracks Lane, Colombo 02. 7. Sellapperumage Anuradha Disapala Fernando, No. 34/1/A, Eksath Housing Scheme, Mirigama. 8. K. Lalith Karunathilaka, Joint Secretary, Free Trade Zones & General Services Employees Union, 141, Ananda Rajakaruna Mawatha, Colombo 10.	
Counsel	:	Swastika Arulingam with Ms. Tharushi Kularatne instructed by Ineka Hendawitharana.	
S.C. (SD) No. 71/2024 Petitioners	:	1. Ameina Shafi Mohin, 39, Mosque Road, Periyamulla, Negombo. 2. Premathilaka Jayakody, No. 118, Gabbella, Udispattuwa. 3. Chandima Kiriwandala, No. 58/1, Sri Indrajothi Road, Ratmalana. 4. Nalinda Wijerathne, 42/B, Vijaya Rd, Tudella, Ja-Ela. 5. Sanjeeewa Pattiwila, 127/3/B, Sisila Mawatha, Aluthgama, Gampaha. 6. Rekha Mallikarachchi, 96/1/3, P.S.Perera Mawatha, Mampe, Piliyandala. 7. Seevali Wijewantha, 335/A/5/2, Kamburugallawatta, Wathupitiwala, Nittambuwa. 8. Yasoji Gunawardana,	

No 2/3, Batagolla, Yakkala.			Bandaragama.
9. Shivanthi Abeyrathne, 44/1, Heenatikumbura Road, Koswatte, Battaramulla.			30. Gesban Dissanayake, No. 148, Naramminiya Road, Waragoda, Kelaniya.
10. Bhagya Abeykoon, 56/12B, Koongahawatta Road, Kiribathgoda.			31. Vireshiika Bandara, No. 288/3, Manikagara Road, Korathota, Kaduwela.
11. Kapila Kumara, 80/16/S/01, 5th Lane, Panaluwa, Wataraka, Padukka.			32. Srimali Jayarathna, Welikumbura, Narammala.
12. Sandun Sameera, 25/10, Mawathagama, Homagama.			33. Chathurika Perera, No. 114/B, Maithree Road, Walgama, Bandaragama.
13. Prasadi Boomawalage, 282/A/1, Hettigoda, Pitippanana North, Homagama.			34. Tharaka Boteju, No. 54/4, Prathibimbarama Road, Kalubowila, Dehiwala.
14. Gaya Senaratne, No. 474, Kahanthota Road, Arangala, Hokandara.			35. Senuja Samaraweera, 692/D1, Polhena Road, Kohalwila, Kelaniya.
15. Dilanga Hettiarachchi, 144 1/7, Thawalankoya, Ukuwela.			36. Thiloka Perera, No. 114B, Maithree Road, Walgama, Bandaragama.
16. Kasun Balaooriya, No.199 A/4, Pattiyawatta Road, Kothalawela, Kaduwela.	Counsel	:	Sanjeeva Jayawardena, PC with Rukshan Senadheera instructed by Halidha Begum.
17. Heshani Kaushalya, 9A/3, 6th Lane, Nawala, Rajagiriya.	S.C. (SD) No. 73/2024 Petitioners	:	1. Wimal Weerawansa, MP, Leader, National Freedom Front, No. 342/1/4, E.W. Perera Mawatha, Pitakotte.
18. Somasena Mahadiulwewa, No. 403,1C, Gunarathana Mawatha, Makola North, Makola.			2. Udaya Prabath Gammanpila, MP, Leader,
19. G. L. Gnanatheva, No. 46 5/4, Hampden Lane, Colombo 06.			Pivithuru Hela Urumaya, 448, Kotte Road, Pitakotte.
20. Samantha Wijesekera, Palle Aludeniya, Geliya.			3. Gevindu Cumaratunga, MP, President, "Yuthukama Jathika Sanvidanaya", 31/14A, 2nd Lane, Koswatta, Nawala.
21. Jagath Abeywarda, No. 191/8/1, Sirima Bandaranayake Mawatha, Mahara, Kadawatha.			4. Professor Channa Sudath Jayasumana, MP, 388/49, Harischandra Mawatha, Anuradhapura.
22. Ruwanthi Araratne, 12, Susiri Pedesa, Asiri Uyana, Katubedda, Moratuwa.			5. Dilith Susantha Jayaweera, Leader, Mawbima Janatha Party, No. 11, Park Avenue, Colombo 08.
23. Yasantha Yaddehi, No. 244/5, Gonahena, Kadawatha.			6. Ranawaka Aarachchige Rathnasiri Nimal Ranawaka, President, Democratic Left Front, No. 42/26, Mihindu Mawatha, Wattegedera Road, Maharagama.
24. Shirani Ariyaratne, No.99, Circular Road, Pothupitiya North, Wadduwa.			7. Dr. Geeganage Weerasinghe, General Secretary, Communist Party of Sri Lanka, No. 91, Dr. N.M. Perera Mawatha, Colombo 08.
25. Charitha Yattogoda, No. 1037/09, Parakumba Place, Athurugiriya Road, Malabe.			
26. Chandima Abeyratne, No.354/22/18, Nagaha Mawatha Palenwatte, Pannipitiya.	Counsel	:	Canishka G. Witharana with Ms. Sawani Rajakaruna, Ms. Malmi Dissanayaka and H. M. Thillakarantna.
27. Kishani Wickramasinghe, No. 328/5, Ganewatta Road, Mampe, Piliyandala.	S.C. (SD) No. 74/2024 Petitioner	:	Krisantha Gehan Nissanka, 588/1 Ekamuthu Mawatha, Parliament Road, Talawatugoda.
28. Anil Sirimanne, No. 115/8, Mattegoda Terrace, Mattegoda.	Counsel	:	Appeared in-person.
29. Nalika Kodikara, No. 186D, Kesbewa Road,	S.C. (SD) No. 75/2024 Petitioners	:	1. All Ceylon Buddhist Congress, No. 380, Baudhaloka Mawatha,

- Colombo 07.
2. Chandra Nimal Wakishta,
President,
All Ceylon Buddhist Congress
No. 380, Bauddhaloka Mawatha,
Colombo 07.
- Counsel : Manohara de Silva, PC with Ms. Harithriya
Kumarage, Ms. Nadeeshani Lankatillake, Ms.
Kaveesha Gamage, Hirosha Munasinghe, Ms.
Sasiri Chandrasena, Senal Kariyawasam
instructed by A. Perusinghe.
- Intervient Petitioner : K. M. Mahinda Siriwardana,
Secretary to the Ministry of Finance,
Economic Stabilization and National Policies,
Ministry of Finance,
The Secretariat,
Colombo 01.
- Counsel : Sanjeeva Jayawardena, PC with Rukshan
Senadheera instructed by Vidanapathirana
Associates.
- S.C. (SD) No. 76/2024**
Petitioners : 1. Ballanthudawa Achchige Nuwan Chamara
Indunil,
415/34, Off High-Level Road,
Gangodawilla.
2. Jayalath Abayawardhana Mudiyansele
Sanka Chandima Abayawardana,
No.295/A, Vewagedara,
Divulapitiya.
- Counsel : Manohara de Silva, PC with Ms. Harithriya
Kumarage, Ms. Nadeeshani Lankatillake, Ms.
Kaveesha Gamage, Hirosha Munasinghe, Ms.
Sasiri Chandrasena, Senal Kariyawasam
instructed by A. Perusinghe.
- S.C. (SD) No. 78/2024**
Petitioner : Law and Society Trust,
No. 3, Kynsey Terrace,
Colombo 07.
- Counsel : Ms. Ermiza Tegal with Ms. Namashya
Ratnayake and Ms. Taahira Lafir instructed
by Ramzi Bacha Associates.
- S.C. (SD) No. 79/2024**
Petitioner : Rathnayake Mudiyansele Ranjith
Madduma Bandara,
No. 31/3, Kandawatte Terrace,
Nugegoda.
- Counsel : Upul Jayasuriya, PC with Vishvika Peiris, Ms.
Kalpanee Dissanayake and Ms. Kassala
Kamer instructed by W. Sithara Sampath
Wijewardane.

Respondent in all cases

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

2nd Respondent in S.C. (SD) Nos. 74 and 79

Hon. Ranil Wickremesinghe,
Minister of Finance, Economic Stability and
National Policies,
The Secretariat,
Colombo 01.

- Counsel for the State : Nirmalan Wigneswaran, DSG with Dr. Avanti
Perera, DSG, Ms. Navodi De Zoysa, SC,
Tharanga Ranasinghe, SC, Ms. Abigail
Sooriyakumar Jayakody, SC and Medhaka
Fernando, SC.

The Court assembled on the 6th, 7th and 9th June 2024 to hear the submissions made on behalf of the Petitioners and the Attorney-General on the Bill titled **“Economic Transformation Bill”**. After the Bill had been placed on the order paper of Parliament on 22 May 2024, 17 petitions have been filed invoking the jurisdiction of this court under Article 121 (1) of the Constitution.

As the several counsel waxed eloquent on the pros and cons of the impugned Bill, the court listened with rapt attention to the plurality of submissions inclusive of those made on the contributory factors that some counsel alleged led to the financial quagmire Sri Lanka finds itself in and at the conclusion of the hearings, it was not lost on the Court that the submissions were as diverse and divergent as usual on the constitutional compatibility or otherwise of the Bill.

Given the robust heterogeneity of the arguments for and against the constitutional compliance of the Bill, we cannot resist, even at the risk of sounding uncharacteristic of our role in constitutional jurisdiction, recalling the opening lines from Charles Dickens' novel *‘A Tale of Two Cities’*.

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going direct the other way - in short, the period was so far like the present period, that some of its noisiest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only’.

In a broader sense, the arguments that were presented before Court on the Bill signified a recollection of extreme contrasts of our times harking back to both positive and negative aspects of the present situation where there had been antecedent moments of great joy and prosperity alongside moments of deep despair and hardship.

We hasten to point out that our observations as a prelude to the exercise of appraising the constitutional compatibility of the Bill are also prompted by documents that have been proffered to us in the course of arguments and post argument written submissions and before we proceed to assay and evaluate the arguments on the clauses of the Bill vis a vis their constitutional comportment, let us segue into a discourse of the times past and present that have led to a slew of bills inclusive of the Economic Transformation Bill under consideration.

There is a long narrative of literature on the economic woes of our island nation.¹

The pith and substance of all this study on Sri Lankan economic perils and the ameliorative reform undertaken to redress the aftermath of the unprecedented economic crisis in order to build a foundation for sustainable and inclusive growth provoke robust responses from all organs of government inclusive of the judiciary and in the process the lasting influence of the idea of a “representation-reinforcing” approach to judicial review, in which the role of courts is to counter various “malfunctions” in the democratic process, rather than broadly substitute for democratic decision-making by the political branches of government cannot be overemphasized.² However, this theory of responsive judicial review in respect of Bills has to operate subject to the caveat that no perversity or unreasonableness in the designing of policies and reforms could be countenanced.

¹ See Lakshya Bhatia & Ridhi Seth, ‘Critical Analysis of the Collapsing Economy of Sri Lanka’ (2022) 4 Indian J.L. & Legal Rsch 1; Ning Shengnan, ‘Rethinking the External Debt Issues of Sri Lanka: Causes and Implications’ (2019) 74 China Int’l Stud 138; Juan Pablo Bohoslavsky, ‘Finance and Human Rights in Sri Lanka: A Potential Virtuous Circle’ (2018) 26 Sri Lanka J Int’l L 1; Ramdhoss Perumal & Gourav Sharma, ‘A Panoramic View of Sri Lankan Crisis Approaches from the Below’ (2022) 5 Int’l J. Mgmt & Human 1935; Ashwarya Deshpande, ‘Analysis of Factors which led to the Sri Lankan Debt Crisis’ (2023) 5 Indian J.L. & Legal Rsch 1

² John Hart Ely, *Democracy and Distrust: A Theory of Judicial Review* (1980); For a latter version of this approach see Rosalind Dixon, *The New Responsive Constitutionalism* (2024) *Modern Law Review* 87 (4) MLR 799 – 832.

At this juncture it behoves this court to revisit the woe-begone factors that contributed to the economic morass from which Sri Lanka is attempting to limp back to its feet.

A long catalogue demonstrates several key multifaceted issues that impacted on the economy of the country.

- a) *The low tax regime introduced in late 2019 has been looked upon as policies that led to a significant loss of government revenue.*
- b) *The revenue to GDP ratio had fallen from 12.7% in 2019 to 8.7% in 2021 (including due to the COVID-19 pandemic).*
- c) *The Budget Deficit had fallen from 9.6% in 2019 to 12.2% in 2021.*
- d) *The Government debt to GDP ratio had increased from 86.9% in 2019 to 104.6% in 2021.*
- e) *The fiscal imbalance had significant adverse spillover effects over the economy.*
- f) *The situation aggravated to such a critical extent, where the General Treasury had to increasingly obtain Central Bank financing to make government expenditures, including a substantial part of interest, salaries and wages, pensions and Samurdhi payments etc.*
- g) *Such an eventuality is clearly unsustainable and hence the need of a strong fiscal consolidation plan.*
- h) *During the technical negotiations, the International Monetary Fund (IMF) observed that Sri Lanka requires more aggressive revenue measures to reach anticipated revenue targets in addition to the reforms announced by the Cabinet.*
- i) *The Capacity Development Mission of the IMF fielded during 6-17 June 2022 recommended several policy reforms to structurally raise revenue.*
- j) *This has been further endorsed by the IMF Staff Level Agreement reached on 1 September 2022 to support Sri Lanka's comprehensive economic reform programme with a 48-month arrangement under the Extended Fund Facility of about US\$ 2.9 Billion*

An excerpt from an opinion article by the IMF which was published around February 2024 contains the portentous advice to all Sri Lankans;

Everyone will have to pitch in for all to enjoy the fruits of these efforts. Those who are better off will need to contribute more so the government can provide essential services and help those most in need. Working together is also needed to help eliminate corruption and inefficiency. Corruption, tax exemptions, and non-competitive procurement and allocation practices imply higher taxes and costs for everyone, hitting the most vulnerable hardest. The ongoing efforts to implement the recommendations of the IMF Governance Diagnostic Report—the first in Asia—will help to reduce these losses for the benefit of everyone. Prevention also requires providing a safe space for public engagement in governance.

There is light at the end of the tunnel. Although it may seem as small as a pinhole at the moment, continued reforms will accelerate passage through the tunnel and allow this light to become bigger and bigger. Maintaining the reform momentum is Sri Lanka's best hope for recovering from one of its most severe economic crises.³

From the above this Court cannot institutionally gainsay the verity of the following oft quoted assertion namely unless uncertainties associated with the external debt restructuring and the stability of the policy framework are resolved and taken forward, domestic financing conditions are not bound to ease allowing the nascent recovery to become more broad-based.

³ www.imf.org

Neither does any of the Petitioners controvert this assertion with contrary facts and figures. As is usual in these proceedings under Article 121 of the Constitution, the major challenges of the Petitioners are rights-based alleging that some of the clauses of the Economic Transformation Bill impinge on the sacrosanct principles of fundamental rights, separation of powers and sovereignty. We bear in mind that there has been a slew of Bills that were brought within the broader context of economic recovery and it is indubitable that all those Bills embodied a reform of fiscal policy. The determinations of this Court in *Re Surcharge Tax Bill*⁴ and *Re Inland Revenue (Amendment) Bill*⁵ alluded to the apocalyptic gloom and doom that fell over this nation and thus looms the quintessential question - who will deny the eternal verity of that memorable statement made by the US Supreme Court Justice Louis Brandeis many moons ago “*sunlight is said to be the best of disinfectants*”. The US Justice had good governance and transparency in mind, and it is not irrelevant to observe that this eternal sunshine is dearly yearned for by the nation. Any diagnostic law enacted during an economic crisis must have a prophylactic effect, but it cannot curtail rights except as prescribed by the constitutional instrument. Having made these prefatory observations, we turn to the impugned Bill. In seeking to understand the scope and ambit of the Economic Transformation Bill, the structure of the Bill warrants a brief survey.

STRUCTURE OF THE BILL

Long Title

AN ACT TO PROVIDE FOR THE NATIONAL POLICY ON ECONOMIC TRANSFORMATION AND FOR THE ESTABLISHMENT OF THE ECONOMIC COMMISSION OF SRI LANKA, INVESTMENT ZONES SRI LANKA, OFFICE FOR INTERNATIONAL TRADE, NATIONAL PRODUCTIVITY COMMISSION, AND SRI LANKA INSTITUTE OF ECONOMICS AND

⁴ SC/SD/ 19/2022 to SC/SD/ 21/2022 and SC/SD/ 23/2022 to SC/SD/ 29/2022
⁵ SC/SD/63-64/2023

INTERNATIONAL TRADE; FOR THE REPEAL OF THE BOARD OF INVESTMENT OF SRI LANKA LAW, NO. 4 OF 1978 AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

As is clear from the above, the long title of the Act declares its intent to provide for a National Policy on Economic Transformation and seeks to establish distinct statutory bodies assigned with different tasks to achieve the National Policy on Economic Transformation.

Accordingly, the Bill proposes to establish an Economic Commission of Sri Lanka, Zones Sri Lanka, Invest Sri Lanka, the Office for International Trade, National Productivity Commission and Sri Lanka Institute of Economics and International Trade. In the process of establishing new institutions, the proposed legislation seeks to repeal the Board of Investment Law, No.4 of 1978 (henceforth the BOI Law), while it has to be noted that the BOI Law has remained the primary legislation for mobilizing foreign indirect investments into this country.

The Preamble

The preamble to the proposed legislation elucidates the necessity for a sea change in the National Policy on Economic Transformation. The preamble bears recitation in order to understand the aspirational goals set down by the Bill.

WHEREAS the global economic landscape is rapidly evolving, characterized by technological advancements, shifting demographics, and emerging environmental challenges:

AND WHEREAS acknowledging the interconnectedness of national economies and the importance of international cooperation in addressing shared economic challenges:

AND WHEREAS economic transformation is vital for fostering sustainable development, enhancing prosperity, boosting productivity, promoting social progress and ensuring equitable opportunities for all citizens:

AND WHEREAS understanding the role of the Government of Sri Lanka in creating an enabling environment for economic transformation, including through targeted interventions, investment in infrastructure, and the provision of essential public services:

AND WHEREAS acknowledging the crucial role of investment in driving economic growth, creating employment opportunities, and fostering innovation and technological advancement:

AND WHEREAS affirming Sri Lanka's commitment to fostering a transparent, inclusive, and rules-based system that promotes fair and equitable treatment of investors, both domestic and foreign:

AND WHEREAS recognizing the significance of international trade as a catalyst for economic development, promoting competitiveness, and facilitating the integration of economies into the global marketplace:

AND WHEREAS understanding the imperative need to enact legislation that provides a conducive environment for investment, expanded trade opportunities, negotiates trade agreements, and facilitates export-import activities to stimulate economic growth:

AND WHEREAS reaffirming Sri Lanka's commitment to international cooperation and collaboration to address global challenges and harness opportunities for mutual benefit:

AND WHEREAS considering the objectives of the Democratic Socialist Society as provided in subparagraphs (c) and (d) of paragraph (2) of Article 27 of the Constitution,

At first blush, the preamble promises to usher in globalization, liberalization, foreign direct investment, international trade, competitiveness, modernization, and economic recovery to achieve rapid development, growth, and employment. In order to achieve these objectives, in order to achieve these objectives, the Bill seeks to;

- a) Set out clear targets for economic policies for Governments
- b) Create Investment climate reforms and focused promotion
- c) Establish investment friendly infrastructure and ecosystem
- d) Expand international trade, with a focus on export generation
- e) Improve national productivity

The Bill comprises seven parts, and herein follows a compendium of their contents.

- a) **Part I** – provides for the formulation of a **National Policy on Economic Transformation**, the establishment of the **Economic Commission, National Policies on Investments and Exports, rights and duties of investors**, and the establishment of **Invest Sri Lanka**.
- b) **Part II** - provides for the establishment of an entity called **Economic Commission of Sri Lanka** and matters incidental thereto
- c) **Part III** - provides for the establishment of an entity called **Investment Zones Sri Lanka (Zones SL)**

d) **Part IV** -provides for the establishment of the **Office for International Trade**

e) **Part V** establishes the **National Productivity Commission**

f) **Part VI** establishes the **Institute of Economics and International Trade**

g) **Part VII** provides certain general provisions as well as **repeals the BOI Law and sets out certain transitional provisions**.

The Court will now examine the individual Parts of the Bill, with particular reference to the clauses that were impugned by the Petitioners.

PART I – Chapter I

As we pointed out before, Part 1 sets out the Objectives, Bases, and Targets for Government regarding the National Policy on Economic Transformation. Clauses 2, 3, 4, 5, 6, 7, and 8 of Part 1 of the Bill were challenged by a majority of petitioners as unconstitutional. The main crux of their arguments was that policies and targets cannot be established in legislation in the manner and form that has been done, and that setting these targets in such manner and form acts as fetters on the executive and even future Parliaments.

Clause 2 sets out the objects of the national policy; **Clause 3** provides for certain targets to be achieved for the policy. **Clause 4** sets down several specific targets. **Clause 5** mandates the President to prepare a report to be submitted to Parliament through the Cabinet and the relevant minister. **Clause 6** requires that all policies, programs, regulations, circulars, and directives of the Government conform to the national policy. **Clause 7** prescribes further reporting and monitoring requirements, while **Clause 8** reaffirms Parliamentary supervision over the Cabinet. **Clause 9** itemizes the new institutions to be created through the Bill to assist the Government in achieving the economic targets.

We will now proceed to focus on the clauses in order to test the argument of constitutional invalidity. The impugned clauses are examined initially before appraising their constitutional congruence with established constitutional principles.

Clause 2 -Objects of the National Policy on Economic Transformation

The objects of the National Policy on Economic Transformation are set out as follows:

a) to make realisation by all citizens of an adequate standard of living for themselves and their families, including adequate food, clothing and housing, the continuous improvement of living conditions and the full enjoyment of leisure and social and cultural opportunities;

b) to create rapid development of the whole country by means of public and private economic activity and by laws prescribing such planning and control as may be expedient for directing and coordinating such public and private economic activity towards social objectives and the public weal; and

c) to avoid an economic crisis.

The contention on the part of some of the petitioners is that Clause 2 (a) of the Bill reflects a mirror image of Article 27 (2) (c) of the Directive Principles of State Policy in the Constitution, whilst Clause 2 (b) of the Bill which privileges rapid development of the whole country is a verbatim reproduction of Article 27 (2) (d) of the Directive Principles. The gravamen of the Petitioners is that there is no

comprehensive provisioning for all other directive principles as set out in Chapter VI of the Constitution and that there cannot be a selective prioritization of only two of the provisions in the Directive Principles. A well-meaning submission as it was, it however overlooks the basic premise on which socio-economic rights are structured. Polycentricity is the essence of socio-economic rights and as Aristotle warned, “in framing an ideal, we may assume what we wish, but should avoid impossibilities.”⁶ One criticism of socio-economic rights is that they rest on utopian fantasy of unlimited resources, unimpeded distribution, and unfettered access. The provision for a full amplitude of socio-economic rights demands a strong state that is rich in national productivity, strong in administrative capacity and flush with an abundance of financial resources—otherwise constitutional claims will far surpass supply and breed distrust in the law. As Mark Tushnet puts it succinctly,

*Protecting private law rights and first- and second-generation constitutional rights is cheap, though not free. Protecting social welfare rights is expensive. Constitutional rights with large fiscal consequences require someone to raise the funds, either through taxation or through the redirection of existing taxes, to ensure that the constitutional rights are effectively realized. But courts lack the power to raise money through taxes. Only legislatures can do that.*⁷

Responding to this criticism, national constitutions that include positive obligations in the form of directive principles of state policy temper these guarantees with the realism of disclaimers that speak of “available resources” and “progressive realization.”⁸ The guiding principles of the International Covenant on Economic, Social and Cultural Rights (ICESCR) declare that;

*Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present covenant by all appropriate means, including particularly the adoption of legislative measures.*⁹

So, the ICESCR to which Sri Lanka became a party on 11 June 1980 does not prescribe the full realization of socio-economic rights pronto. A progressive realization of socio-economic rights is mandated only having regard to the available resources of a state party. It is precisely for this reason that our Constitution enacts with clarity in Article 29 that Directive Principles do not confer or impose legal rights or obligations and are not enforceable in any court or tribunal. The legislature cannot aim at an impossibility where a depleted exchequer has to subserve polycentric needs and courts cannot boast of institutional capacity to dictate the specific social rights to which fiscal resources must be disbursed. Though the status of the Directive Principles has been explicated subsequently by several decisions of this Court,¹⁰ the core minimum of its utility is apparent upon a clear reading of Article 27 (1) which declares:

The Directive Principles of State Policy herein contained shall guide Parliament, the President and the Cabinet of Ministers in the enactment of laws and the governance of Sri Lanka for the establishment of a just and free society.

The pivotal question would then be whether the Directive Principles would guide the legislature in enacting legislation to achieve a progressive progression of socio-

economic rights subject to its available resources. Inasmuch as we find such a rational nexus in the proposed legislation, the omission to refer to all the directive principles in the Bill would not be inconsistent with the Constitution. For instance, as we have pointed out above, there cannot be a full realization of socio-economic rights so long as the national kitty remains empty as Mother Hubbard’s cupboard. A progressive realization of socio-economic rights will be elusive until and unless the country becomes affluent in its national productivity. The Bill prioritizes National Productivity as part of the new economic transformation drives and in order to improve national productivity, it also seeks to establish a National Productivity Commission.¹¹ In the circumstances it would be preposterous to contend that the whole range of Directive Principles in the Chapter on Directive Principles of State Policy (Chapter VI of the Constitution) must be itemized in the Bill. If one were to look for comparative experience, the well-known South African case of *Grootboom*,¹² bears attention. The South African Government contended that the goal of its housing program was to realize everyone’s right to have access to adequate housing in the longer term and, that it had taken concrete actions to this effect. The Constitutional Court of South Africa could not in fact strike down the measures as being “unsuitable” given that its articulated goal was achieving long-term solutions to the housing crisis in the Western Cape.¹³ The fact that the government had made no provision for the short-term housing of those who were in desperate need could not be challenged on the ground of “suitability” given that its stated goal was providing housing for all in the long-term. The provisioning of the whole range of socio-economic rights becomes difficult of accomplishment in times of economic crisis and an austerity package, for instance, of not providing for the full amplitude of other equally important socio-economic rights may be crucial

measures in order to secure greater benefits for all in the longer term.¹⁴ The proper question to pose in the context of socio-economic rights is whether the measures being taken are suitable for the realization of the purposes they are designed to achieve.

On account of the manifold reasons we have recited above, **Clause 2** of the Bill entirely accords with what we consider to be the proper interpretation of Directive Principles and the clause aligns with the purposes that the statute has designed to achieve. Thus, no inconsistency arises in regard to **Clause 2**.

We will now turn to **Clause 3**.

Clause 3 in extenso

As we observed earlier, this was one of a set of provisions that was assailed as inconsistent with the Constitution, as Mr. Manohara de Silva, PC, strenuously contended that the clause imposes fetters on the policy-making power of the executive and consequently the legislature, as do, according to his contention, the allied provisions such as Clauses 4, 5, 6, 7, and 8. Thus, there is a cumulative challenge to Clauses 3, 4, 5 and 6 by majority of the petitioners. In the circumstances it becomes necessary to examine these clauses and the nub of the unified argument of the petitioners.

Clause 3 deals with National Policy on Economic Transformation and when one examines **Clause 3**, it contains a two-pronged approach to National Policy on Economic Transformation (NPoET). **Clause 3 (1) (a)** deals with restructuring of the debt owned by the government, while **Clause 3 (1) (b)** envisages the transformation of Sri Lanka to a highly competitive, export-oriented, digital economy. We would reproduce **Clause 3 in extenso**.

⁶ Aristotle, 2000, *Politics*, trans. Benjamin Jowett, Mineola, NY: Dover Publications, p.68.

⁷ Mark Tushnet 2004, Social welfare rights and the forms of judicial review. *Tex.L.Rev.* 82: 1895, 1896-1897.

⁸ See Eric C. Christensen 2007, Adjudicating non-justiciable rights: Socio-economic rights and the South African Constitutional Court. *Colum.Hum.Rts.Rev.* 321, 341.

¹¹ See the long title to the Bill, Clause 9 which references National Productivity Commission as one of the Agencies to assist the Government and Clause 132 which establishes a National Productivity Commission.

¹² *Government of the Republic of South Africa v Grootboom*, 2001 (1) SA 46 (CC).

¹³ See David Bilchitz, *Socio-Economic Rights, Economic Crisis, and Legal Doctrine*, 1 *Con* (2014) Vol.12 No.3, 710-739

¹⁴ See, for examples of the austerity measures in the European countries, *EU Austerity Drive Country by Country*, European Institute.

⁹ See Article 2 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

¹⁰ See Sarath N Silva CJ in *Haputhantirige and Others v Attorney General* (2007) 1 Sri.L.R 101 at 113 (*the Directive Principles cannot become as illusive as a mirage in the desert*); Prasanna Jayawardene, PC in *Ravindra Gunawardene Karayawansa v CEA* SC FR 141/2015 SC minutes of 4.4.2019 at 50 (*The Directive Principles of State Policy are not wasted ink in the pages of the Constitution. They are a living set of guidelines which the State and its agencies should give effect to*).

Clause 3

(1) *The National Policy on Economic Transformation shall provide for—*

- (a) *the restructuring of the debt owed by the Government, that the—*
- (i) *Public Debt to Gross Domestic Production ratio shall be below ninety-five per centum by the year 2032 and thereafter;*
 - (ii) *Central Government Annual Gross Financing Needs to Gross Domestic Production ratio shall be below thirteen per centum by the year 2032 and thereafter; and National Policy on Economic Transformation*
 - (iii) *Central Government Annual Debt Service in Foreign Currency to Gross Domestic Production ratio shall be below four decimal half per centum by 2027 and thereafter; and*
- (b) *the transformation of Sri Lanka to a highly competitive, export-oriented, digital economy including—*
- (i) *diversification and deep structural changes of the national economy to boost competitiveness;*
 - (ii) *achieving Net Zero by the year 2050;*
 - (iii) *increasing integration with the global economy;*
 - (iv) *achieving stable macroeconomic balances and sustainable debt;*
 - (v) *modernize agriculture to boost farmer productivity, farmer incomes, and agriculture exports; and*
 - (vi) *promote inclusive economic growth and social progress.*

(2) *For the purpose of this section “NET Zero” means the balance between the amount of greenhouse gas that is produced in Sri Lanka and the amount that is removed from the atmosphere.*

Clause 3 (1) (a)

It is axiomatic that, with a view to restoring macroeconomic stability and public debt sustainability while safeguarding financial stability, the Government of Sri Lanka entered into a forty-eight-month arrangement under the Extended Fund Facility (EFF) with the International Monetary Fund (IMF) on 20 March 2023 to secure a speedy transition to economic recovery.¹⁵

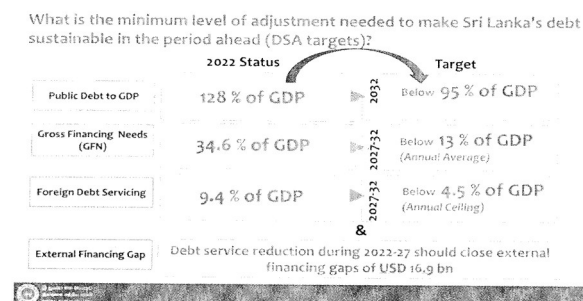
As a consequence, this arrangement has brought about the following debt sustainability targets under the IMF-EFF supported programme namely;

- i. To reduce the level of public debt from its status in 2022 of 128% of GDP to below 95% of GDP by 2032;
- ii. To reduce the average central Government Gross Financing Needs (GFNs) from its status in 2022 of 34.6% of GDP to below 13% of GDP for the period of 2027-2032, so that rollover risks under stress are manageable;
- iii. To limit the foreign exchange debt service of the central government from 9.4% of GDP as at 2022 to below 4.5% of GDP in any year during 2027-32; and
- iv. To ensure that the fiscal and external financing gaps are closed.

Background to Clause 3 (1) (a)

In the course of the arguments both Mr. Sanjeeva Jayawardena, PC who appeared for the Interventient Petitioner in S.C. (SD) No. 63/2024 and the learned Deputy

Solicitor General Mr. Nirmalan Wigneshwaran both brought to the attention of court the following pictorial representation that reflects the aforesaid debt sustainability targets.



(Source: Presentation to the Cabinet of Ministers by the Governor of Central Bank of Sri Lanka on 28 June 2023, pg 12)

It is these policy targets that have found their way into Clause 3 (1) (a) for **the restructuring of debt owed by the Government**. In a nutshell, the targets aimed at are the following:

- Public Debt to Gross Domestic Production ratio shall be below ninety-five per centum (95%) by the year 2032 and thereafter; - Clause 3 (1) (a) (i)
- Central Government Annual Gross Financing Needs to Gross Domestic Production ratio shall be below thirteen per centum (13%) of GDP by the year 2032 and thereafter; and - Clause 3 (1) (a) (ii)
- Central Government Annual Debt Service in Foreign Currency to Gross Domestic Production ratio shall be below four decimal half per centum (4.5%) by 2027 and thereafter - Clause 3 (1) (a) (iii)

As is apparent, Clause 3 (1) (a) seeks to limit the financial needs of the Government in a belt-tightening exercise; it also exhorts limited foreign borrowings. The clause thus dovetails perfectly with the objectives spelled out in Clause 2, insofar as it enables Parliament to have full control over finance, thereby minimizing the likelihood of another economic crisis-the golden mean the country as a whole would yearn for.

Clause 3 (1) (b) and Clause 3 (2)

Clause 3 (1) (b) is also aspirational in that it seeks to transform Sri Lanka into a highly **competitive, export-oriented, digital economy**. Towards this end, it envisages:

- Diversification and deep structural changes to boost competitiveness.
- Achieving Net Zero Emissions by the year 2050.
- Increasing integration with the global economy.
- Achieving macroeconomic balances and sustainable debt.
- Modernizing agriculture; boosting productivity, incomes and agricultural exports.
- Promoting inclusive growth and economic progress.

In Clause 3 (2) the term Net Zero is defined to mean “*The balance between the amount of greenhouse gas that is produced in Sri Lanka and the amount that is removed from the atmosphere.*”

Clause 3 (2) as part of its broader National Policy on Economic Transformation (NPoET) identifies “key climate mitigation concerns” that are likely to arise in the likelihood of direct greenhouse gas emissions (GHG), due to an increased demand for energy”. There are some consequential questions that are bound to arise as investment flows in and industries take off: ‘Will the proposed investment significantly influence demand for energy? Is it possible to use renewable energy sources?’ Additionally, indirect GHG emissions caused by any supporting activities

¹⁵ Vide, Cabinet Memorandum titled “Implementation of the Domestic Debt Optimization to restore sovereign debt sustainability” dated 28 June 2023

or infrastructure are directly linked to the implementation of the proposed investment or project, such as transport, need consideration: 'Will the proposed project significantly increase or decrease personal travel? Will the proposed project significantly increase or decrease freight transport?' We do not consider these questions to be exhaustive, as environmental justice is bound to raise many more such questions.

In adopting the Paris Agreement on 12 December 2015, a majority of the nations of the world have acknowledged that climate change represents "an urgent and potentially irreversible threat to human societies and the planet" (Preamble to the decision to adopt the agreement) and have agreed on the goal of "holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels": Article 2(1)(a). It is left to each state party to decide what measures it will take towards achieving this goal by preparing, communicating and maintaining successive "nationally determined contributions" that it intends to achieve: see Article 4(2). To date, most state parties' planned contributions have focused on setting targets for reducing GHG emissions from the consumption of fossil fuels within their own territory and taking measures aimed at reducing such consumption - for example, by promoting the development and use of alternative sources of energy. Therefore, it is appropriate to stipulate Net Zero as a legislative response to the perennial challenge of climate change.

Environmental policy is acknowledged to be economic policy¹⁶. In accordance with the principle that no government should sacrifice the environment at the altar of fiscal expediency, Sri Lanka has pledged to achieve its "Net-Zero" Carbon status by

¹⁶ Andrew Leach, 'Environmental Policy Is Economic Policy: Climate Change Policy and the General Trade and Commerce Power' (2020) 52 Ottawa L. Rev 295.

2050 in the updated Nationally Determined Contributions (NDCs) submitted in July 2021¹⁷.

Having thus examined the salient features of Clause 3, we acknowledge the criticism regarding the provisions—specifically, the constraints and limitations imposed on the executive and legislature. We will proceed to assess and evaluate the submissions of the petitioners after examining Clauses 4, 5, 6, 7, and 8, which were also challenged on similar constitutional grounds.

Clause 4 in extenso

Clause 4 establishes goals and targets for successive cabinets. The specific goals and targets as outlined are as follows:

It shall be the duty of the Cabinet of Ministers charged with the direction and control of the Government of Sri Lanka under Article 43 of the Constitution, to base the National Policy on Economic Transformation on the following targets:

- (a) Gross Domestic Production growth to reach-
 - (i) five per centum annually by the year 2027; and
 - (ii) above five per centum annually thereafter;

Explanation

The year 2027 will mark five years since the beginning of the crisis. Sri Lanka's positive recovery must enshrine a full economic recovery by the year 2027. The economic growth should be accelerated to above five per

centum after the year 2030 to achieve an Advanced Economy status by the year 2048.

(b) unemployment to reach below five per centum of the labour force from the year 2025;

Explanation

Unemployment rates in Sri Lanka have typically been low and a target rate of five per centum locks this in.

(c) Female Labour Force Participation to reach-

- (i) not less than forty per centum by the year 2030; and*
- (ii) not less than fifty per centum by the year 2040;*

Explanation

Measures to increase Female Labour Force Participation can significantly increase labour productivity and growth in the economy.

(d) current account deficit of the balance of payments shall not exceed one per centum of Gross Domestic Production annually;

Explanation

Persistent current account surpluses will help Sri Lanka manage its external debt service obligations on a sustainable basis. However, in case of a current account deficit in a given year, this deficit should be limited to less than one

per centum of Gross Domestic Production.

(e) exports of goods and services as a percentage of Gross Domestic Production to reach-

- (i) not less than twenty-five per centum of Gross Domestic Production by the year 2025;*
- (ii) not less than forty per centum of Gross Domestic Production by the year 2030; and*
- (iii) sixty per centum of Gross Domestic Production by the year 2040;*

Explanation

A target of forty per centum of Gross Domestic Production by the year 2030 is needed to convert Sri Lanka from an inward-oriented economy to an outward-oriented economy.

(f) Net Foreign Direct Investment as a percentage of Gross Domestic Production to reach-

- (i) not less than five per centum of Gross Domestic Production by the year 2030; and*
- (ii) at least forty per centum of Net Foreign Direct Investment to be in exports of goods or exports of services by the year 2030;*

Explanation

Shift to export-oriented Foreign Direct Investment in order to support the growth of non-debt creating inflows to the economy.

(g) Primary Balance in the Government Budget to reach two decimal three per centum of Gross Domestic Production until the year 2032 and at least two per

centum of Gross Domestic Production from the year 2032 onwards;

Explanation

¹⁷ Carbon Net Zero 2050 Roadmap and Strategic Plan Sri Lanka, published by the Ministry of Environment, November 2023.

In order to prevent the recurrence of such an economic crisis, it is essential to ensure that a primary surplus of at least two per centum of Gross Domestic Production is maintained in the Government budget.

(h) Government revenue to reach at least fifteen per centum of the Gross Domestic Production beyond the year 2027; and

Explanation

To maintain robust domestic resource mobilization.

(i) multi-dimensional poverty headcount ratio to be less than fifteen per centum by the year 2027 and less than ten per centum by the year 2035.

Explanation

The reduction of multi-dimensional poverty (including education, health, housing and access to basic services) to promote inclusive growth through economic transformation.

In a nutshell the specific goals and targets which are cast upon successive cabinets would be as follows;

- **GDP growth - 5%** (or more) beyond the Year 2027, i.e., within 5-years from economic crisis – Clause 4 (a)
- **Unemployment** levels has to be below 5% from the Year 2025 – Clause 4 (b)
- **Female Labour Force Participation** should not be less than 40% by the Year 2030 & not less than 50% by the Year 2040 – Clause 4 (c)
- **Current Account Deficit of the Balance of Payment** should not exceed 1% of GDP – Clause 4 (d)
- **Exports to reach:** - Clause 4 (e)
 - Not less than 25% of GDP by the Year 2025
 - Not less than 40% of GDP by the Year 2030
 - Not less than 60% of GDP by the Year 2040
- **Net Foreign Direct Investment;** Clause 4 (f)
 - Not less than 5% of GDP by the Year 2030, > 40% to be export of Goods & Services by the Year 2030
- **Primary Balance of the Budget** to reach 2.3% of GDP till the Year 2032, and at least 2% thereafter – Clause 4 (g)
- **Govt. Revenue** to reach 15% of GDP beyond the Year 2027 – Clause 4 (h)
- **Multidimensional Poverty headcount ration** to be less than 15% by the Year 2027 and less than 10% by the Year 2035 – Clause 4 (i)

The argument of many of the petitioners that these targets shackle the executive and the future governments is not borne out by the content of these targets as Clauses 5, 6, 7 & 8 put together appear to aim at debt reduction and debt sustainability of the country. For the purpose of addressing the argument that the policies and targets set out in Clauses 3 and 4 operate as fetters on the executive and Parliament, an overall examination of the related Clauses becomes appropriate.

Clauses 5, 6, 7 & 8 – Obligations of the President / Cabinet of Ministers

A composite reading of the above Clauses makes it patently clear;

- President shall, commencing from 2025, ensure that every five years, the Cabinet of Ministers shall prepare and present to Parliament a report on the policy framework and strategies to give effect to the National Policy on

Economic Transformation, whereas the Cabinet of Ministers may from time to time revise such report and present such revisions to Parliament¹⁸

- all policies, programmes, regulations, circulars and directives of the Government shall conform to such National Policy on Economic Transformation (NPoET), thereby once again seeking to ensure that the Executive conforms to the legislated policy¹⁹
- the Government shall, through the Minister assigned the subject of Economic Policy present to Parliament on 31 March each year a report on the measures being taken towards achieving each target of the National Policy on Economic Transformation (NPoET)²⁰
- If targets are not met, the government shall inform Parliament of the measures being taken to remedy the situation and indicate when the target will be met. The remedial measures will reflect a firm commitment and comprehensive strategy to meet the targets, which shall be a binding condition²¹
- Parliament, will have oversight on the cabinet of ministers in the execution of its powers and responsibilities under the Act²²

Arguments for and against the Constitutionality of Clauses 3, 4, 5, 6, 7 & 8.

Various assertions were made that Clauses 3 and 4 of the Bill violate principles of sustainable development and Buddhism. In our view this submission is ill-founded and inaccurate.

¹⁸ See Clauses 5 (1) and (2) of the Bill.

¹⁹ See Clause 6 of the Bill

²⁰ See Clause 7 (1) of the Bill

²¹ See Clause 7 (2) of the Bill

²² See Clause 8 of the Bill which also makes reference to Articles 4, 43 and 148.

In certain countries policy areas have become legalized to a substantial degree, even though the legislative and executive branches remain leading decision makers in these areas.

The observations of Krishna Iyer, J. in *State of Kerala vs. Gwalior Rayon Silk Mfg. (Wvg.) Co. Ltd*²³ reflects the attitude of the Supreme Court towards the administrative and legislative policy decisions:

*"What programme of agrarian reform should be initiated to satisfy the requirement of rural uplift in a particular community under the prevailing circumstances is a matter for legislative judgment. Here, in this field the legislature is the policy maker and the court cannot assume the role of an economic advisor or censor competent to pronounce whether a particular programme of agrarian reform is good or bad from the point of view of the needs of the community. The sole issue for the Court is whether it is in fact a scheme of agrarian reform, and if it is, the prudence or folly thereof falls, outside the orbit of judicial review being a blend of policy, politics and economics ordinarily beyond the expertise of the proper function of the court."*²⁴

In *Directorate of Film Festivals vs. Gaurav Ashwin Jain*,²⁵ the Indian Supreme Court following the dicta in *Asif Hameed vs. State of J&K*, *Sitaram Sugar Co. Ltd. vs. Union of India*, *Khoday Distilleries Ltd. vs. State of Karnataka*, *BALCO Employees' Union vs. Union of India*, *State of Orissa vs. Gopinath Dash* and

²³ *State of Kerala v Gwalior Rayon Silk Mfg. (Wvg.) Co.Ltd.*, (1973) 2 SCC 713.

²⁴ *Ibid*

²⁵ *Directorate of Film Festivals v Gaurav Ashwin Jain*, (2007) 4 SCC 737.

Akhil Bharat Goseva Sangh vs. State of Andhra Pradesh, summed up the scope of judicial review of executive and governmental policy as follows:

"The scope of judicial review of governmental policy is now well defined. Courts do not and cannot act as Appellate Authorities examining the correctness, suitability and appropriateness of a policy, nor are courts advisors to the executive on matters of policy which the executive is entitled to formulate. The scope of judicial review when examining a policy of the Government is to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary. Courts cannot interfere with policy either on the ground that it is erroneous or on the ground that a better, fairer or wiser alternative is available. Legality of the policy, and not the wisdom or soundness of the policy, is the subject of judicial review."

In **2G Telecom Spectrum Scam Case** (2012) the Indian Supreme Court scrutinized the auction processes for allocation of both the telecom blocks to private entities based on Article 14 arbitrariness review, while at the same time also playing an active role in investigating allegations of corruption.²⁶ Despite the activist role of the Indian Supreme Court in policing corruption in privatization and liberalization policies, it is worthy of observing that the court articulated a narrow and limited scope of judicial review for economic policies.

In the **2G Telecom Spectrum Scam Case** (*supra*) whose citation also goes as **Centre for Public Interest Litigation and Others vs. Union of India and Others with**

²⁶ See Subramanian Swamy v. A. Raja, (2012) 3 SCC 1 (quashing allocation of telecom licenses); Subramanian Swamy v. A. Raja (2012) 9 SCC 257 (Court adjudication of investigation into 2G scam); Manohar Lal Sharma v. Union of India (2014) 9 SCC 516 (cancelling Coal Block mining licenses).

Subramanian Swamy v. Union of India and Others²⁷ the Supreme Court of India articulated the narrow approach towards economic policies thus:

*Power of judicial review should be exercised with great care and circumspection and the Court should not ordinarily interfere with the policy decisions of the Government in financial matters. There cannot be any quarrel with the proposition that the court cannot substitute its opinion for the one formed by the experts in the particular field and due respect should be given to the wisdom of those who are entrusted with a task of framing the policies.*²⁸

The Supreme Court of India in the same breath held that when it is clearly demonstrated that the policy framed by the state or its agency – instrumentality and/or its implementation is contrary to public interest or is violative of the constitutional principles, it is the duty of the court to exercise its jurisdiction in larger public interest and reject the stock plea of the State that the scope of judicial review should not be exceeded beyond the recognized parameters.

In our own country decisions made on economic considerations must largely be left to the legislature in view of the inherent complexity of fiscal adjustment of diverse elements that require to be made

According to the petitioners, Clauses 2, 3 and 4 of the Bill are inconsistent with the Sovereignty of the People guaranteed by Article 3 read with Article 4 of the Constitution. This argument is premised on the contentions that the Constitution of Sri Lanka recognizes the separation of powers between the organs of government, i.e. Executive, Legislature and Judiciary, National Policy lies within the realm of Executive power under Article 4(b) and, therefore, Parliament which exercises Legislative power under Article 4(a) cannot dictate the substance of National Policy and impose a duty on the Cabinet of Ministers (which belongs to the Executive arm of government and is charged with *inter alia* the formulation of

policy as part of its power under Article 43) to base National Policy on specific targets fixed by the Legislature by law. This argument of the Petitioners is misconceived for the following reasons:

- a) The Reserved List specifically includes National Policy as a matter within the Legislative Competence of Parliament
- b) In any event, Article 33(a) only provides for the right to make a statement and is not a conferment of unfettered power
- c) The Petitioners have ignored several articles of the Constitution that restrict the President's powers vis a vis Parliament
- d) The Petitioners argument taken to its logical conclusion would result in no law being passed
- e) Clause 2 mirrors Article 27 and as such cannot, by definition, be unconstitutional
- f) The Bill's "ideology" is not incompatible with Article 1 of the Constitution and in any event Court is not concerned with economic ideology
- g) The Bill is not inconsistent with Article 9 of the Constitution

Further, Parliament retains the said full control over public finance by Clauses 5, 6, 7 and 8 of the Bill. These provisions require the Executive arm of government to be responsible to the Legislative arm in numerous ways and, therefore, illustrate the third vital component of control over public finance, i.e. control by way of continuous audit and check as to due diligence.

In the circumstances the argument that the Bill is in consistent with Articles 3 & 4 is fallacious. In any event one Parliament cannot bind another Parliament and these targets could always be changed by a successive Parliament. Therefore, the provisions pass constitutional muster.

Before we part with Part I, we would observe that Parliamentary supervision, as contemplated in Clause 8, should be amended by deleting Article 4 contained therein, as such supervision is adequately covered by Articles 43 and 148.

New Agencies to be established under the proposed Law

Clause 9 – Agencies to assist the government.

Clause 9 declares that, in order to achieve the objectives of rapid growth for National Economic Transformation, the following agencies will be established under the proposed legislation to assist the government.

- (a) Economic Commission established by section 11;
- (b) Zones SL established by section 61;
- (c) Office for International Trade established by section 99;
- (d) National Productivity Commission established by section 132; and
- (e) Sri Lanka Institute of Economics and International Trade established by section 162;

PART II, Chapters II – XIV

Economic Commission

Part II deals with the establishment of the Economic Commission (EC) and sets out its objects²⁹, duties and functions³⁰, as well as provisions regarding the power of the minister to declare Investment Zones.

²⁷ (2012) 3 SCC 1 at p.62

²⁸ *Ibid* at para 99.

²⁹ See Clause 12 of the Bill

³⁰ See Clause 14 of the Bill

Chapter IV deals with administration and management of the Economic Commissions and sets out its composition.³¹

Clauses 18 to 21 address disqualification for being a member of the Economic Commission Board (EC), the term of office of every appointed member, the removal and resignation of appointed members, and conflicts of interest involving any member of the EC Board.

Chapter V creates the office of a Director General of the EC and establishes the staff of the EC.³²

Clause 28 is a salutary provision in that any officer in public service may with the consent of the officer and the Public Service Commission could be temporarily appointed to the staff of the EC for such period as may be determined by the EC.

In regard to the permanent appointment of such an officer to the staff of the EC, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis*, apply to and in relation to such officer:

Colombo Port City Special Economic Zone Excluded

It has to be borne in mind that the provisions of Part II of the Bill covering Chapters II to XIV will not apply to the Colombo Port City Special Economic Zone established under Section 2 of the Colombo Port City Economic Commission Act No.11 of 2021.

An overall conspectus of Part II, concerning the Economic Commission of Sri Lanka, which will spearhead investment and international trade in the country, will deal

³¹ See Clause 16 of the Bill

³² See Clauses 26 & 27 of the Bill

with the following broad areas. That displays the range of multiple roles that the EC is expected play.

- a) Policy Level support to the Government
- b) Promotion and Facilitation of Investment
- c) Registration of Investments
- d) Dispute Resolution Facilitation
- e) Regulatory Oversight of Investment Zones (through Zones SL)

Policy Level Support

The Economic Commission's role in this regard may be summarized as follows:

- a) Reviewing policies and advising Minister (Clause 13(d))
- b) Recommending Policies (Clause 14(a))
- c) Performance reviews and research (Clause 14(g) and (h))
- d) Specific procedure set out National Policies on Investment, International Trade and Investment Zones to be recommended to the Minister (Clause 32)
- e) Determine investments of strategic importance (Clause 12(d))
- f) Promotion of sustainable FDI (Clause 12(a))
- g) Increase employment focused recommendations (Clause 12(a))
- h) Recommend policies for diversification of sources of foreign exchange by increasing exports (Clause 12(g))

Promotion and Facilitation of Investment

The role of the Economic Commission in this regard can be summarized as follows:

- a) Creation and maintenance of a robust investment climate (Clause 13(c))
- b) Promote both domestic and foreign investments (Clause 13(e))

- c) Streamlining the regulatory environment to ensure transparency (Clause 14(c))
- d) Empowered to recommend to the Minister incentives and exemptions to investors (Clause 45)
- e) Facilitate the expeditious approvals from other Specified Institutions (Clause 46)
- f) Promotion of Investment in Sri Lanka by establishing a Company - Invest Sri Lanka (Clause 48)
- g) Promote and enable Ease of Doing Business (Clause 12(c))
- h) Stimulate international trade by increasing exports (Clause 14(d))
- i) Encourage & foster development of Industrial & commercial enterprises within Sri Lanka (Clause 12(h))
- j) The Economic Commission is required to ensure transparency by publishing all relevant written law and other resources in one place (Clause 42).

Amendments to Clause 13

Deletion of Clause 13 (b)

It has been brought to the attention of this court in the written submissions of the Attorney General that Clause 13 (b) will be deleted in toto. Though this matter was not argued before Court, we have examined Clause 13 (b) and are in agreement that there is no necessity to have a separate clause with regard to the recommendations that the Economic Commission needs to make as regards an independent regulator for the investment zones. This clause is otiose as this is only a provision to recommend the creation of such an independent regulator. This can be suitably implemented by an amending legislation. In the circumstances, Clause 13 (b) shall not be proceeded with.

Amendment to Clause 13-the Corporate attribute of proprietary right to be included in Clause 13.

Though this was tangentially touched upon in the course of the argument, we have examined the question of the Economic Commission acquiring property as it is a legal person. In the circumstances, the Court suggests an amendment to Clause 13 in order to invest the Economic Commission with the power of purchasing, holding and disposing of shares, stocks, and similar assets.

Clause 15 - Alienation of State Land and Acquisition of Private Land

Several petitioners³³ impugned Clause 15, which, as it stands, does not afford adequate safeguards in the event of acquisition of private lands. For instance, Mr. Uditha Egalahewa PC contended that the alienation of State land to corporate bodies undermines Article 3 of the Constitution. He pointed out that Article 33 (f) of the Constitution read with Appendix II, vests the President with the exclusive jurisdiction over the grant and alienation of State land, to be exercised on the advice of the relevant provincial Council. The 13th Amendment introduced Article 33 (d), which was renumbered as Article 33 (f) after the 20th amendment. In this context, it was his contention that Clause 15 of the proposed law designates the Minister, rather than the President, to declare land as an investment zone and vest it in Zones SL.

Mr. Manohara de Silva PC also impugned this provision on the same lines and contended that the Bill cannot become law without consulting the provincial councils as land and land acquisition reside in Provincial Council List. Mr. Nuwan Bopage who appeared for the Petitioner in SC/SD/66/2024 cited the locus classicus on public trust *Bulankulama v Secretary, Ministry of Industrial*

³³ SC/SD/61-2024 & SC/SD 65/2024, SC/SD/63/2024, SC/SD/65/2024, SC/SD/75/2024, SC/SD 76/2024 and SC/SD778/2024.

*Development (Eppawela Case)*³⁴ drive home his point that natural resources face the danger of depletion because of the extensive powers vested in the Minister by way of Clause 15. It has to be acknowledged that this Court is not confronted with facts as were established by the petitioners in the *Eppawela case*. What is in contention before this Court is the constitutional validity of Clause 15 as it stands and not the conjectural depletion that may or may not take place, if at all, due to arbitrary action.

It has to be recognized that Amerasinghe J echoed the principle that natural resources should be developed in a prudent and sustainable manner in order to strike an equitable balance between the needs of the present and future generations of Sri Lankans. Amerasinghe J took the view that due regard should be had by the authorities concerned the general principle encapsulated in the phrase ‘sustainable development’, namely human development and the use of natural resources must take place in a sustainable manner. The learned Judge also reiterated the importance of the principle of inter-generational equity.

Provided these competing principles are borne in mind, it is not objectionable to the rapid development of the country to promote sustainable development and the constitutional validity of the provision before us cannot be challenged by the possibility of a prospective abuse of the principles of public trust, sustainable development and intergenerational equity.

Having examined the respective submissions of Counsel, we take the view that Clause 15 as regards alienation or disposition of State Land offends the Constitution inasmuch as it does not recognize the power of the President in Appendix II of the Constitution titled **Land and Land Settlement** and can only be

³⁴ (2000) 3 SriLR 243.

passed with a special majority and a referendum since the non-recognition of President’s power is an intrusion on executive power and Article 3 would be attracted as a result.

Thus, in light of the above constitutional requirement, the power of the President to alienate or dispose of State land has to be recognized in the Bill and it is only thereafter that the duty can be cast upon the Zones SL to utilize the land. The Attorney General has proposed the following committee stage amendment in order to resolve this issue.

The provision as it stands, and the proposed committee stage amendment can now be juxtaposed.

Current formulation of Clause 15 (1)

After having decided the requirements for an investment zone, the Economic Commission will make the recommendation to the Minister.

Clause 15(1) which gives the power to the Minister to declare investment zones, reads as follows:

“(1) The Minister shall, upon receipt of a recommendation under paragraph (f) of section 14 to declare an Investment Zone, with the approval of the Cabinet of Ministers, by Notice published in the Gazette, declare such Investment Zone by specifying-

- a) the metes and bounds of the land area which shall fall within such Zone; and
- b) the sector in which such zone falls and whether it is a single sector or multiple sector zone as referred to in subsection (4)”

But the contention raised before Court is the non-recognition of the President’s power to dispose of state land.

The Suggested Committee Stage Amendment by the Attorney-General

“(2) Where whole or part of Investment Zone is private land, the notice published under subsection (1) shall, in respect such private land, be deemed to be a notice published under section 2 of the Land Acquisition Act (Chapter 450) and the provisions of that Act shall *mutatis mutandis* apply in relation to such private land.

(3) The President may make or execute a grant or any other disposition of any State land within any Investment Zone to the Zones SL, subject to the condition that any such State land shall not be alienated for private use except to the developers, operators or enterprises or other body of persons established within such Investment Zone.

(4) Upon a grant or disposition made or executed under subsection (3), the Zones SL shall, subject to conditions specified therein, be responsible for the use of such land.”;

Since alienation or disposition of State land is subject to the provisions of the constitutions and any other written law, the above formulation suffices but this court would suggest the insertion of the word “alienation” just before the word disposition in the proposed amendment in Clause 15 (3) and a consequent insertion of the word “alienation” in Clause 15 (4) as well.

If this amendment as formulated above is made, the inconsistency in Clause 15 as it stands now, will cease. As regards the contention that provincial Councils have to be consulted, this question would not arise in view of this Court’s determination in *Colombo Port City Economic Commission Bill*³⁵ in which the Court invoked *lex*

³⁵ SC/SD Nos.4, 5 & 7-23/2021

non-cogit ad impossibilia (law will not compel the performance of impossible things). In any event, this question is irrelevant to the determination of the relevant provision of the Bill as we find them. So long as alienation or disposition of State land is effected in accordance with the provisions of the Constitution and any written law, such an exercise would be invested with constitutional propriety.

Before we part with this discussion on alienation or disposition of State land, let us examine the commencement of the acquisition procedure.

Acquisition procedure for establishing investment zones.

The commencement of the acquisition procedure for the purpose of creating investment zones begins from **clause 81(1)** which reads as follows;

“(1) The Zones SL Board shall, in consultation with the Economic Commission, conduct studies on the requirements for investment zones to facilitate the accomplishment of the goals in the national policies on investment, international trade, exports and investment zones formulated by the Economic Commission.”

As we referred to before, having decided the requirements for an investment zone, the Economic Commission will make the recommendation to the Minister. **Clause 15(1)** gives the power to the Minister to declare investment zones. This clause concerns only the declaration of the investment zone.

The aforesaid procedure could be summarized as follows;

- i. Either State land or private land could be declared by the Minister as an investment zone.
- ii. Declaration of an investment zone by the Minister is subject to certain safeguards. They are;

- a) The Zones SL Board shall, in consultation with the Economic Commission, conduct studies on the requirements for investment zones.
- b) The Zones SL Board shall thereafter make recommendations to the Economic Commission for the establishment of investment zones based on findings of its studies. Such recommendations shall *inter alia* include; (clause 63(2))
- the business justification for the establishment of any investment zones;
 - site selection and location;
- c) It is only upon the approval of the Cabinet of Ministers for the of an investment zone, the Minister shall procure the vesting of such site to the Zones SL. (clause 81(3))
- d) For all private lands acquired, the Land Acquisition Act shall apply.
- e) All State lands that are transferred/vested with the Zones SL shall not be alienated for private use except to the developers, operators or enterprises or other body of persons established within such Zone.
- f) Any land within any zone declared under subsection (1) of section 15 may be alienated or leased to any body-corporate only for the purpose of;
1. developing an investment zone to achieve the objects of the Zones SL AND
 2. in accordance with any plans, programmes or schemes made under this Part. (Clause 63(2))

This alienation or disposition has to be made in accordance with the provisions of the Constitution and any written law.

The amendment sought to be made to recognize the power of the President to alienate or dispose of State land has to be moved at the committee stage in order to render this provision (Clause 15) consistent with the Constitution.

Registration of Investments

The Economic Commission approves or registers investments and enterprises in terms of Clause 13(h). This is an important function, as it clarifies which persons fall within the scope of this law. Failure to register under this part means that foreign investors (Clause 34) as well as local investors (Clause 35) will not obtain benefits. Registration is a prerequisite for accessing the facilitation services outlined in the Bill.

Dispute Resolution Facilitation

The Economic Commission is required to set up a **Grievance Committee** to deal with foreign investors (Clause 43). The learned Deputy Solicitor General brought to the court's attention an ICSID arbitration award in favor of Sri Lanka, yet the recovery of costs awarded has been unsuccessful as the investor is overseas. Clause 44 provides for dispute settlement mechanisms, including arbitration. Undoubtedly, alternative dispute settlement methods and other legal remedies have been made available.³⁶ These norms are essential for creating a conducive investment environment.

Regulatory Oversight of Investment Zones

The Economic Commission's role in this regard may be summarized as follows:

- a) It recommends the creation (Clause 14(f)) and declaration of Investment Zones to the Minister (Clause 13(a))
- b) Regulatory Oversight of Zones SL (Clause 12(b))

The Part (**Chapter IX - Clauses 35-44**) provides for investment guarantees such as fair and equitable treatment³⁷, full protection and security³⁸, national treatment,

and most-favored-nation (MFN) treatment.³⁹ It also includes guarantees against expropriation except on recognized grounds⁴⁰, as well as provisions for dispute settlement.⁴¹ The entire chapter virtually reflects the minimum standards of international investment law. It should be noted, however, that where bilateral or multilateral treaties exist, investment guarantees will be governed by those treaties.⁴²

It is at this stage it becomes appropriate to discuss investment guarantees that are pledged to an investor by this legislation. The word "investor" itself is defined by Clause 59 (1) to mean a *natural person or an enterprise recognized as a legal entity by the applicable laws, that has made an investment in Sri Lanka in terms of this Part*. The term "foreign investor" means *a natural person or an enterprise recognized as a legal entity by the applicable laws of a foreign country, that has made an investment in Sri Lanka in terms of this Part*.

It is important to note that this Bill not only introduces new institutions but also repeals the primary Board of Investment Law, No. 4 of 1978, replacing it as the new investment law of Sri Lanka. This Bill aims to:

- Address the shortcomings of current investment policies
- Facilitate and promote investments
- Ensure legal protection for investments
- Expedite the provision of necessary information from government entities to avoid delays
- Clearly define investor obligations and responsibilities
- Accurately monitor foreign investments
- Foster the creation of an export-oriented digital economy

³⁹ See Clause 37 (1) of the Bill

⁴⁰ See Clause 39 of the Bill

⁴¹ See Clause 44 of the Bill

⁴² See Clause 35 of the Bill

It is in such an investment friendly environment that investment guarantees have to be given as it has always been the norm for a host state to accord such guarantees to investors.

Investment Guarantees.

These guarantees are enumerated in Chapter IX and as could be expected, these statutory investment guarantees are made inapplicable to an investment that is covered under bilateral and multilateral investment treaties.⁴³ This court will now discuss these guarantees, as two of them—specifically national treatment and most favored nation treatment—were challenged in these proceedings.

Clause 36-Fair and Equitable Treatment

The standard of treatment based on fairness and equity is reflective of modern international investment agreements and even pre-date them. These clauses are profusely used in Bilateral Investment Treaties (BITs) and noticeable in all the BITs to which Sri Lanka is a party.

Standards of treatment based on fairness and equity pre-date modern International Investment Agreements (IIAs). Fair and Equitable Treatment (FET) clauses used in BITs and other IIAs appeared in early international economic agreements such as the Havana Charter for an International Trade Organization (1948) and the Economic Agreement of Bogotá (1948), as well as in the United States Friendship, Commerce and Navigation (FCN) treaties. The first use of the FET clause in the IIA context can be traced back to Article I of the Draft Convention on Investments Abroad proposed by Hermann Abs and Lord Shawcross in 1959:

"Each Party shall at all times ensure fair and equitable treatment to the property of the nationals of the other Parties. Such property shall be accorded the most constant protection and security within the territories of

³⁶ See proviso to Clause 44 of the Bill.

³⁷ See Clause 36 (2) of the Bill

³⁸ *Ibid.*

⁴³ See Clause 35 of the Bill

the other Parties and the management, use and enjoyment thereof shall not in any way be impaired by unreasonable or discriminatory measures" (Abs and Shawcross, 1960).

Clause 3 uses the unqualified form of the "fair and equitable treatment" standard and links it with the standard of "full protection and security" in the same clause. Both these two concepts are illustrated in clause 36 to of the bill as follows.

36 (2) for the purposes of this Part;

"Fair and equitable treatment" means the obligation to not to deny justice, in any criminal, civil or administrative proceedings in accordance with due process and the laws of Sri Lanka; and

"Full protection and security" means the provision of protection for physical security of investments as required under the laws of Sri Lanka.

The content of fair and equitable treatment could be summarized as follows;

According to World Bank guidelines;

- All States should extend to investments in their territories.
- Treatment should be as favourable as that accorded by the State to domestic investors in similar circumstances
- Includes non-discrimination of investors on the grounds of nationality
- Full protection and security should be accorded to investor's ownership, control and substantial benefits derived from the property.⁴⁴

⁴⁴ See 'World Bank Guidelines on the Treatment of Foreign Direct Investment', in *World Bank Legal Framework for the Treatment of Foreign Investment*, ILM 31 (1992) 1379, para V (1)4 See Clause 59 (1) 4 the interpretation of the word "Investor".

Sri Lanka relied upon the investment guarantee "full protection and security" in the first ever ICSID case of *Asian Agricultural Products Ltd (AAPL) v. Republic of Sri Lanka*.⁴⁵

Since these two guarantees are principles of International Investment Law, it is unsurprising that the proposed investment law extends the guarantees to all investors, whether it be domestic or foreign.

Clause 37 – National Treatment and Most Favored Nation Treatment.

Several Counsel called into question the constitutionality of Clause 37 of the impugned Bill.

Clause 37 (1) seeks to enact;

(a) Foreign investments and returns on investments of foreign investors shall be accorded treatment not less favourable than that accorded to domestic investors, in like circumstance, as regards acquisition, expansion, management, conduct, operation, and sale or other disposition of investments.

(b) For greater certainty "in like circumstances" shall be assessed based upon an objective assessment of all circumstances on a case-by-case basis, including the sector of investment, the location of the investment, the purpose of any act or measure complained of and the regulatory, governance or legal process generally applied in relation to the act or measure concerned. The assessment shall not be limited to or biased towards any one factor.

Just like investment treaties, Clause 37(1)(a) provides for a comparative protection standard—standards that do not establish an independent standard of treatment but instead mandate treatment no less favorable than that accorded to nationals and companies of the host State (national treatment), or to nationals and

companies of any other State (MFN treatment). These investment guarantees ensure that more favorable treatment cannot be granted to another foreign investor or national in similar circumstances.⁴⁶

The petitioners contended that the protection afforded under Clause 37 for the foreign investors is a violation under Article 12 of the Constitution because;

a) In terms of such clause, foreign investors shall be accorded treatment not less favourable than that accorded to domestic investors, and that would prevent the citizens of Sri Lanka being afforded any advantage/benefit over foreign investors;

b) Equal treatment should be afforded to those who are similarly circumstanced. Foreign investors and domestic investors are NOT similarly circumstanced and, therefore by placing them on an equal plane is a violation of Article 12.

This argument is, in our view, devoid of any merit. The treatment accorded to a foreign investor should not be less favorable than that which is accorded to the investments or returns of its own nationals or companies, or to those of nationals or companies of any third State. The intent and purpose of Clause 37 is to place all investors on an equal footing regarding the acquisition, expansion, management, conduct, operation, and sale or other disposition of investments. Thus, this ensures equal treatment of all investors within the host State and is in accordance with Article 12(1) of the Constitution.

A level playing field and not a tilted playing field is created among the investors and is in accordance with Article 12 of the Constitution. There is no hostile discrimination at all in an all embracing standard which is uniformly applicable in

⁴⁶ *Ickale Insaat Limited Sirketi v Turkmenistan*, ICSID Case No. ARB/10/24, Award, 8 March 2011, at (328)-(329); *Parkerings-Compagniet AS, fn. 181*, at (368); *United Parcel Service of America Inc. v Government of Canada*, UNCITRAL, Award, 24 May 2007, at (173)-(184)

all the BITs inclusive of those which have been entered into by Sri Lanka. Such a Clause incentivizes foreign direct investments and promotes the spirit of this investment law. In *Re Inland Revenue (Amendment) Bill*⁴⁷ this court rejected a similar argument with regard to domestic debt restructuring and observed quite pertinently "It is a given that external creditors would not countenance that they are less favourably treated than the domestic creditors of a nation which has embarked on a DDO. It is in this context that the plausibility of including the public debt owed to domestic creditors in the DDO has been advanced as a response. In other words, the external creditors would have their losses shared equally with domestic creditors and this becomes a compelling reason for pursuing domestic creditors in a restructuring program." In the circumstances we hold that the same principle will apply in relation to investors.

It is pertinent to observe that National Treatment is enshrined in the GATT 1947. Which was signed by 23 nations in Geneva on 30 October 1947 and Sri Lanka (Ceylon) was amongst those 23 initial nations who was a party to the GATT.

National treatment is an international law principle that mandates a state to extend the same rights and privileges it grants to its own citizens, to foreigners residing within its borders. This concept ensures that foreigners receive treatment equivalent to that of the state's nationals.

This concept can be found in all three of the main WTO agreements which are;

- a) Article 3 of the General Agreement on Tariffs and Trade (GATT),
- b) Article 17 of the General Agreement on Trade in Services (GATS), and

⁴⁵ *Asian Agricultural Products Ltd (AAPL) v Republic of Sri Lanka*, decided by International Centre for Settlement of Investments Disputes Tribunal (Final Award) (Case No. ARB/87/3), published in 30 ILM (International Legal Materials) 580 (1991).

⁴⁷ SC/SD/63-64/2023

c) Article 3 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)

In the circumstances we determine that foreign investors cannot be discriminated against on the basis of their citizenship and it is contrary to international law standards to fall foul of Article 27 (15) of the Constitution which affirms respect for international law and treaties. It would also be offensive of Article 157 to enact a law to contravene long held principles that have assumed the sanctity of law. Therefore, no inconsistency with the Constitution is inherent in Clause 37 of the Bill.

Clause 44 - Dispute Settlement

Clause 44 which seeks to provide for dispute settlement imposes the requirement of a prompt an amicable settlement of investment disputes through consultations and negotiations between the parties. According to the World Bank Guidelines on the treatment of foreign direct investments, disputes between private foreign investors and the host state are normally settled through negotiations between them and it is unsurprising that clause 44(2) of the Bill restates this international norm and embraces within its reach even a domestic investor. If consultations and negotiations fail in regard to the settlement of investment disputes, clause 44(2) provides the investor shall have the right to use all other remedies under the laws of Sri Lanka. However, the grouse of the Petitioners was that the proviso to clause 44 (2) oust the jurisdiction of domestic courts in so far as the proviso enables the parties to privilege alternate dispute resolution over curial dispute resolution.

The impugned proviso to Clause 44 (2) reads as follows;

Provided that where the dispute relates to one between a foreign investor and the State, the parties may agree to seek settlement of disputes, through

alternate dispute resolution mechanisms including ad hoc arbitration and institutional arbitration.

In our view the aforesaid proviso to clause 44(2) of the Bill does not oust the jurisdiction of Sri Lankan courts, leave alone access to justice through courts.

The proviso to Clause 44 (2) only connotes the conferral of a statutory right to invoke dispute resolution mechanisms such as ad hoc and institutional arbitrations and resolve investment disputes through them, since it is not uncommon in many an arbitration friendly jurisdiction to make provisions for arbitration. However, it has to be noted that if the governing law of arbitral procedure is consensually agreed to be Sri Lankan law, parties are at liberty to resort to a regular action in court provided no objection is taken to the exercise of jurisdiction by courts.⁵ The alternate dispute resolution of the investment dispute between the foreign investor and the host state of Sri Lanka is predicated only upon the consensual agreement of the parties. If there is no such consensual agreement one cannot preclude the likelihood of a court action.

Next, we address the granting of incentives and exemptions to prescribed investors/investments, which have been argued to be unconstitutional.

Clauses 45 & 55 – Incentives and Exemptions.

Clause 45 deals with incentives and exemptions and in the course of the argument it was pointed out the word “investor” should be amended to “investment” for purposes of clarity considering the importance attached to the term investment.

Clauses 45 and 55 of the Bill which empower the Minister to, on the recommendation of the Economic Commission, prescribe incentives and exemptions from the laws specified in the Schedule to Part II, were inconsistent with Article 75. It was sought to be argued that such power would result in the

Minister exercising a legislative power, whereas only Parliament is vested with such power.

The Petitioners relied on the Determination of the Constitutional Court with regard to the Greater Colombo Economic Commission Bill (GCEC) which vested similar powers in the Minister and it was determined that such power was in violation of Article 46 of the 1972 Constitution. Consequently, the GCEC Bill was passed by a special majority of Parliament. The aforementioned Article 46, corresponding with Article 76 of the current Constitution, led the Petitioners to draw a parallel and argue that Clauses 45 and 55 of the current Bill also require passage by a special majority of Parliament. However, the truth is to the contrary.

It has to be noted that under Article 76 (3) of the Constitution, Parliament can empower any person or body to make subordinate legislation for prescribed purposes. It is in this context that this legislation seeks to empower the minister to prescribe incentives and exemptions from the laws specified in the schedule to Part II. This power to prescribe incentives and exemptions by way of regulations is in conformity with Article 76 (3) of the Constitution and as such there would be no such inconsistency as was put forward by the learned counsel for the petitioners. The GCEC law had to be passed with a special majority as there was no delegation of legislative power under Section 46 of the 1972 Constitution. It was in those circumstances the power of the Commission to grant exemption under the Greater Colombo Economic Commission law was struck down. However, under Article 76(3) of the 1978 Constitution, Parliament has broad power to enact laws that empower any person or body to make subordinate legislation for specified purposes. Therefore, Clauses 46 and 55 of the current Bill do not require a special majority and can be passed by a simple majority.

This court also recalls the determination on the *Colombo Port City Economic Commission Bill*¹⁸ where this court determined that exemptions from provisions of specified enactments could be granted as incentives for investments, provided certain committee stage amendments were made and observed that “the requirements in Article 148 of the Constitution is satisfied when fiscal exemptions are granted in accordance with regulations made specifying the conditions under which exemptions can be granted and the approval of Parliament is obtained for such regulations”.

In the circumstances the power of the Minister to grant investments, incentives and exemptions from the laws specified in the Schedule would not fall foul of Constitution and hence, would not require a special majority to pass into law.

En passant, we also draw attention to Clause 55 of the Bill which empowers the minister to make regulations in respect of all matters which are required by the Act to be prescribed or in respect of which are authorized to be made. It would appear that the proviso to Clause 55 (2) (b) (iv) would require an amendment as the terms and conditions of the employees of the BOI are not found in the BOI law and as such the reference to the BOI law in connection with the terms and conditions of employment entitlements have to be removed. The reference to entitlement will ensure that only legal entitlements are taken into account. The learned Deputy Solicitor General has undertaken to have the words “under the provisions of Board of Investment of Sri Lanka Law, No. 4 of 1978;” deleted during the committee stage.

The learned counsel for the petitioner in SC/SD/62/2024 called in question the power of the Minister under Clause 55 (2) (b) (v) to amend, add to or vary the Schedule to Part II of the Bill. In other words, the schedule contains a list of twelve laws which can be expanded by the Minister. In the course of the hearing, it was pointed out to the learned Deputy Solicitor General that this attempt may be an

¹⁸ SC/SD Nos.4, 5 & 7-23/2021

intrusion on the legislative power and would accordingly render this provision incongruent with the Constitution. We opine that no such power is accorded to the Minister and suggest that this provision be deleted from the proposed legislation.

Clause 46 and Clause 90 – Powers of Minister to reconsider denial of refusal of a request made to a specified institution by the Economic Commission or Zones SL on behalf of an investor.

Clause 46 of the Bill deals with the special powers of the EC to expedite any approvals, authorizations or permits required by any Investor or Investment from Ministries, Government departments, agencies, corporations, regulatory authorities or bodies (Specified Institutions) specified by regulation. The Petitioners argue that clause 46(5) allows the Minister to override refusal or denial by the Specified Institution and this power is arbitrary and therefore violative of Article 12(1) of the Constitution.

Clause 46 (2) of the Bill permits such Specified Institutions to refuse to respond to such inquiry or deny such requests provided written reasons for such refusal or denial are provided within a specified time period of 21 days from the date of such inquiry or request:

'Where the Economic Commission makes an inquiry or request to any Specified Institution for an approval, authorization, or permit in terms of subsection (1), such Specified Institution shall be obliged to respond to such inquiry or request either consenting to or objecting to such inquiry or request within fifteen days of such inquiry or request being made. If the Specified Institution refuses to respond to such inquiry or denies such request, written reasons for such refusal or denial shall be provided in writing within such period of twenty one days of such inquiry or request.'

Clause 46 (5) provides thus:

'If a Specified Institution refuses, denies or fails to respond to an inquiry or request as per the regulations made under subsection (2) or (4), the Economic Commission shall if deemed appropriate by the Economic Commission, with its own recommendations, refer such refusal, denial or failure to the Minister who shall then make a determination on the matter in consultation with the Minister assigned the subject of Finance and inform the Cabinet of Ministers of the implementation of such decision.'

It is apparent from the above that although subsection (5) permits the minister to reconsider the refusal or denial of a Specified Institution, the power to do so is circumscribed to the extent of any refusal or denial or failure to respond to an inquiry or request as per the regulations made under clause 46 (2) or (4). Therefore, it is patently clear that the minister cannot exercise his arbitrarily but such exercise would be limited to matters which are to be provided for by means of regulations as set out under clause 46 (4) which is limited to matters of collaboration between the Specified Institution and the Economic Commission:

'The Minister may, by regulations made under this Part, prescribe procedures for such collaboration, which shall be complied with by Specified Institutions in line with standing operating procedures on granting approvals for investment projects formulated by the Economic Commission through a consultative process.'

The aforesaid provisions make it clear that the authority of the minister to reconsider such refusal, denial or failure to respond by a Specified Institution to a query by the EC on behalf of an Investor or Investment, is limited to any such refusal, denial or failure to respond to matters that have been regulated under clause 46 (2) and more specifically under clause 46 (4) i.e., matters of collaboration with the Specified Institution.

Thus, the provisions of section 46 and its sub clauses considered as a whole do not permit the minister to override or grant approvals arbitrarily when they have been refused by a Specified Institution. The Clause only allows the minister to reconsider same when there is non-compliance by the respective Specified Institution in terms of section 46(2) and (4) by virtue of regulations provided for in respect of such matters. Thus, it is abundantly clear that this clause is not violative of the Constitution.

In the course of the argument, it was alleged that there is no time limit given to the minister to make the determination expeditiously. In view of the time limits that have been put on the specified institutions, it becomes abundantly clear that if Clause 46 were to facilitate a single window for investment approvals to be granted expeditiously, a time limit must be imposed on the minister so that there will be finality to the approvals.

It was also suggested that there must be a cabinet oversight over the determination of the minister. In the circumstances it is imperative that time limits must be set on the minister for expeditious disposal of approvals.

Picking up this cue, the learned Deputy Solicitor has submitted the following formulation as an amendment to be moved at the committee stage.

'(5) If a Specified Institution refuses, denies or fails to respond to an inquiry or request as per the regulations made under subsection (2) or (4), the Economic Commission shall if deemed appropriate, refer such refusal, denial or failure to the Minister forthwith, who shall, within two weeks refer the matter to the Cabinet of Ministers for appropriate action.'

In terms of the proposed amendment the final decision to be taken on approval stands transferred to the cabinet of ministers and such a decision making power

being vested in the cabinet of ministers would be the right cause of action to be adopted.

It has been brought to the notice of this court a similar Clause of the same tenor has been proposed as Clause 90 (5) which goes as follows;

"If a Specified Institution refuses, denies or fails to respond to an inquiry or request as per the regulations made under subsection (2) or (4), the Zones SL shall if deemed appropriate, refer such refusal, denial or failure to the Minister forthwith, who shall within two weeks refer the matter to the Cabinet of Ministers for appropriate action".

Clauses 53, 93 and 183 – Reconstituted entities subject to judicial review

The petitioners put forward an argument that the Bill is not consonant with Article 4 (c) of the Constitution in light of the Clauses 53, 93 and 183. The argument has been made the said Clauses oust judicial review in respect of matters that fall within the purview of the Bill. In view of the above petitioners contended that a specific reference or proviso should be included in the Bill stating that the said ouster of judicial review would not extend to Article 140 of the Constitution. In order to understand this argument, it is apposite to cite Clause 53 of the Bill that provides as follows in respect of the Economic Commission;

'No civil or criminal proceedings shall be instituted against any members of the EC Board, EC Director General, officer or employee of the Economic Commission or any member of the Invest SL Board, for any act which in good faith is done or purported to be done by him under this Act or on the directions of the Economic Commission or the EC Board, as the case may be, if he proves that he acted in good faith and exercised all due diligence, reasonable care and skill.'

Clause 93 is similar in content to Clause 53 but deals with Zones SL and its officers. Clause 183 which falls under the 'Miscellaneous' head of the Bill (at Part VII) placing limits on institution of civil or criminal proceedings against members of the Institute Board, Advisory Committee Team of Instructors or an Operations Team:

'No civil or criminal proceedings shall be instituted against any member of the Institute Board, the Director, any officer or employee of the Institute or any member of the Advisory Committee, Team of Instructors or an Operations Team, for any act which in good faith is done or purported to be done by him under this Part or on the directions of the Institute or the Institute Board, as the case may be, if he proves that he acted in good faith and exercised due diligence, reasonable care and skill.'

It is axiomatic that the aforesaid Clauses do not oust the jurisdiction of court contained in Article 140 of the Constitution. The Clauses only provide a defence to civil or criminal proceedings if it is established that a person acted in good faith. It has been the *cursus curiae* that an ordinary privative Clause such as the above Clauses will not oust judicial review under Article 140 of the Constitution. See – **B. Sirisena Cooray v. Tissa Dias Bandaranayake and two others**⁴⁹; **Atapattu and Others vs. Peoples Bank and Others**⁵⁰

Treatment of BOI employees upon the establishment of Economic Commission and zones in Sri Lanka-Clause 194 (2) (m).

It is a given that this legislation aims to replace the Board of Investment with two entities: The Economic Commission and Zones SL. The consequent placement of the employees of the BOI after the creation of these two entities is provided for in Clause 194 (2) (m) of the Bill.

⁴⁹ [1991] 1 SLR 1
⁵⁰ [1997] 1 SLR 208

'the officers and employees of the BOI holding office on the day immediately preceding the date of commencement of this Act -

(i) shall be deemed, with effect from the date of commencement of this Act, to be officers and employees of the Economic Commission, on terms and conditions not less favourable than the terms and conditions of employment to which they were entitled under the repealed Law; and

(ii) attached to licensed zones shall be deemed, with effect from the date of commencement of this Act to be officers and employees of the Zones SL, on terms not less favourable than the terms and conditions of employment to which they were entitled under the repealed Law;'

We have already pointed out in our examination of the proviso to Clause 55 that the words "under the repealed law" would be inappropriate and accordingly for purposes of clarity, the words "" under the repealed law" that appear in (i) and (ii) of Clause 194 (2) (m) will have to be deleted and an amendment has to be moved to this effect at the committee stage to delete the references to the repealed law.

This reference to the repealed law has to be removed as the repealed law did not make any express reference to conditions of employment. It was suggested in the course of argument that in order to maintain the continuity of service of an employee for the purpose of calculation of statutory dues and payments, the period that an employee served with the BOI shall be taken into consideration when calculating the statutory payments that are payable to such an employee. The learned Deputy Solicitor General has undertaken to have this concern addressed during the committee stage amendments that would include a provision to cater to this position. In such a situation the amended Clause 194 (2) (m) will read as follows;

'(m) the officers and employees of the BOI holding office on the day immediately preceding the date of commencement of this Act -

(i) shall be deemed, with effect from the date of commencement of this Act, to be officers and employees of the Economic Commission, on terms and conditions not less favourable than the terms and conditions of employment to which they were entitled; and

(ii) attached to licensed zones shall be deemed, with effect from the date of commencement of this Act to be officers and employees of the Zones SL, on terms not less favourable than the terms and conditions of employment to which they were entitled:

"Provided that the period that an employee served with the BOI shall be taken into consideration when calculating the statutory payments that are payable to such employee.'

Voluntary retirement scheme

Some petitioners raised contentions in respect of the voluntary retirement scheme adumbrated at Clause 194 (2) (n):

'the officers and employees of the BOI holding office on the day immediately preceding the date of commencement of this Act, who do not opt to join the service of the Economic Commission or to be attached to Zones SL, shall be paid such compensation which shall be paid in terms of a voluntary retirement scheme as shall be prescribed by the Minister.'

Counsel on their behalf contended that the time period within which the voluntary retirement would become operative has not been lucidly set out in the legislation. This court brought home in the course of the hearing the necessity to set down a period within which the aforesaid voluntary retirement scheme would take effect. The learned Deputy Solicitor General has provided a formulation which he has undertaken to table as a proviso to Clause 194 (2) (n). The proviso reads as follows;

'Provided that such voluntary retirement scheme shall be published on a date not more than one month after the commencement of this Act, and every officer or employee deemed to be an officer or employee of the Economic Commission or Zones SL under paragraph (m) of subsection (2) shall communicate his option within one month of the date of publication of the voluntary retirement scheme.'

On an overall analysis of the transfer of employees of the BOI to continue in employment either as employees of the Economic Commission or the Zones SL on terms and conditions not less favourable than the terms and conditions of employment to which they were entitled reflects a "business judgment" which restructuring imperatives determine and applying the business judgement rule, this court does not second guess the efficacy of this reorganization and the provisions must pass muster on its own account.

This discussion of the organization and placement of the employees brings to the fore the complaint of petitioners in SC/SD/71/2024 wherein Sanjeeva Jayawardena, PC who appeared on their behalf called in question the treatment of the officers of the Department of Commerce.

Office for International Trade and the Department of Commerce.

The complaints springs from the establishment of the Office for International Trade (OIT) that is sought to be effected by part IV of the Bill with a view to promoting and developing international trade as the key strategy to strengthen the economic base of the country in terms of Clause 101 (d) of the Bill. The OIT shall carry out all the International trade negotiations including bilateral, regional and international trade negotiations approved by the Cabinet of Ministers. The Ambassador of International Trade who is the Chairperson of the OIT shall be the chief negotiating officer.

Clause 102 of the Bill vests the administration and the management of the OIT with a Board of Management which shall consist of:

- (a) the Ambassador for international trade appointed under section 114 who shall be the Chairperson of the OIT Board and Chief Executive Officer of the OIT;
- (b) the Secretary to the Treasury or his representative; and
- (c) five other persons who possess knowledge and experience in the field of international trade, appointed by the President with the concurrence of the Constitutional Council

The employees of the Department of Commerce who have challenged the instant Bill in SC/SD/71/2024 argue that the tasks that are to be allocated to the Office for International Trade, are currently exercised by the officials of the Department of Commerce, and the Department of Commerce will be made redundant by removing such tasks from the mandate of the Department of Commerce.

It was also further argued on behalf of the employees of the Department of Commerce that their seniority and pension rights would be affected if they were to be appointed to the OIT. This was a contentious issue that was raised by the employees but the learned Deputy Solicitor General submitted that the Bill does not seek to liquidate the Department of Commerce, and in fact the Bill permits the absorption of officers of the Department of Commerce to the OIT without any disruption to their seniority and pension rights. It was submitted that the officials of the Department of Commerce would continue to carry out many duties in addition to the duties they may be called upon to perform within the OIT. We have been provided with the excerpts of a cabinet memorandum dated 8 January 2023 wherein it is stated, "In this backdrop, it is essential that officers with suitable multidisciplinary capabilities/expertise in trade are serving at OIT to conduct its operations. Already, action has been taken to mobilize officers from the relevant technical institutions such as the Department of Commerce, the Export Development Board and the Board of Investments to serve at the OIT on a full-time basis. The majority of cadres will be mobilized from the existing public service on secondment basis."

We have also been furnished with a Note of His Excellency the President to the cabinet dated 30 May 2024 which is to the effect that the Department of Commerce shall continue. Paragraph 3 of the said Note to the cabinet states the following;

"Accordingly, the Department of Commerce will continue to perform the rest of the functions under the purview of the Ministry of Trade, Commerce and Food Security, and thus will not be abolished as mentioned in the Cabinet Memorandum referred in (I) above."

All this goes to show that the Department of Commerce will continue to stay and its officials and employees do not face the likelihood of being rendered redundant. It was also pointed out that the Director General of the Department of Commerce or his nominee will continue to be an ex-officio member of Food Advisory Committee established by Section 8 of the Food Act, No. 26 of 1980.

It would appear that the Office for International Trade is sought to be established with a view to taking over certain aspects of the functions performed by the Department of Commerce but it is abundantly clear that the Department of Commerce will not be replaced by OIT but would continue to exercise its functions under the Ministry of Trade, Commerce and Food security.

We have in the course of making this determination suggested amendments and in addition we would like to point out further amendments that would need to be passed at the committee stage. These amendments to the Bill would be set down as follows;

Amendments that should be moved to the Bill

- 1) Clause 8 of the Bill should be amended by deleting Article 4 contained therein, as parliamentary supervision is adequately covered by Articles 43 and 148.
- 2) Clause 13 (b) requires to be deleted as the creation of an independent regulator could be established by an amending legislation.
- 3) Clause 13 to be amended to empower the legal entity "Economic Commission" to purchase, hold and sell shares, stocks, debentures and similar assets.
- 4) Clause 15 is inconsistent with the Constitution and can only be passed with a two-thirds majority and a referendum. But if amendments recognizing the power of the President in regard to alienation or disposition of State land are passed in the manner and form as discussed by this Court, the provision can be passed with a simple majority.
- 5) Clause 26 requires to be amended to prescribe the qualifications, experience and the terms and conditions of employment of the EC Director General through regulations for the purposes of clarity and transparency.
- 6) Clause 45 to be amended to replace the term 'investor' with 'investment' for purposes of clarity, highlighting the importance of the term 'investment' within the context therein.
- 7) Clause 46(5) should be amended to specify a timeframe for the Minister to refer to the Cabinet of Ministers any refusal, denial, or failure by a Specified Institution to respond to an inquiry or request under subsections (2) or (4), thereby mitigating unnecessary delays.
- 8) Clause 48 (2) shall be revised to remove the requirement for consultation with the Secretary to the Department of Treasury regarding the appointment of members to the Invest Sri Lanka Board.
- 9) Clause 55(2) (b) to be amended to remove all references to the repealed law in the aforementioned clause.
- 10) Clause 57 to be amended to include a requirement that every Order made under this section to be laid before Parliament for approval within three months of its issuance.
- 11) Clause 64(d), granting Zones SL the power to acquire properties for establishing investment zones, is to be deleted. This amendment reflects that Zones SL's authority is limited to recommending lands required for investment zones to the Economic Commission, and does not extend to land acquisition.
- 12) Clause 75 to be revised to specify that the qualifications, experience, and terms and conditions of employment for the Chief Executive Officer of Zones SL shall be prescribed by regulations. This provision aims to ensure the appointment of individuals with adequate qualifications and experience, thereby preventing appointments of unqualified individuals to higher positions such as Chief Executive Officer.

- 13) Clause 90(2) to be amended to extend the period for Specified Institutions to provide written reasons for refusal or denial from fifteen days to twenty-one days, ensuring enhanced procedural fairness and transparency in the approval process.
- 14) Clause 90 of the bill to be amended to include a new sub-clause stipulating that if a Specified Institution declines, denies, or fails to respond to an inquiry or request, Zones SL must promptly notify the Minister. Within two weeks thereafter, the Minister shall escalate the matter to the Cabinet of Ministers for appropriate action. This amendment is aimed at ensuring timely resolution and accountability in cases of denied information requests.
- 15) Clause 94(2)(5) of the Bill requires to be amended to delete the words "under the provisions of the Board of Investment of Sri Lanka Law, No. 4 of 1978;" because any terms and conditions relating to employment have not been laid down in the BOI Act.
- 16) Clause 96 should be amended to require that every Order issued under this section be submitted to Parliament for approval within three months of its issuance. The Order shall only take effect upon Parliament's approval. The amendment shall be incorporated to ensure consistency with other clauses of the Bill where orders made under the Bill are referred to Parliament for its approval.
- 17) Clause 147 to be amended to include that the qualifications, experience and the terms and conditions of the Executive Director of the Productivity Commission to be prescribed by the regulations.
- 18) Clause 175 is to be amended to specify that the qualifications, experience, and terms and conditions of the Director of the Institute of Economics and International Trade shall be prescribed by regulations.
- 19) Clause 192 (1) and (2) are required to be removed in their entirety.
- 20) Clause 194 (2) (m) to be amended to remove references to the repealed law in consistency with the amendment proposed at Clause 55. Furthermore, a proviso to be added which states that the period that an employee served with the BOI shall be taken into consideration when calculating the statutory payments that are payable to such employee.
- 21) Clause 194 (2) (n) to be amended to incorporate specific time periods in respect of the operation of the voluntary retirement scheme.
- 22) Clause 195, the interpretations clause, to be amended in respect of the placement of the acronym 'BOI' and the interpretation of the word 'Minister'.
- 23) Clause 196 to be amended to rectify the reference to 'any other written law' and it to be read as, "In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail".
- 24) Proviso to Clause 55 (2) (b) (iv) has to be amended by deleting the reference to the Board of Investment Sri Lanka Law, No.4 of 1978 as such a reference would not reflect the true position
- 25) Clause 55 (2) (b) (v) has to be deleted to render the rule making power consistent with the Constitution.

Having considered the totality of the provisions in the proposed Bill we determine that the above amendments to the Bill have to be moved at the committee stage. We have pinpointed the Clauses that are inconsistent with the Constitution and accordingly upon a careful consideration we have suggested amendments that will render the provisions

of the Bill consonant with the Constitution. If these necessary amendments are made, the Bill and its provisions will become consistent with the Constitution and could be passed with a simple majority.

We wish to place on record our deep appreciation of the assistance given by the learned Deputy Solicitor General and all other learned counsel who made submissions on the Bill.

Hon. S. Thurairaja, PC

Judge of the Supreme Court

Hon. A. H. M.D. Nawaz

Judge of the Supreme Court

Hon. A. L. Shiran Gooneratne

Judge of the Supreme Court

III

රාජ්‍ය මූල්‍ය කළමනාකරණ පනත් කෙටුම්පත:

ශ්‍රේෂ්ඨාධිකරණයේ තීරණය

பகிரங்க நிதிசார் முகாமைத்துவம் சட்டமூலம்: உயர்

நீதிமன்றத் தீர்ப்பு

PUBLIC FINANCIAL MANAGEMENT BILL: DETERMINATION
OF THE SUPREME COURT

ගරු කථානායකතුමා

(மாண்புமிகு சபாநாயகர் அவர்கள்)

(The Hon. Speaker)

I wish to inform Parliament that I have received the Determination of the Supreme Court in respect of the Bill titled "Public Financial Management", which was challenged in the Supreme Court in terms of Article 121 (1) of the Constitution.

In the said Determination, the Supreme Court has summarized the Constitutionality of the Bill as follows:

- (1) Clause 3(2)(b)(iv) and the definition of "*members of the judicial service*" are inconsistent with Article 4(c) read with Article 3, Article 12(1) and Article 108 and shall only be passed by the special majority of Parliament and be approved by the people at a Referendum. Such inconsistency shall however cease, if the definition of "*members of the judicial service*" in Clause 71 is deleted and Clause 3(2)(b) is deleted and substituted with the new Subclause as set out in the Summary of the Determination of the Supreme Court.
- (2) Clause 5(2) (f) is violative of Article 12(1), 43(1) and 52(2) and hence, Clause 5(2)(f) shall only be passed with the special majority of Parliament. The said inconsistency shall however cease, if Clause 5(2)(f) is amended as set out in the summary of the Determination of the Supreme Court.
- (3) Clause 32(3) is violative of Article 3 and Article 12(1) of the Constitution and shall be passed by

the special majority of Parliament and shall be approved by the people at a Referendum. The said inconsistency shall however cease, if Clause 32(3) is amended as set out in the Summary of the Determination of the Supreme Court.

- (4) Clause 32(4) is inconsistent with Articles 3, 12(1), 148 and 156C of the Constitution and shall only be passed by the special majority of Parliament and be approved by the people at a Referendum. The said inconsistency shall however cease, if Clause 32(4) is amended as set out in the Summary of the Determination of the Supreme Court.
- (5) Clause 34(2) is violative of Article 149 of the Constitution and shall only be passed with the special majority of Parliament. The said inconsistency shall however cease, if Clause 34(2) is amended as set out in the Summary of the Determination of the Supreme Court.
- (6) Clause 38(3) is inconsistent with the provisions of Article 12(1) and 148 of the Constitution and shall only be passed with the special majority of Parliament.
- (7) Clause 39(1) is inconsistent with Article 12(1) and shall only be passed by the special majority of Parliament. The said inconsistency shall however cease, if Clause 39(1) is amended as set out in the Summary of the Determination of the Supreme Court.
- (8) Clause 63 is inconsistent with Article 4(c) read with Article 3, Article 12(1), Article 55(1), Article 55(3), Article 108, Article 111(H)(1)(b), Article 148, Article 153C, Article 155G(1) and Article 156F of the Constitution and shall be passed by the special majority of Parliament and shall be approved by the people at a Referendum. The said inconsistency shall however cease, if Clause 63(2) is amended as set out in the Summary of the Determination of the Supreme Court.
- (9) Clause 68 is inconsistent with Article 12(1) of the Constitution and shall only be passed with the special majority of Parliament. The said inconsistency shall however cease, if Clause 68(1) is amended as set out in the Summary of the Determination of the Supreme Court.
- (10) Clause 69 is violative of Article 4(a) read together with Article 3 and 76 and hence, needs to be approved by the special majority of Parliament and by the people at a Referendum.
- (11) The definition of "State Owned Enterprise" is inconsistent with Article 12(1) and Article 148 of the Constitution and shall only be passed with the special majority of Parliament. Such inconsistency shall however cease, if the said definition is amended as set out in the Summary of the Determination of the Supreme Court.

I order that the Determination of the Supreme Court be printed in the Official Report of today's proceedings of the House.

ශ්‍රේෂ්ඨාධිකරණයේ තීරණය:

உயர் நீதிமன்றத் தீர்ப்பு:

Determination of the Supreme Court:

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

"PUBLIC FINANCIAL MANAGEMENT BILL"

SC (SD) No. 72/2024 Petitioners: 1. Wimal Weerawansa, MP
2. Udaya Prabath Gammanpila, MP
3. Gavindu Cumaratunga, MP
4. Prof. Channa Sudath Jayasumana, MP
5. Dilith Susantha Jayaweera
6. Ranawaka Arachchige Ratnasiri Nimal Ranawaka
7. Dr Geeganage Weerasinghe

Counsel: Dharshana Weraduwege with Dhanushi Kalupahana

SC (SD) No. 77/2024 Petitioners: 1. Transparency International Sri Lanka
2. Pulasthi Hewamanne

Counsel: Viran Corea, PC with Pramod Perera and Hiruni De Almeida

vs

Respondent: Hon. Attorney General

Counsel: Dr. Avanti Perera, Deputy Solicitor General with Manohara Jayasinghe, Deputy Solicitor General, Amasara Gajadheera, State Counsel and Tashya Gajanayake, State Counsel

BEFORE: Jayantha Jayasuriya, PC Chief Justice
Mahinda Samayawardhena Judge of the Supreme Court
Arjuna Obeyesekere Judge of the Supreme Court

The Court assembled for hearing at 10.00 a.m. on 7th June 2024 and 10th June 2024.

A Bill in its short title referred to as "Public Financial Management" [the Bill] was published as a Supplement in Part II of the Government Gazette of 10th May 2024. It was presented in Parliament by the Hon. Minister of Finance, Economic Stabilisation and National Policies and was placed on the Order Paper of Parliament of 22nd May 2024.

Nine Petitioners have invoked the jurisdiction of this Court in terms of Article 121(1) of the Constitution by filing the above numbered petitions in the Registry of this Court on 4th and 5th June 2024. The Petitioners have prayed *inter alia* that this Court:

- (a) declare that the Bill in its entirety is in violation of Articles 3, 4, 12(1) and 83 of the Constitution; and
- (b) make a determination that in addition to being passed with not less than two-thirds of the whole number of Members of Parliament (including those not present) voting in its favour [the special majority], the Bill must be approved by the People at a Referendum.

Upon receipt of the said petitions, the Registrar of this Court, acting in terms of Article 134(1) of the Constitution issued notice on the Attorney General.

This Court heard the learned President's Counsel for the Petitioners in SC (SD) No. 77/2024, the learned Counsel appearing for the Petitioners in SC (SD) No. 72/2024, and the learned Deputy Solicitor General. While all parties were afforded the opportunity of filing written submissions, the learned Deputy Solicitor General submitted that amendments will be moved at the Committee Stage of Parliament to several Clauses of the Bill. These amendments will be referred to when reference is made in this Determination to the said Clauses.

Jurisdiction of Court

This Court is exercising the jurisdiction vested in it in terms of Article 120 of the Constitution which requires this Court to determine whether the Bill in its entirety is, or any of its provisions are inconsistent with the Constitution. Article 123(1) provides further that, *"The determination of the Supreme Court shall be accompanied by the reasons therefor and shall state whether the Bill or any provision thereof is inconsistent with the Constitution and if so, which provision or provisions of the Constitution."* Once a primary determination is made in terms of Article 123(1), the consequential determinations the Court is required to make are specified in Article 123(2), which reads as follows:

"(2) Where the Supreme Court determines that the Bill or any provision thereof is inconsistent with the Constitution, it shall also state –

- (a) whether such Bill is required to comply with the provisions of paragraphs (1) and (2) of Article 82; or*
- (b) whether such Bill or any provision thereof may only be passed by the special majority required under the provisions of paragraph (2) of Article 84; or*
- (c) whether such Bill or any provision thereof requires to be passed by the special majority required under the provisions of paragraph (2) of Article 84 and approved by the People at a Referendum by virtue of the provisions of Article 83,*

and may specify the nature of the amendments which would make the Bill or such provision cease to be inconsistent."

It must be noted that in terms of Article 83, the requirement for a bill or a provision thereof to be passed with the special majority of Parliament and to be approved by the People at a Referendum will arise only where such bill or a provision thereof seeks to amend, repeal or replace Articles 1, 2, 3, 6, 7, 8, 9, 10, 11, 30(2), 62(2) or 83 itself, of the Constitution.

The need for a public financial management framework

The learned Deputy Solicitor General submitted that weak public financial management practices and mismanagement of public finances through arbitrary policy and decision making, together with pre-pandemic tax cuts and the impact of Covid-19 resulted in Sri Lanka going through a severe financial crisis in 2022. As part of the restructuring exercise, the Government has identified, in consultation with its development partners, the need to modernise the public financial management framework and provide clarity and certainty with regard to budget formulation and execution. She submitted further that it must be mandatory to have a proper and adequate legal framework in place to maintain fiscal discipline through management of public finance and public assets, and that as part of that exercise, action must be taken to ensure that public entities adopt and follow prudent fiscal management and good governance. The reforms that are currently being undertaken seek not only to address the persistent weaknesses in the public financial management framework but also to promote discipline, transparency and accountability, thereby ensuring that the goals stipulated in the Bill will be achieved.

The learned Deputy Solicitor General drew our attention to the Country Report on Sri Lanka published by the International Monetary Fund in September 2023. Section IV of its Technical Assistance Report on Governance Diagnostic Assessment has recognised that:

- (a) "good fiscal governance including a sound public financial management system is an important driver of integrity, transparency, accountability and reduced vulnerabilities to corruption;*
- (b) governance weaknesses in public financial management have created distinct corruption vulnerabilities; and*
- (c) a strong public financial management system generally helps to reduce corruption and other fiduciary risks and therefore the broader public financial management reform agenda for Sri Lanka is highly relevant to reducing corruption."* [emphasis added]

Thus, the need for a strong public financial management system pervades across all sectors of the Country and all facets of the public sector. It shall ensure accountability, better macroeconomic management, prudent control of public funds, and most importantly, assist in reducing, if not eradicating, corruption.

Referring to the provisions of the Cabinet Memorandum dated 20th February 2024 submitted by the Hon. Minister of Finance, Economic Stabilisation and National Policies, the learned Deputy Solicitor General submitted that it is in this backdrop that the Government has initiated the process of introducing several laws aimed at strengthening discipline on management of public finance, and that amongst the said legislative initiatives, **the Bill is expected to play a pivotal role as the overarching central piece of legislation on responsible and prudent public financial management.**

The learned Deputy Solicitor General submitted further that the Bill has as its primary aim the welfare of the Public and the delivery of socio-economic prosperity to the People of this Country and that the provisions of the Bill are not only a reflection of Article 27 of the Constitution but is also an expression of the Directive Principles of State Policy found across Article 27, in terms of which the State is pledged to establish in Sri Lanka a Democratic Socialist Society.

In examining this Bill, we shall bear in mind that the Directive Principles of State Policy contained in Article 27 shall guide Parliament, the President and the Cabinet of Ministers in the enactment of laws and the governance of Sri Lanka for the establishment of a just and free society.

The Bill – objects and application

The long title to the Bill provides that it is a law to make provision with regard to the following:

- (a) Strengthen accountability, oversight, management and control of public funds in the public financial management framework with a view to improving fiscal policy for better macroeconomic management;
- (b) Clarify institutional responsibilities in respect of financial management and strengthen budgetary management;
- (c) To provide for greater public scrutiny of fiscal policy and performance.

Clause 2 sets out the following as objects of the Bill:

- "(a) to set out standards, requirements, rules, and procedures for transparency, accountability, discipline, effectiveness, efficiency, and economy in the management of the public finance including the revenues, expenditures, commitments, financing arrangements, equity, assets and liabilities;*
- (b) to specify the requirements and procedures to be adhered to, in the management of public finance including the implementation of fiscal responsibility objectives and rules, planning, formulation, adoption and implementation of annual budget along with the processes of monitoring, evaluation, internal controls, accounting, and reporting; and*
- (c) to specify performance and accountability requirements."*

While Clause 3(2)(b) sets out the categories of persons to whom the Bill shall apply, in terms of Clause 3(2)(a), the provisions of the Bill shall apply to the following entities, referred to as 'public entities':

- (i) Budgetary entities;
- (ii) Statutory Funds and Trusts to which public finances are allocated;
- (iii) **State-Owned Enterprises;** and
- (iv) Provincial Councils, Provincial Ministries, Provincial Departments, other Institutions functioning under the Provincial Councils, and Local Authorities in terms of the relevant written laws.

While 'budgetary entities' means Ministries, Departments, District Secretaries and special spending units, the last entity has been defined to mean an 'an entity, other than a Ministry, Department, District Secretary or Provincial Council, that has been given a Head of Expenditure in the annual budget'. The definition of 'State Owned Enterprises' which extends to public corporations, entities established under the Companies Act where the State has direct or indirect controlling interest by virtue of its shareholding and those corporations converted under the Conversion of Public Corporations or Government Owned Business Undertakings into Public Companies Act, No.23 of 1987 or such similar acts, applies to all entities where the Government has any financial interest and attracts the provisions of the Bill. Such an extensive application of the Bill is important in view of the rationale for the introduction of the Bill and the aforementioned objects, and which in turn are reflected in the following definitions of 'public funds' and 'public finance':

Public funds – “means moneys in the Consolidated Fund or any other Fund **and moneys under the control of the Government** excluding approved termination funds...”

Public finance – “includes –

- (a) funds allocated to any public entity specified in paragraph (a) of subsection (2) of section 3 by the Appropriation Act of the relevant year;
- (b) funds held by any public entity specified in paragraph (a) of subsection (2) of section 3 in terms of any written law excluding approved termination funds ...;
- (c) funds vested in the Government by virtue of the provisions of any written law; and
- (d) funds received or borrowed by any public entity specified in paragraph (a) of subsection (2) of section 3 with the approval of the Parliament;”

Public Finance

In terms of Article 148 of the Constitution, Parliament shall have full control over public finance. Clause 3(1) of the Bill reinforces Article 148 by providing that, “In addition to the provisions enshrined in Articles 148, 149, 150, 151 and 152 of the Constitution, the provisions of this Act, any regulation, and directive made thereunder, unless specifically excluded from this Act, shall apply to the management of the public finance.”

A central feature of the power vested in terms of Article 148 is the power of the Legislature to impose taxes. The learned Deputy Solicitor General drew our attention to the Determination of this Court in the **Inland Revenue (Amendment) Bill** [SC (SD) Nos. 64-71/2022] where it was held *inter alia* that:

- (a) One of the vital components of the control that Parliament enjoys in terms of Article 148 is the control of the sources of finance i.e. imposition of taxes, levies and rates;
- (b) The Legislature enjoys a wide discretion in formulating policy on economic matters of the country, and while policy making power is left to the authorities in whom it is vested by law, the Supreme Court has always confined the scrutiny of any bill strictly in accordance with the jurisdiction conferred on it by Articles 121 and 123 of the Constitution;
- (c) Decisions based on economic considerations must largely be left to the Legislature in view of the inherent complexity of fiscal adjustment of diverse elements that requires to be made.

The learned Deputy Solicitor General submitted that the above matters, *albeit* in respect of taxation, is equally applicable to the Bill.

This Court, having examined several past determinations stated in its Determination on the **Value Added Tax (Amendment) Bill** [SC (SD) Nos. 62-63/2022] that:

“The position therefore is clear. This Court has consistently taken the view that the latitude given to the legislature to impose taxes is wide and that any decision to tax or exclude from tax any person/s would not give rise to an issue of constitutionality, except where the Bill transgresses the fundamental principles of equality without a rational nexus to the objective of the law or where such amendments are manifestly unreasonable or manifestly discriminatory.”

However, this Court added a word of caution when it proceeded to state as follows:

“Before we conclude, we must state that the wide latitude given to the legislature to impose taxes on the recommendation of the executive brings with it a whole host of responsibilities and duties, both for the legislature and for the executive. The legislature, entrusted with the responsibility of being in full control over public finance must demand that the executive rationalise to its satisfaction the necessity for a particular tax and the manner in which the monies raised by such tax would be expended. The executive on the other hand must, inter alia, act with great responsibility, manage all resources frugally and without wastage, and ensure that the monies generated by taxation are used to direct economic activity in such a manner that would benefit all citizens of this country. In this context, a greater responsibility lies on executive and administrative institutions to act in accordance with their mandate in the performance of their duties. This Court shall continue to exercise its Constitutional role as the sentinel on the qui vive over executive and administrative action.” [emphasis added]

This being a Bill to regulate and manage the public financial framework of the Country and bearing in mind the objects set out in Clause 2 and several other provisions of the Bill which we would refer to in the course of this Determination, it is important that the Bill covers in the widest possible sense all public entities that deal with public funds and public finance and ensure that the trust reposed in those who deal with public funds and public finance is discharged in a manner that protects the sovereignty of the People enshrined in Article 3 of the Constitution.

Article 121 and policy

Fiscal issues are matters of policy and the greatest latitude is extended in that regard to the executive and the legislature. In its Determination on the **Fiscal Management (Responsibility) (Amendment) Bill** [Decisions of the Supreme Court on Parliamentary Bills (2016) Vol XIII 53 at 55] which Act is incidentally sought to be repealed by the instant Bill, this Court, having considered whether the decision to increase the percentage of the limit placed on issuance of Government guarantees is constitutional, stated as follows:

“On 17th May 2016, the approval was granted by the Cabinet of Ministers to the Cabinet Memorandum dated 13th May 2016. Thus, it becomes the policy decision of the Government to increase the Government guarantee limit from 7 percent to 10 percent. The Court cannot strike down a policy decision taken by the Government merely because it feels that another policy decision would be wiser or logical. The Courts are not expected to express its opinion as to whether at a particular situation any such policy should have been adopted or not. It is best left to the Government to decide on such matters which affects the interests of the economic progress and fiscal management of the country.” [emphasis added]

A similar sentiment was expressed by this Court in its Determination on the **Foreign Exchange Bill** [Decisions of the Supreme Court on Parliamentary Bills (2017) Vol XIII 88 at 95] when this Court held as follows:

“The Cabinet has deliberated on the subject matter of foreign exchange which affects the economy of this country and found that a proper legal framework is needed for the management and regulation of foreign exchange and to encourage Sri Lankan citizens to remit to Sri Lanka foreign exchange they have in their possession outside Sri Lanka... The existing law has not been successful in preventing the outflow of foreign exchange out of the country through legal and non legal channels. Therefore a new law was required to provide incentives for Sri Lankans having money outside the country to remit that money to Sri Lanka without having to face with criminal penalties. The Bill in hand contains provisions to cater to the said need as well as intervention by the Government if any outflows of foreign exchange becomes a threat to the national economy. The decision to bring up this Bill is nothing but a matter of policy.

The Legislature enjoys a wide discretion in formulating policy on economic matters of the country. This Court has always confined the scrutiny of any Bill strictly in accordance with the Supreme Court jurisdiction conferred by Articles 121 and 123

of the Constitution. The Policy Making Power is left to the authorities in whom it is vested by law. This Court has been reluctant to intervene in matters of policy unless such policy is found to be manifestly unreasonable."

While the above dicta make it clear that this Court shall not interfere in matters of policy, in examining this Bill, this Court shall be guided by the policy considerations that are set out in the relevant Cabinet Memoranda tendered to this Court by the learned Deputy Solicitor General.

The role of the Secretary to the Treasury

In terms of Clause 5(1) of the Bill, "*The Secretary to the Ministry of the Minister of Finance appointed by the President in terms of paragraph (1) of Article 52 of the Constitution, shall be the head of the General Treasury*". The Secretary is thereafter referred to in the Bill as the '*Secretary to the Treasury*'. Mr. Dharshana Weraduwaage, the learned Counsel appearing for the Petitioners in SC (SD) No. 72/2024 submitted that the Bill confers enormous powers on the Secretary to the Treasury, who is neither a juristic nor a natural person, leads to corruption and arbitrariness, and therefore is violative of Articles 1, 3, 4(d) and 12(1) of the Constitution.

The Secretary to the Treasury currently enjoys significant power within the existing framework and the Bill seeks to provide legislative sanction to the exercise of such powers by way of Clauses 5, 6, 37, 39 and 47(3). The holder of the post of 'Secretary to the Treasury' is a natural person and no difficulty has been encountered when the Secretary to the Treasury sues or is sued in a court of law or in engaging in any other matter in the capacity of the Secretary to the Treasury. Clause 5(1) only confers a statutory recognition to the post of Secretary to the Treasury, and does not violate any provision of the Constitution.

Clauses that are challenged

The learned Counsel for the Petitioners have challenged the following clauses of the Bill:

- (1) Clause 3(2)(b)
- (2) Clause 5(2)(f)
- (3) Clauses 32(3) and 32(4)
- (4) Clause 34(2)
- (5) Clause 36
- (6) Clause 38
- (7) Clause 39(1)
- (8) Clause 60
- (9) Clause 63
- (10) Clause 68
- (11) Clause 69
- (12) Clause 71 - interpretation

Clause 3(2)(b)

In terms of Clause 3(2)(b), the provisions of the Bill shall apply to:

- (i) public officers;
- (ii) public office holders;
- (iii) members of the tri-forces; and
- (iv) members of the judicial service.

'*Members of the judicial service*' has been defined in Clause 71 to include, "*a judge of the Supreme Court, Court of Appeal or High Court or a judicial officer, or a member of a tribunal*." It was submitted that not all of these persons would be carrying out functions relating to public financial management under the Bill and that to include all such persons without any responsibility being assigned under any of the provisions of the Bill would not only be overbroad and arbitrary and therefore violative of Article 12(1) but would also amount to an interference with the independence of the Judiciary and would thereby violate Article 4(c) read with Article 3 of the Constitution. We are in agreement with this submission and are of the view that Clause 3(2)(b)(iv) and the definition of '*members of the judicial service*' shall be passed by the special majority of Parliament and be approved by the People at a Referendum.

The learned Deputy Solicitor General submitted that the provisions of the Bill shall only apply to persons who, in their official capacities in the public entities referred to in Clause 3(2)(a), are tasked with duties under the Bill. She admitted that this limitation is not reflected in that manner in Clause 3(2)(b) as it presently reads but that it is reflected so in Clause 64(1). The learned Deputy Solicitor General submitted that an amendment shall be moved at the Committee Stage of Parliament to:

- (a) delete the definition of '*members of the judicial service*' in Clause 71;
- (b) delete Clause 3(2)(b) and substitute it with the following new sub-clause:

"officers and employees of public entities to whom a power or duty is conferred, delegated or assigned under this Act or any regulation made thereunder, including a Chief Accounting Officer, Accounting Officer or a competent authority referred to in Part VI of this Act."

We are of the view that the aforementioned inconsistency shall cease and Clause 3(2)(b) may be passed by a simple majority, if the definition of '*members of the judicial service*' in Clause 71 is deleted and Clause 3(2)(b) is amended, as proposed by the learned Deputy Solicitor General.

Clause 5(2)(f)

Mr. Weraduwaage submitted that in terms of Article 43(1), it is the Cabinet of Ministers that has been charged with the direction and control of the Government of the Republic, and that formulating policy is a function of the Cabinet of Ministers. However, Clause 5(2)(f) of the Bill provides that the Secretary to the Treasury, who shall be the Secretary to the Ministry of Finance shall, "*formulate policies and strategies for the effective management and overall supervision of State Owned Enterprises*". This, he submitted, is in direct violation of the provisions of Articles 43(1) and 52(2).

We are in agreement with the submission of Mr. Weraduwaage, and are of the view that Clause 5(2)(f) is violative of Articles 12(1), 43(1) and 52(2) and hence, Clause 5(2)(f) shall be passed with the special majority of Parliament.

The learned Deputy Solicitor General however submitted that an amendment shall be moved at the Committee Stage of Parliament to amend Clause 5(2)(f) by the insertion of the words, "*subject to the approval of the Cabinet of Ministers*" at the beginning of Clause 5(2)(f) and that Clause 5(2)(f) shall thereafter read as follows:

"subject to the approval of the Cabinet of Ministers, formulate policies and strategies for the effective management and overall supervision of State-Owned Enterprises".

We are of the view that the aforementioned inconsistency shall cease and Clause 5(2)(f) may be passed with a simple majority if Clause 5(2)(f) is amended as proposed by the learned Deputy Solicitor General.

Clause 32 – public procurement

We have already referred to the submission of the learned Deputy Solicitor General that the rationale for the introduction of the Bill is to strengthen the public financial management system with a view to ensuring accountability, better macroeconomic management and the prudent use of public funds. An effective and stringent public financial management system would no doubt ensure greater transparency in public procurement. It is perhaps no secret that lack of transparency in procurement can distort competition and lead to corruption and that the adoption of good practices in public financial management and procurement can lead to a reduction in corruption. This nexus between effective public financial management, public procurement and corruption probably explains the reason for the inclusion in the Bill of Clause 32 dealing with public procurement and Part IX [Clauses 40 – 45] dealing with Public Investment Management.

The preface to the Government Procurement Guidelines of 2006 on Goods and Works sets out that the purpose of the Guidelines is to "*enhance the transparency of the Government procurement process to minimise delays and to obtain financially the most advantageous and qualitatively the best services and supplies for the nation*." [emphasis added] In other words, all those competing to provide a good, work or service must do so on a level playing field, thus ensuring adherence with Article 12(1).

The importance of scrupulously following and adhering to the Government tender procedure has been emphasised by this Court time and again. In Smithkline Beecham Biologicals SA and another v. State Pharmaceutical Corporation of Sri Lanka and others [(1997) 3 Sri LR 20] it was held that, “In order to assist it in **making an informed decision in the best interests of the People**, the Government has, through the Financial Regulations, Circulars, and the Guidelines of 1996, laid down procedures to be followed in the matter of Government procurements. Unless they are followed, the Government is liable to be misled in making its decisions. **Therefore, there must be scrupulous adherence to procedures laid down by the Government.** Part I Chapter I paragraph 2 (b) states that the tender process should ensure “adherence to prescribed standards, rules and regulations.” [emphasis added]

Before we consider the submissions of the Petitioners, it would be appropriate to refer to the United Nations Convention against Corruption [UNCAC 2004], to which Sri Lanka is a signatory. In its foreword, it is stated that:

“Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organised crime, terrorism and other threats to human security to flourish.

*This evil phenomenon is found in all countries—big and small, rich and poor—but it is in the developing world that its effects are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government’s ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment. **Corruption is a key element in economic underperformance and a major obstacle to poverty alleviation and development.**”* [emphasis added]

The link between public procurement, corruption and public financial management are captured in Article 9 of the Convention in the following manner:

- “1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, *inter alia*, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, *inter alia*:
 - (a) The public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;
 - (b) The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;
 - (c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;
 - (d) An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;
 - (e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.
2. Each State Party shall, in accordance with the fundamental principles of its legal system, **take appropriate measures to promote transparency and accountability in the management of public finances.** Such measures shall encompass, *inter alia*:
 - (a) Procedures for the adoption of the national budget;

- (b) Timely reporting on revenue and expenditure;
- (c) A system of accounting and auditing standards and related oversight;
- (d) Effective and efficient systems of risk management and internal control; and
- (e) Where appropriate, corrective action in the case of failure to comply with the requirements established in this paragraph.”

The provisions of the Bill capture most of what has been set out in Article 9(2) of the Convention, and reinforces the clear nexus between public financial management, procurement and corruption. This nexus was considered in the Determination on the Anti-Corruption Bill [SC (SD) Nos. 16-21/2023], where, having noted that one of the objects of the Bill is to give effect to certain provisions of the United Nations Convention against Corruption and other internationally recognised norms, standards and best practices, this Court stated as follows:

*“In ‘What is Corruption and Why should we care – Knowledge tools for Academics and Professionals’ published by United Nations Office on Drugs and Crime, it is said that bribery and corruption negatively impact on many areas. It undermines the attainment of the UN Sustainable Development Goals and causes economic loss and inefficiency. Under conditions of corruption, the funds identified for education, health care, poverty relief, and other social welfare measures becomes a source of personal enrichment for party officials, bureaucrats and contractors. It brings about private and public sector dysfunctionality. When the justice system is invaded by corruption, people can no longer count on prosecutors and judges to do their jobs which has a debilitating impact on the rule of law. **Accordingly, we hold that Sovereignty in Article 3 includes the right to a Government free of bribery or corruption.**”* [page 21]

“ ‘Preventing Corruption in Public Procurement’ published by the Organisation for Economic Cooperation and Development (OECD) in 2016, recognises that:

“Public procurement is one of the government activities most vulnerable to corruption. In addition to the volume of transactions and the financial interests at stake, corruption risks are exacerbated by the complexity of the process, the close interaction between public officials and businesses, and the multitude of stakeholders.

Various types of corrupt acts may exploit these vulnerabilities, such as embezzlement, undue influence in the needs assessment, bribery of public officials involved in the award process, or fraud in bid evaluations, invoices or contract obligations. In many OECD countries, significant corruption risks arise from conflict of interest in decision-making, which may distort the allocation of resources through public procurement (European Commission, 2014a). Moreover, bid-rigging and cartelism may further undermine the procurement process.

The OECD Foreign Bribery Report (2014) provides additional evidence that public procurement is vulnerable to corruption.

*According to the “Guidebook on anti-corruption in public procurement and the management of public finances - Good practices in ensuring compliance with Article 9 of the United Nations Convention against Corruption” published by the UNODC in partnership with International Anti-Corruption Academy (2013) *inter alia*, ‘The volume and complexity of any particular procurement play an important role when it comes to corruption. Larger procurements are often most vulnerable, as bribes are frequently demanded and paid as a percentage of the public contract’s value. Experience also shows that certain sectors are particularly vulnerable to corruption. Many corruption scandals in recent years were in the field of public works contracts, such as infrastructure projects, the defence industry, the oil and gas sector, and in the health-care sector, especially in pharmaceuticals and medical devices.*

Despite its enormous negative impact and the various efforts undertaken to curb corruption in the field of government contracts, public contracts have remained highly prone to corruption during the last decade; this is true both of developing and developed countries. Even in an environment where the public and private sectors

are aware of the enhanced enforcement of anti-corruption laws, corruption opportunities and challenges continue to arise through private sector contact with government officials.'

We are mindful that instances of corruption or bribery in public procurement need to be effectively prevented and combatted and falls within the objective of the Bill. Even though Clauses 97 and 98 of the Bill does not cover the full gamut of public procurement process, examination of Clauses 99, 100 (a) (i), (vi), (vii), 104(1), 105 and 111 together with Clauses 97 and 98 demonstrate that such provisions cumulatively cover instances of bribery or corruption in such process despite the fact that such provisions do not make any specific reference to procurement process." [pages 53-54; emphasis added]

Articles 156B – 156H, introduced by the 21st Amendment to the Constitution provides for the establishment of a National Procurement Commission, thus signifying the importance that has now been attached to the subject of public procurement and the need to have a well defined and well formulated set of rules applicable across the entire public sector. While Article 156C sets out the functions of the Commission, Article 156C(1) provides that:

"It shall be the function of the Commission to formulate fair, equitable, transparent, competitive and cost effective procedures and guidelines, for the procurement of goods and services, works, consultancy services and information systems by government institutions and cause such guidelines to be published in the Gazette and within three months of such publication, to be placed before Parliament."

Thus, it is the constitutional duty of the National Procurement Commission to make procurement guidelines for the entire public sector including State Owned Enterprises.

It is in this background that Mr. Viran Corea, PC, the learned Counsel for the Petitioners in SC (SD) No. 77/2024 invited us to consider Clause 32 of the Bill, which provides as follows:

"(1) Every public entity shall procure the goods, services, works, consultancy services and information systems in compliance with the procurement procedures specified in written laws and guidelines issued from time to time by the National Procurement Commission.

(2) (a) Every public entity specified in sub paragraph (i) of paragraph (a) of subsection (2) of section 3 shall be required to prepare and provide to the Secretary to the Treasury its annual procurement plans.

(b) Every public entity specified in sub paragraphs (ii) and (iii) of paragraph (a) of subsection (2) of section 3 shall be required to prepare and provide their annual procurement plans to the respective Chief Accounting Officer."

Clause 32(1) and (2) reflects the commitment undertaken in terms of Article 9 of the United Nations Convention against Corruption. However, the issue arises with Clauses 32(3) and (4), which are re-produced below:

*"(3) The Minister of Finance may with the concurrence of the National Procurement Commission prescribe the State Owned Enterprises **which shall be exempted** from complying with the procurement guidelines.*

*(4) The Provincial Councils **may follow their own guidelines** in respect of the procurement of goods, services, works, consultancy services, and information systems with the approval of the National Procurement Commission."*

Clause 32(3)

Mr. Corea, PC submitted that the nexus between business and politics in Sri Lanka has contributed to a lack of transparency and accountability in public procurement, contract allocation, and regulatory enforcement, and these taken together have facilitated corrupt practices, with cronyism and nepotism influencing decision-making processes and distorting market competition at almost every stage of the procurement process for goods and services for the public sector. He submitted further that exempting State Owned Enterprises from following the procurement procedures would have an adverse

impact on public financial management and perpetuate a cycle of poverty and underdevelopment in the Country. He stated that this directly impinges upon and entails serious erosion and infringement of the Sovereignty of the People enshrined in Articles 3 and 4 of the Constitution.

The importance of having in place and adhering to a well structured and well defined set of procurement rules and guidelines is extremely important for any country and certainly for Sri Lanka which, as submitted by the learned Deputy Solicitor General is taking steps to restructure its public financial management framework. The importance of demanding adherence with procurement guidelines in the public financial management legislation becomes even more significant given the fact that the Bill has been recognised as the overarching central piece of legislation on responsible and prudent public financial management. It is therefore important that each and every public entity to which the provisions of the Bill would apply are governed by the procurement rules prepared by the National Procurement Commission. It would do well to remember that Sovereignty is with the People, that all organs of Government exercise the power of the People in trust for the People, and that all funds of these State Owned Enterprises belong to the People.

The learned Deputy Solicitor General submitted that some State Owned Enterprises operates in the commercial sector in competition with private sector entities and that in order to stay competitive and profitable, it cannot be constrained by a rigid set of guidelines. Hence, she submitted that there may be a necessity to formulate different guidelines for different sectors which may specifically address issues of exemptions in certain limited situations. While that is a matter for the National Procurement Commission and is not a matter that we shall consider in this Determination, this Court sees no legal justification at all for exempting any State Owned Enterprises from following Procurement Guidelines formulated by the National Procurement Commission. As stated earlier, all public entities are dealing with public funds and the rules and rigours of public financial management governing public entities must apply with equal force to all such State Owned Enterprises.

We must also state that every State Owned Enterprise must follow, as far as may be practicable, one set of Procurement Guidelines formulated by the National Procurement Commission. The formulation of specific guidelines must therefore be done only where the National Procurement Commission deems such a course of action necessary and only where the National Procurement Commission is satisfied that having specific guidelines shall not violate the principles of open and transparent procurement procedures.

We are therefore of the view that Clause 32(3) is violative of Article 3 and Article 12(1) of the Constitution and Clause 32(3) shall only be passed by the special majority of Parliament and approved by the People at a Referendum. The learned Deputy Solicitor General submitted that an amendment shall be moved at the Committee Stage of Parliament to delete Clause 32(3) and replace it with the following:

"State-Owned Enterprises may have their own guidelines formulated and published in the Gazette by the National Procurement Commission."

We are of the view that the concerns we have expressed will only be addressed if Clause 32(3) is amended to read as follows:

"The National Procurement Commission may, if it deems necessary, formulate and publish in the Gazette specific guidelines for State Owned Enterprises."

This amendment is in line with Article 156C(1) of the Constitution which specifically provides that it shall be the function of the National Procurement Commission to formulate guidelines for all Government Institutions, which as defined in Article 156H includes Provincial Councils and Public Corporations, business or other undertakings vested in the Government under any written law and Companies registered or deemed to be registered under the Companies Act, No. 7 of 2007, in which the Government, a Public Corporation or Local Authority holds more than fifty per centum of the shares of that Company.

In fact, in the Determination of this Court in the **Twenty Second Amendment to the Constitution** [SC (SD) Nos. 40 – 49/2022], this Court observed that *"Article 156H would now ensure that the meaning of the words "government institution" would have a broader ambit and as such would increase transparency in procurement across institutions in which substantial public funds have been invested or expended. The proposed clause*

includes companies registered under the Companies Act, No. 7 of 2007, in which the government or public corporations hold more than fifty per centum of the shares of that company. Naturally, subsidiaries of such companies would also be caught up within the ambit of this clause, and as such there is no necessity to make explicit reference to the subsidiaries of such companies. This provision would ensure that the procurement process in respect of institutions where substantial public funds are involved cannot avoid scrutiny through the mechanism of creating a separate legal personality." [emphasis added]

We are of the view that the aforementioned inconsistency shall cease and Clause 32(3) may thereafter be passed by a simple majority if Clause 32(3) is amended as follows:

"The National Procurement Commission may, if it deems necessary, formulate and publish in the Gazette specific guidelines for State Owned Enterprises."

Clause 32(4)

According to Clause 32(4), the Provincial Councils **may follow their own guidelines** in respect of the procurement of goods, services, works, consultancy services, and information systems with the approval of the National Procurement Commission.

Clause 3(2)(a) of the Bill identifies Provincial Councils as a public entity to which the Bill will apply. Furthermore, Clause 62 of the Bill provides that:

"(1) Subject to the provisions of the Constitution and relevant written laws, Provincial Councils and Local Authorities shall adhere to the principles of transparency and fiscal responsibility stipulated in the Act in the management of public finance."

(2) The Secretary to the Ministry of the Minister to whom the subject of Provincial Councils and Local Authorities are assigned shall submit reports on revenues and expenditures and other financial information of the Provincial Councils and Local Authorities, as may be requested by the Minister of Finance."

Mr. Corea, PC submitted that Article 156C only empowers the National Procurement Commission to formulate guidelines and that it is not within their Constitutional mandate to grant approval for a Provincial Council to follow their own guidelines. He submitted that in any event, permitting provinces to adopt different procurement guidelines across provinces which may in turn be different to the National Procurement Guidelines will certainly destroy the level playing field that is sought to be created by the formulation of uniform procurement guidelines and therefore would violate Article 12(1). He submitted that where procurement in respect of subjects on List 3 of the Ninth Schedule (the Concurrent List) of the Constitution are concerned, with many important subjects being catered to in terms of the said Concurrent List at both Government and Provincial levels, the lack of a uniform set of rules will result in anomalies and lack of equal protection in terms of Article 12(1) and have an adverse impact on the right of bidders and potential bidders guaranteed under Article 14(1)(g). All Provincial Councils are dealing with public funds and Clause 32(4) is an open invitation to Provincial Councils to disregard and reject all forms of public financial management and regulation and engage in uncontrolled corruption.

We are therefore of the view that Clause 32(4) which permits Provincial Councils to follow their own procurement guidelines with the approval of the National Procurement Commission is inconsistent not only with Article 156C of the Constitution and Article 148 of the Constitution, but with Article 12(1) and Article 3 of the Constitution, as well. Clause 32(4) must therefore be passed by the special majority of Parliament and be approved by the People at a Referendum.

The learned Deputy Solicitor General submitted that an amendment shall be moved at the Committee Stage of Parliament to delete Clause 32(4) and replace it with the following:

"Provincial Councils may have their own guidelines formulated and published in the Gazette by the National Procurement Commission."

We are of the view that the aforementioned concerns we have expressed will only be addressed if Clause 32(4) is amended to read as follows:

"The National Procurement Commission may, if it deems necessary, formulate and publish in the Gazette specific guidelines for Provincial Councils."

Furthermore, since the wording proposed for Clauses 32(3) and (4) are identical, the said clauses may be amalgamated to form one clause.

Clause 34(2)

Clause 34(2) reads as follows:

"There shall be a treasury single account which shall be an integrated system of bank accounts, into which all Government cash including moneys received by the public entities referred to in sub-paragraphs (i) and (ii) of paragraph (a) of subsection (2) of section 3 shall be deposited and from which expenditure of the Government and such public entities shall be made to enable public funds to be managed in a consolidated manner."

It was pointed out by the learned Counsel for the Petitioners that Clause 34(2) is violative of Article 149(1) which provides that, *"The funds of the Republic not allocated by law to specific purposes shall form one Consolidated Fund into which shall be paid the produce of all taxes, imposts, rates and duties and all other revenues and receipts of the Republic not allocated to specific purposes."*

We are in agreement with the contention of the learned Counsel for the Petitioners and are of the view that Clause 34(2) must be passed with the special majority of Parliament. The learned Deputy Solicitor General however submitted that an amendment shall be moved at the Committee Stage of Parliament to add the words, *"to maintain the revenue and expenditure of the Consolidated Fund"* and that Clause 34(2) shall thereafter read as follows:

"There shall be a treasury single account to maintain the revenue and expenditure of the Consolidated Fund which shall be an integrated system of bank accounts, into which all Government cash including moneys received by the public entities referred to in sub-paragraphs (i) and (ii) of paragraph (a) of subsection (2) of section 3 shall be deposited and from which expenditure of the Government and such public entities shall be made to enable public funds to be managed in a consolidated manner."

We are of the view that the said inconsistency shall cease and Clause 34(2) may be passed with the simple majority of Parliament if Clause 34(2) is amended as proposed by the learned Deputy Solicitor General.

Clause 36

In terms of Clause 36 of the Bill:

"(1) There shall be developed an effective computerized systems for carrying out the functions of the General Treasury and the functions specified in this Act."

(2) The performance, security, safety and accuracy of the public entity's computerized financial management and other information systems shall be reviewed and evaluated as prescribed."

Mr. Weraduwa submitted that this clause is vague as it does not specify who shall be responsible and answerable for the performance, security, safety and accuracy of the computer systems put in place, who will review and evaluate such systems etc. He also stated that this will lead to serious national security risks. In the absence of defined security measures, the computerised systems could be vulnerable to cyberattacks, data breaches and exploitation, posing severe national security risks. However, Clause 36(2) read with Clause 67 provides that such details are to be prescribed by way of regulations, and for that reason, we see no merit in the submission of the learned Counsel for the Petitioners.

Clause 38

Clause 38(1) reads as follows:

*“(1) The management of the **non-financial assets** of the public entities referred to in sub-paragraphs (i), (ii) and (iii) of paragraph (a) of subsection (2) of section 3 including their identification, classification, valuation, utilization, and disposal shall be governed subject to any relevant written law.*

Clause 71 defines ‘non-financial assets’ as follows:

“‘non-financial assets’ means produced or non-produced movable or immovable assets, including lands, buildings, structures, plant and machinery, vehicles, office equipment and furniture, and other assets declared as non-financial assets that are fully owned, assigned, possessed, vested in, utilized, or leased by a public entity.”

It would thus be seen that ‘non-financial assets’ can range from furniture to structures and anything beyond, due to the use of the words, ‘and other assets declared as non-financial assets’.

Clause 38(2) and Clause 38(3) reads as follows:

*“(2) The proceeds of the **sale of any movable or immovable property** or any exclusive privilege belonging to a budgetary entity shall be credited to the Consolidated Fund and shall be dealt with in the manner as may be prescribed.*

(3) For the purpose of this section –

- (a) “disposal” shall not include the disposal of assets for investment purpose or any other commercial purpose; and
- (b) “movable property” shall not include cash.”

It is not clear if there is a nexus between Clause 38(2) which refers to ‘the **sale of any movable or immovable property or any exclusive privilege**’ and Clause 38(1) which refers to the ‘**disposal**’ of ‘non-financial assets’. For that reason, it is not clear if Clause 38(3) only applies to Clause 38(1). Be that as it may, Mr. Weraduwa submitted that the Bill does not, (a) define what an ‘investment purpose’ or a ‘commercial purpose’ might be; (b) contain any guidelines for deciding so; (c) identify who would be deciding so; (d) identify who has the power to declare what other assets should come under the definition of ‘non-financial assets’.

Quite apart from this Clause being vague, the effect of this Clause is two-fold. The first is that the disposal of non-financial assets belonging to a public entity for an investment or commercial purpose shall be outside the purview of the Bill. This is contrary to the objects of the Bill, removes the prudential accountability that the Bill seeks to ensure in the management of public finance and deprives Parliament of its right of exercising control over public finance. The second is that there is no requirement that the proceeds of such disposal shall be credited to the Consolidated Fund and is therefore violative of Article 149 of the Constitution.

The learned Deputy Solicitor General submitted that disposal of property for investment and commercial purposes may have different processes. In the absence of details of such processes being divulged, this Court is constrained to state that Clause 38(3) is inconsistent with the provisions of Articles 12(1) and 148 of the Constitution and shall only be passed by the special majority of Parliament.

Clause 39(1)

While Clause 39(1) provides that, “The Secretary to the Treasury shall supervise, examine, and monitor all statutory funds and may issue directives on statutory funds.”, Clause 39(3)(a) requires every statutory fund to comply with any directive issued by the Secretary to the Treasury in exercising the powers, duties, and functions under this Act and any other written law.

It was pointed out to the learned Deputy Solicitor General that laws creating such statutory funds may contain specific provisions relating to the manner in which such funds are to be managed and thus enabling the Secretary to the Treasury to give directions shall contravene the provisions of such laws. A case in point is the Companies Fund established under Section 479 of the Companies Act, No. 7 of 2007, which specifies the manner in

which the funds are to be utilised and which contains specific provision relating to the preparation of reports on the administration of the fund.

We are therefore of the view that Clause 39(1) is overbroad and is therefore violative of Article 12(1), and shall only be passed by the special majority of Parliament. The learned Deputy Solicitor General submitted that an amendment shall be moved at the Committee Stage of Parliament to add the words, ‘in respect of which any other written law does not provide for such matters’ at the end of Clause 39(1). Clause 39(1) would thereafter read as follows:

“The Secretary to the Treasury shall supervise, examine, and monitor all statutory funds and may issue directives on statutory funds in respect of which any other written law does not provide for such matters.”

We are of the view that Clause 39 shall cease to be inconsistent with Article 12(1) of the Constitution and may be passed by the simple majority of Parliament if Clause 39(1) is amended as proposed by the learned Deputy Solicitor General.

Clause 60

Clause 60 reads as follows:

- “(1) Where applicable, there shall be a levy and dividend policy that shall be set by the respective governing bodies of State-Owned Enterprises, in consultation with the Secretary to the Treasury. The imposition of a levy and any decision by the Minister of Finance exempting a State-Owned Enterprise from the imposition of such levy shall be published in the annual report under subsection (3) of section 53.*
- (2) Dividends or other profit distribution from State-Owned Enterprises paid to Government shall be paid into the Consolidated Fund and reflected in the annual budget presented to the Parliament.*
- (3) The Secretary to the Treasury shall disclose such sums collected as levy or dividend in the annual report under subsection (3) of section 53.*
- (4) No set-off tax relief shall be granted in respect of the amounts paid as a levy or dividend under this section.”*

Mr. Weraduwa submitted that as this Clause allows the Minister of Finance to impose levies and exempt certain State Owned Enterprises from it, this Clause violates Article 148 which states that Parliament shall have full control over public finance, and no tax, rate or any other levy shall be imposed by any local authority or any other public authority, except by or under the authority of a law passed by Parliament or of any existing law. He also submitted that this Clause violates Articles 3, 4(a) and 76.

The learned Deputy Solicitor General submitted that while a State Owned Enterprise with a corporate structure can remit their profits to the Consolidated Fund by way of a dividend, there may be public corporations where its enabling statute does not contain provisions to declare a dividend. She submitted that a levy shall be imposed only in respect of such Enterprises, and that whether an exemption is granted or not, Clause 60 requires full details of the dividends that are remitted, the levies that are imposed and the exemptions that are granted to be reported to Parliament in the annual report provided for in Clause 53(3). It was therefore her position that through the annual report, Parliament is apprised of any exemption granted and therefore there is no violation of the provisions of Article 148. We are in agreement with the learned Deputy Solicitor General and see no merit in the submission of the Petitioners.

Clause 63

Clause 63 reads as follows:

- “(1) The Minister of Finance shall be vested with the power of cadre management of the public entities in a manner as may be prescribed that would achieve the objects of this Act.*

- (2) *The responsibilities of the Minister of Finance with regard to cadre management, shall include the determination of the salaries and wages and other payments, to the officers and other employees of public entities."*

This clause confers a wide power on the Minister of Finance to decide on, (a) cadre management, which phrase has not been defined, and (b) salaries, but does not contain any safeguards or guidance on the manner in which such power shall be exercised. Thus, Clause 63(2) is not only vague but the propensity for the arbitrary exercise of the power conferred by Clause 63(2) is high, and as such, Clause 63(2) is inconsistent with Article 12(1).

In terms of Article 55(1), the "Cabinet of Ministers shall provide for and determine all matters of policy relating to public officers, including policy relating to appointments, promotions, transfers, disciplinary control and dismissal." Given the complexity in categorisation of public servants, determining the salaries that are to be paid to all employees of public entities is certainly a matter of policy that comes within Article 55(1) and within the domain of the Cabinet of Ministers. In such circumstances, empowering the Minister of Finance to determine the salaries and wages of all employees of public entities is a violation of Article 55(1). Furthermore, conferring on the Minister the power of cadre management is violative *inter alia* of Article 55(3), Article 111H(1)(b), 153C, 155G(1) and 156F. Clause 63(1) is therefore inconsistent with Article 55(1), Article 55(3), Article 111H(1)(b), 153C, 155G(1), and 156F of the Constitution.

We have stated at the outset that the definition of 'special spending unit' in Clause 71 means an 'entity, other than a Ministry, Department, District Secretary or Provincial Council, that has been given a Head of Expenditure in the annual budget'. The Supreme Court has been given a separate head of expenditure, and includes the expenditure of the Court of Appeal. Clause 63(2) read together with the definition of 'special spending unit' would enable the Minister of Finance to determine the salaries and wages of the Judges of the Supreme Court and the Court of Appeal.

The **Inland Revenue (Amendment) Bill** [supra] sought to increase the rate of income tax payable by individuals and was of universal application including judges. This increase was challenged by the High Court Judges Association and the Judicial Service Association on the basis that subjecting them to taxes similar to all citizens is impermissible for the reason *inter alia* that judges are a different category and that in any event, it affects the independence of the judiciary.

This Court, in its Determination, referred to **High Court Judges Association and Others v. Lionel Fernando, Co-Chairman, National Salaries and Cadre Commission and Others** [SC (FR) Application No. 66/2008, SC Minutes of 4th May 2009] and stated that:

"In the High Court Judges Association case, this Court held that if there is a national wage policy, the judiciary should be classified separately. The dispute arose due to the National Salaries and Cadre Commission classifying High Court Judges and Judges of the Original Courts together with the Public Service without taking account of their duties, functions and responsibilities. We respectfully endorse that decision. Taking into account the duties, functions and responsibilities of judicial officers, they cannot be classified with public officials." [emphasis added]

This Court, having also considered whether increase of taxes has a bearing on the independence of the judiciary, stated thus:

"Dr. De Silva PC next contended that the independence of the judiciary is a foundational value of the Republic which finds expression throughout the Constitution. Our attention was drawn to the preamble (SVASTI) of the Constitution which assures to all People the independence of the judiciary as the intangible heritage that guarantees the dignity and well-being of succeeding generations of the People of Sri Lanka."

We strongly agree that the independence of the judiciary is a fundamental value of the Republic. Indeed, long before we became a Republic, the Soulbury Constitution constitutionally recognized the principle of judicial independence by creating the Judicial Service Commission. Although the 1972 Constitution made no provision for a Judicial Service Commission, its re-introduction by the 1978 Constitution is evidence of the desire of the State to embed the independence of the judiciary as a functional and foundational constitutional principle. In fact, this Court in

Industrial Disputes (Special Provisions) Bill [S.C.(S.D.) No. 30/2022] held that Sovereignty in Article 3 of the Constitution must be interpreted to include the right to an independent judiciary.

Dr. De Silva PC argued that the independence of the judiciary is guaranteed through security of tenure, income security and non-interference. As a result, it was argued that judges' salaries cannot be reduced by an act of the executive or legislature. In particular, it was submitted that Article 108(2) of the Constitution which specifically provides that the salaries of the Judges of the Supreme Court and Court of Appeal cannot be reduced must be read as a limitation on Parliament in determining the salaries of superior court judges and not as an exclusion of the minor judiciary from the general principle that judges' salaries must not be reduced.

*It was submitted that there is a general principle that the salaries of the judges shall not be reduced during their term of office which is recognized by judicial precedent and in several international declarations and guidelines. Our attention was drawn to the decision in *Senadhira v. The Bribery Commissioner* (63 NLR 313 at page 317) where it was held that their "full salaries are absolutely secured to them during the continuance of their commissions". Clause 31 of the Beijing Principles, August 1995 states that the remuneration and conditions of judges should not be altered to their disadvantage during their term of office, except as part of a uniform public economic measure to which the judges of a relevant court, or a majority of them, have agreed. In the UN Basic Principles on the Independence of the Judiciary, it is provided in Clause 11 that the term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and age of retirement shall be adequately secured by law. The Latimer House Guidelines for the Commonwealth II.2. states that as a matter of principle, judicial salaries and benefits should be set by an independent commission and should be maintained.*

We are of the view that Article 108(2) of the Constitution applies only to the salaries of the Judges of the Supreme Court and Court of Appeal which cannot be reduced. Nonetheless, we agree with the argument that it should not be interpreted as an exclusion of the minor judiciary from the general principle that judicial salaries should not be reduced.

Indeed, there is a general principle that the judges salaries cannot be reduced during their tenure of office. This general principle now forms part of the constitutional guarantees for the establishment of judicial independence. The judges of the High Court, District Court and the Magistrates Court and all other Judicial Officers within the meaning of Article 111M of the Constitution is entitled to this protection." [emphasis added]

In the above circumstances, we are of the view that Clause 63 is inconsistent with the provisions of Article 4(c) read with Article 3, Article 12(1), Article 55(1), Article 55(3), Article 108, Article 111H(1)(b), Article 148, Article 153C, Article 155G(1) and Article 156F of the Constitution, and that Clause 63 shall only be passed by the special majority of Parliament and be approved by the People at a Referendum.

The learned Deputy Solicitor General submitted that an amendment shall be moved at the Committee Stage of Parliament by inserting the words, 'subject to the provisions of the Constitution and the approval of the Cabinet of Ministers' at the beginning of Clause 63(2), and that Clause 63(2) shall thereafter read as follows:

"Subject to the provisions of the Constitution and the approval of the Cabinet of Ministers, the responsibilities of the Minister of Finance with regard to cadre management, shall include the determination of the salaries and wages and other payments, to the officers and other employees of public entities"

We are of the view that the said inconsistency shall cease and Clause 63 may be passed by a simple majority of Parliament if Clause 63(2) is amended as proposed by the learned Deputy Solicitor General.

Clause 68

In terms of Clause 68(1), "The Secretary to the Treasury may issue directives deemed as necessary for the purpose of implementing the provisions of this Act." However, this Clause does not specify the persons to whom such directive may be issued and is therefore vague and inconsistent with Article 12(1). The learned Deputy Solicitor General

submitted that an amendment shall be moved at the Committee Stage of Parliament to Clause 68(1) by inserting the words, 'to the public entities and persons referred to in subsection 2 of Section 3' after the word, 'issue', and that Clause 68(1) shall thereafter read as follows:

"The Secretary to the Treasury may issue to the public entities and persons referred to in subsection 2 of Section 3 directives deemed as necessary for the purpose of implementing the provisions of this Act."

We are of the view that the said inconsistency shall cease and Clause 68 may be approved by the simple majority of Parliament if Clause 68 is amended as proposed by the learned Deputy Solicitor General.

Clause 69

Clause 69 provides as follows:

- "(1) If any difficulty arises when implementing the provisions of this Act, or any regulation made thereunder, the Minister may, by Order published in the Gazette make such provisions not inconsistent with the provisions of this Act or any other written law, as appears to the Minister to be necessary or expedient for removing the difficulty.*
- (2) Every Order made under this section shall be published in the Gazette and may be laid before Parliament not later than three months of the date of publication in the Gazette."*

Mr. Corea, PC submitted that in implementing the provisions of any Act of Parliament, difficulties may arise for a variety of reasons, and that in such an eventuality, the appropriate course of action would be to move the legislature to amend the statute as necessary to obviate such difficulties. He submitted that instead, permitting the Minister to make any Order circumventing such difficulties is likely to result in the Minister exercising legislative power over and above what is permissible in terms of Article 76 of the Constitution and has the likely potential effect of eroding Article 3 read with Article 4(a). He submitted further that Clause 69 does not contain adequate safeguards and can result in an arbitrary exercise of power. We are in agreement with the submission of Mr. Corea, PC and are of the view that Clause 69 is violative of Article 4(a) read together with Article 3 and Article 76 and hence, needs to be approved by the special majority of Parliament and by the People at a Referendum.

A similar clause but much wider in scope, was considered by this Court in its Determination on the Sri Lanka Electricity Bill [SC (SD) No. 42-53/2024] where it was held as follows:

"Quite apart from the strong propensity for the abuse of such provisions and hence the justification and the need for safeguards, its legality must be considered from the perspective of Articles 3, 4 and 76 of the Constitution. In terms of Article 3, sovereignty is in the People and is inalienable. Article 4 provides the manner in which the Sovereignty of the People shall be exercised and in Article 4(a) provides that the legislative power of the People shall be exercised by Parliament. In terms of Article 75, Parliament shall have power to make laws as stipulated therein.

Thus, while delegated legislation is permissible in terms of Article 76, and while Parliament may empower the Minister to make subsidiary legislation, such power is subject to the limitation that the subsidiary legislation must be for a prescribed purpose, or in other words, the enabling law must prescribe the purpose for which subsidiary legislation can be made. We are of the view that Clause 48 does not contain a prescribed purpose within the contemplation of Article 76(3). The failure to prescribe the purpose leads to a situation beyond what is permissible under Article 76(3) and will result in the alienation of legislative power to the executive."

The learned Deputy Solicitor General submitted that this Clause shall be deleted at the Committee Stage of Parliament.

Clause 71 – definition of State owned Enterprises

State Owned Enterprises play a critical role in the country's economy, and it is through such enterprises that key sectors in the Country, such as ports, power, water, banking and

insurance are managed. However, it is common knowledge that not all such State Owned Enterprises are profit making ventures. The Parliamentary Committee on Public Finance has time and again highlighted the serious irregularities that take place in such institutions, primarily with procurement and financial management.

It is in this background that Mr. Corea, PC drew our attention to a report titled, "The State of State Enterprises in Sri Lanka – 2019 (Systemic misgovernance: a discussion)" which contains the findings of a study into the activities of State Owned Enterprises in Sri Lanka carried out by a non-profit organisation registered under the Companies Act No. 7 of 2007.

The said report contains the following salient information about the status of State Owned Enterprises:

- There are 527 State Owned Enterprises but financial information is available only in respect of 10.4% of such State Owned Enterprises;
- The Ministry of Finance has classified 55 such State Owned Enterprises as strategically important, with the cumulative profit of such State Owned Enterprises for 2006 – 2017 being Rs. 964 billion while the cumulative losses for the said period being Rs. 795 billion;
- Weak governance has increased political and agency costs of state enterprises;
- Inefficiency is a common feature in all Sri Lankan State Owned Enterprises, across all organisational categories;
- Greater efficiency can only be expected through better governance and therefore a comprehensive system of corporate governance for state enterprises must be adopted.

The critical role performed by State Owned Enterprises and the need to improve its corporate governance structure and make such entities answerable to Parliament has received special mention in Part XII of the Bill comprising Clauses 55 – 61. These clauses contain provisions including the procedure that should be followed in their incorporation, issuing corporate governance guidelines aimed at enhancing their performance and exercising financial oversight over such Enterprises. **Clause 57(2) also provides that it shall be the responsibility of the relevant Minister to ensure that the annual budget of State Owned Enterprises is in line with the fiscal strategy statement of the Government and that it reflects the risk factors and the strategies to mitigate those risks.** Towards achieving such objectives, Clause 58(1) empowers the Secretary to the Treasury to issue directives on policy matters for State Owned Enterprises covering accountability and governance requirements, review of their financial performance and any other matters including administration, budgeting, procurement, investment, finance and reporting, subject to relevant written laws. Thus, Part XII places significant importance on regulating State Owned Enterprises and ensuring that they fall in line with the public financial management framework of the Government.

When examining Part XII, it is clear that the Minister of Finance has significant power over these enterprises. According to Clause 57, other Ministers also can propose the establishment of State-Owned Enterprises. Clause 59(2) indicates that some of these enterprises are funded directly by the annual budget. In this backdrop, the submission of Mr. Corea PC that "Despite being ultimately owned by citizens, State Owned Enterprises are managed by officials controlled by politicians" is not an exaggeration.

While welcoming the provisions of Part XII, the learned Counsel for the Petitioners however submitted that in view of the definition of a State Owned Enterprise in Clause 71 set out below, the detailed provisions in Part XII and other provisions of the Bill will not apply to some State Owned Enterprises that play a critical role in the financial and insurance sector in this Country.

Clause 71 of the Bill defines a 'State Owned Enterprise' as follows:

"State-Owned Enterprise" means –

- a public corporation within the meaning of the Constitution;

- (b) *entities established and operated under the Companies Act, No.07 of 2007 in which the State has direct or indirect controlling interest by virtue of its shareholding; or*
- (c) *State-Owned Corporations, converted in terms of the Conversion of Public Corporations or Government Owned Business Undertakings into Public Companies Act, No.23 of 1987, or such other Acts in terms of which any business entity has been vested with the Government,*

with the exception of the Central Bank of Sri Lanka and financial institutions including insurance and lending companies part or all of whose business is to lend or borrow."

We must observe that in terms of Section 5(1) of the Central Bank Act, No. 16 of 2023, the Central Bank shall have administrative and financial autonomy. While Part XIV of the Act contains detailed provisions setting out the relationship that the Central Bank shall have with Parliament, the Government and the Public, Part XVI provides for the financial reporting framework of the Central Bank including the requirement to prepare the financial statement for each financial year and to present such statements before Parliament.

The exclusion of insurance, financial and lending institutions which are almost entirely owned by the Government effectively negates the extensive provisions that the Bill seeks to introduce in order to ensure better public financial management and corporate governance of State Owned Enterprises. The gravity of such exclusion becomes even more critical when one considers that the People's Bank has 11 subsidiaries, the Bank of Ceylon has 7 subsidiaries, the National Savings Bank has one and Sri Lanka Insurance Corporation, quite apart from having extensive shareholdings in multiple sectors has several subsidiaries including Lanka Hospitals Limited, Litro Gas Lanka Limited and Litro Gas Terminal Lanka (Pvt) Limited.

This exclusion has a significant impact on procurement carried out by such State Owned Enterprises and on Clause 17 which specifies that Government Guarantees, which in terms of the Foreign Loans Act are given on behalf of Public Corporations and Public Enterprises as defined in such Act, shall not exceed 7.5% of the average gross domestic product of the relevant financial year and the preceding two years.

It is perhaps relevant to refer to Chapter 3 of the report titled "*Confronting corruption in sectors and functions*" published by the World Bank, where it emphasises that:

- (a) *"State-owned enterprise corruption has gained prominence in recent years;*
- (b) *Corruption is most rampant where State Owned Enterprises operate as monopolies or have exclusivity rights;*
- (c) *Statutory loopholes and vagueness in legal and regulatory frameworks are an underlying theme to nearly all the risks."*

The exclusion is also significant when one considers the fact that Clause 70 of the Bill seeks to repeal Sections 8 and 14 of the Finance Act No. 38 of 1971, which contain detailed provisions relating to the preparation of its annual budget by State Owned Enterprises and the presentation of the annual accounts of such Enterprises to Parliament. Thus, in spite of Article 154 in terms of which the Auditor General shall audit *inter alia* all public corporations, business and other undertakings vested in the Government under any written law and companies registered or deemed to be registered under the Companies Act, No. 7 of 2007 in which the Government or a public corporation or local authority holds fifty per centum or more of the shares of that company, and the definition of 'auditee entity' in the National Audit Act, No. 23 of 2018, the exempted State Owned Enterprises shall not be directly responsible to Parliament. The result is the erosion of the control that Parliament has over such Enterprises in terms of Article 148.

We examined the Cabinet Memorandum dated 20th February 2024 to ascertain if the policy considerations for the above exclusion have been set out therein and/or have been considered by the Cabinet of Ministers. While Paragraph 3 of the said Memorandum refers to the salient features of the Bill and emphasises that the said features have been incorporated '*with a view to improving good governance practices of State Owned Enterprises.*', the said Memorandum does not set out any basis for the said exclusion.

Although we requested the learned Deputy Solicitor General to provide us the rationale for the said exclusion or else to apprise this Court the laws that would govern such excepted Enterprises in respect of the matters set out in the Bill, no explanation or clarification on the object or purpose of this provision was provided.

In the above circumstances, we are of the view that there is no rational basis to exclude financial institutions including insurance and lending companies, part or all of whose business is to lend or borrow. Such an exclusion is arbitrary, defeats the objects of the Bill and is inconsistent with Article 12(1) and Article 148 of the Constitution. The definition of 'State Owned Enterprises' in Clause 71 shall therefore be passed with the special majority of Parliament. Such inconsistency shall however cease if the said definition is amended by deleting the words that appear after '*Central Bank of Sri Lanka*'.

Summary

- (1) Clause 3(2)(b)(iv) and the definition of '*members of the judicial service*' are inconsistent with Article 4(c) read with Article 3, Article 12(1) and Article 108 and shall only be passed by the special majority of Parliament and be approved by the People at a Referendum. Such inconsistency shall however cease if, (a) the definition of '*members of the judicial service*' in Clause 71 is deleted, and (b) Clause 3(2)(b) is deleted and substituted with the following new sub-clause:

"officers and employees of public entities to whom a power or duty is conferred, delegated or assigned under this Act or any regulation made thereunder, including a Chief Accounting Officer, Accounting Officer or a competent authority referred to in Part VI of this Act."

- (2) Clause 5(2)(f) is violative of Articles 12(1), 43(1) and 52(2) and hence, Clause 5(2)(f) shall only be passed with the special majority of Parliament. The said inconsistency shall however cease if Clause 5(2)(f) is amended to read as follows:

"subject to the approval of the Cabinet of Ministers, formulate policies and strategies for the effective management and overall supervision of State-Owned Enterprises".

- (3) Clause 32(3) is violative of Article 3 and Article 12(1) of the Constitution and shall be passed by the special majority of Parliament and shall be approved by the People at a Referendum. The said inconsistency shall however cease if Clause 32(3) is amended to read as follows:

"The National Procurement Commission may, if it deems necessary, formulate and publish in the Gazette specific guidelines for State Owned Enterprises."

- (4) Clause 32(4) is inconsistent with Articles 3, 12(1), 148 and 156C of the Constitution and shall only be passed by the special majority of Parliament and be approved by the People at a Referendum. The said inconsistency shall however cease if Clause 32(4) is amended to read as follows:

"The National Procurement Commission may, if it deems necessary, formulate and publish in the Gazette specific guidelines for Provincial Councils."

- (5) Clause 34(2) is violative of Article 149 of the Constitution and shall only be passed with the special majority of Parliament. The said inconsistency shall however cease if Clause 34(2) is amended as follows:

"There shall be a treasury single account to maintain the revenue and expenditure of the Consolidated Fund which shall be an integrated system of bank accounts, into which all Government cash including moneys received by the public entities referred to in sub-paragraphs (i) and (ii) of paragraph (a) of subsection (2) of section 3 shall be deposited and from which expenditure of the Government and such public entities shall be made to enable public funds to be managed in a consolidated manner."

- (6) Clause 38(3) is inconsistent with the provisions of Articles 12(1) and 148 of the Constitution and shall only be passed with the special majority of Parliament.

- (7) Clause 39(1) is inconsistent with Article 12(1) and shall only be passed by the special majority of Parliament. The said inconsistency shall however cease if Clause 39(1) is amended to read as follows:

"The Secretary to the Treasury shall supervise, examine, and monitor all statutory funds and may issue directives on statutory funds in respect of which any other written law does not provide for such matters."

- (8) Clause 63 is inconsistent with Article 4(c) read with Article 3, Article 12(1), Article 55(1), Article 55(3), Article 108, Article 111H(1)(b), Article 148, Article 153C, Article 155G(1) and Article 156F and of the Constitution, and shall be passed by the special majority of Parliament and shall be approved by the People at a Referendum. The said inconsistency shall however cease if Clause 63(2) is amended to read as follows:

"Subject to the provisions of the Constitution and the approval of the Cabinet of Ministers, the responsibilities of the Minister of Finance with regard to cadre management, shall include the determination of the salaries and wages and other payments, to the officers and other employees of public entities"

- (9) Clause 68 is inconsistent with Article 12(1) of the Constitution and shall only be passed with the special majority of Parliament. The said inconsistency shall however cease if Clause 68(1) is amended to read as follows:

"The Secretary to the Treasury may issue to the public entities and persons referred to in subsection 2 of Section 3 directives deemed as necessary for the purpose of implementing the provisions of this Act."

- (10) Clause 69 is violative of Article 4(a) read together with Articles 3 and 76 and hence, needs to be approved by the special majority of Parliament and by the People at a Referendum.

- (11) The definition of 'State Owned Enterprise' is inconsistent with Article 12(1) and Article 148 of the Constitution and shall only be passed with the special majority of Parliament. Such inconsistency shall however cease if the said definition is amended to read as follows:

"'State-Owned Enterprise' means –

- (a) *a public corporation within the meaning of the Constitution;*
(b) *entities established and operated under the Companies Act, No.07 of 2007 in which the State has direct or indirect controlling interest by virtue of its shareholding; or*
(c) *State-Owned Corporations, converted in terms of the Conversion of Public Corporations or Government Owned Business Undertakings into Public Companies Act, No.23 of 1987, or such other Acts in terms of which any business entity has been vested with the Government,*

with the exception of the Central Bank of Sri Lanka."

We place on record our appreciation of the assistance given by the learned Deputy Solicitor General who represented the Hon. Attorney General, the learned President's Counsel and the learned Counsel who appeared for the Petitioners.

JAYANTHA JAYASURIYA, PC
CHIEF JUSTICE

MAHINDA SAMAYAWARDHENA, J
JUDGE OF THE SUPREME COURT

ARJUNA OBEYSEKERE, J
JUDGE OF THE SUPREME COURT

IV

කථානායකතුමාගේ සහතිකය

சபாநாயகரது சான்றுரை
SPEAKER'S CERTIFICATE

ගරු කථානායකතුමා

(மாண்புமிகு சபாநாயகர் அவர்கள்)

(The Hon. Speaker)

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ආණ්ඩුක්‍රම ව්‍යවස්ථාවේ 79 ව්‍යවස්ථාව ප්‍රකාරව මවිසින් 2024 ජුනි 27 දින "ශ්‍රී ලංකා විදුලිබල" නමැති පනත් කෙටුම්පතෙහි සහතිකය සටහන් කරන ලද බව දන්වනු කැමැත්තෙමි.

V

විදේශ නඩු තීන්දු අන්‍යෝන්‍යව පිළිගැනීම,
ලියාපදිංචි කිරීම සහ බලාත්මක කිරීම පිළිබඳ පනත්
කෙටුම්පත: ශ්‍රේෂ්ඨාධිකරණයට පෙන්සමක්
வெளிநாட்டு தீர்ப்புக்களைப் பரஸ்பரம்
ஏற்றுங்கீகரித்தல், பதிவுசெய்தல் மற்றும்
வலுவுறுத்துதல் சட்டமூலம்: உயர் நீதிமன்றாக்கு மனு
RECIPROCAL RECOGNITION, REGISTRATION AND
ENFORCEMENT OF FOREIGN JUDGMENTS BILL: PETITION TO
THE SUPREME COURT

ගරු කථානායකතුමා

(மாண்புமிகு சபாநாயகர் அவர்கள்)

(The Hon. Speaker)

ආණ්ඩුක්‍රම ව්‍යවස්ථාවේ 121(1) ව්‍යවස්ථාව ප්‍රකාරව, "විදේශ නඩු තීන්දු අන්‍යෝන්‍යව පිළිගැනීම, ලියාපදිංචි කිරීම සහ බලාත්මක කිරීම පිළිබඳ" පනත් කෙටුම්පත සම්බන්ධයෙන් ශ්‍රේෂ්ඨාධිකරණය වෙත 2024.07.01 දින ඉදිරිපත් කරන ලද පෙන්සමක පිටපතක් මා වෙත ලැබී ඇති බව පාර්ලිමේන්තුවට දැන්වීමට කැමැත්තෙමි.

VI

ගරු රාජවරෝදයම් සම්පන්දන් මහතාගේ අභාවය
மாண்புமிகு ராஜவரோதயம் சம்பந்தனிளது மரணம்
DEATH OF HON. RAJAVAROTHAM SAMPANTHAN

ගරු කථානායකතුමා

(மாண்புமிகு சபாநாயகர் அவர்கள்)

(The Hon. Speaker)

ත්‍රිකුණාමලය මැතිවරණ කොට්ඨාසයේ පාර්ලිමේන්තු මන්ත්‍රී ගරු රාජවරෝදයම් සම්පන්දන් මහතාගේ අභාවය හේතුකොට ගෙන ආණ්ඩුක්‍රම ව්‍යවස්ථාවේ 66(අ) ව්‍යවස්ථාව ප්‍රකාරව, 2024 ජුනි 30 දින සිට මෙම පාර්ලිමේන්තුවේ මන්ත්‍රී ධුරයක පුරප්පාඩුවක් ඇති වී තිබෙන බව මෙම සභාවට දන්වනු කැමැත්තෙමි.

එතුමාගේ අභාවය මෙම පාර්ලිමේන්තුවට මා දන්වා සිටින්නේ බලවත් කනගාටුවෙනි. මේ පිළිබඳව අප දැඩි සේ කනගාටු වන අතර, ගරු මන්ත්‍රීවරයාගේ පවුලේ අය වෙත අපගේ සාතිශය සංවේගය ප්‍රකාශ කරන බව පාර්ලිමේන්තුව වෙනුවෙන් දන්වනු කැමැත්තෙමි.

මේ පිළිබඳ ශෝක ප්‍රකාශ යෝජනාව මතු දිනයකදී පාර්ලිමේන්තුවට ඉදිරිපත් කරනු ඇත. තවද, අවසන් ගෞරව දැක්වීම සඳහා එතුමාගේ දේහය 2024 ජූලි 03, එනම් හෙට දින පාර්ලිමේන්තුවේ ප්‍රධාන දේවාරය අසල උත්සව ශාලාවේ අපර භාග 2.00 සිට අපර භාග 4.00 වන තෙක් තැන්පත් කර තැබෙන බව ද තවදුරටත් සියලු ගරු පාර්ලිමේන්තු මන්ත්‍රීවරයන් වෙත කාරුණිකව දැනුම්දීමට කැමැත්තෙමි.

VII

පාර්ලිමේන්තු කටයුතු පිළිබඳ කාරක සභාවේ සහ

තේරීම් කාරක සභාවේ රැස්වීම්

பாராளுமன்ற அலுவல்கள் பற்றிய குழுக் கூட்டமும்

தொழில் குழுக் கூட்டமும்

MEETINGS OF COMMITTEE ON PARLIAMENTARY BUSINESS
AND COMMITTEE OF SELECTION

ගරු කථානායකතුමා

(மாண்புமிகு சபாநாயகர் அவர்கள்)

(The Hon. Speaker)

2024 ජූලි 03 වන බදාදා, එනම් හෙට දින අපර භාග 1.00ට පාර්ලිමේන්තු කටයුතු පිළිබඳ කාරක සභාවේ රැස්වීමක් සහ එය අවසන් වූ වහාම තේරීම් කාරක සභාවේ රැස්වීමක් කාරක සභා කාමර අංක 2 හිදී පැවැත්වීමට නියමිත බැවින් අදාළ රැස්වීම් සඳහා පැමිණ සහභාගි වන ලෙස සියලු සාමාජික මන්ත්‍රීවරයන්ට දැනුම්දීමට කැමැත්තෙමි.

මිළහට, ගරු ජනාධිපතිතුමාගේ විශේෂ ප්‍රකාශය.

ගරු ජනාධිපතිතුමාගේ විශේෂ ප්‍රකාශය

மாண்புமிகு சனாதிபதியினது விசேட கூற்று

SPECIAL STATEMENT BY HONOURABLE
PRESIDENT

[ප්‍ර.භා. 9.50]

ගරු රනිල් වික්‍රමසිංහ මහතා (ජනාධිපතිතුමා, ආරක්ෂක අමාත්‍ය සහ මුදල්, ආර්ථික ස්ථායීකරණ සහ ජාතික ප්‍රතිපත්ති අමාත්‍යතුමා)

(மாண்புமிகு ரணில் விக்கிரமசிங்ஹ - சனாதிபதியும் பாதுகாப்பு அமைச்சரும் நிதி, பொருளாதார உறுதிப்பாடு மற்றும் தேசியக் கொள்கைகள் அமைச்சரும்)

(The Hon. Ranil Wickremesinghe - President, Minister of Defence and Minister of Finance, Economic Stabilization and National Policies)

ගරු කථානායකතුමනි, 2022 වසරේ ණය ගෙවාගන්නට බැරවුණු රටකට යළිත් ආර්ථික ශක්තිය ලබාදීමේ අභියෝගාත්මක ගමනේ තවත් වැදගත් සන්ධිස්ථානයකට අපට ගිය සතියේ එළඹෙන්නට හැකි වුණා. පසුගිය ජුනි 26 වැනි දා අපේ නිල ණය හිමියන් සමඟ ණය ආපසු ගෙවීම පිළිබඳව එකඟතාවලට එළැඹීමට අපට පුළුවන් වුණා. කැබිනට් මණ්ඩලය විසින් බලය පවරන ලද නිලධාරීන් අපේ රට නියෝජනය කරමින් මෙම එකඟතාවලට සහ ගිවිසුම්වලට අත්සන් කළා. එදිනම රාත්‍රියේ මම විද්‍යුත් මාධ්‍ය ඔස්සේ මුළු මහත් ජාතියටම ඒ පිළිබඳ කරුණු පෙන්වා දුන්නා. ආර්ථිකය යළි ගොඩනැංවීමේ අභියෝගාත්මක

ගමන ආරම්භ වූ දවසේ පටන් මම විටින් විට පාර්ලිමේන්තුව හමුවේ කරුණු ඉදිරිපත් කළා. මුලින්ම, අප අනුගමනය කරන සැලසුම් ගැන පාර්ලිමේන්තුව හමුවේ විස්තර කළා. ඉන් පසුව අප ලබා ඇති ප්‍රගතිය ගැන කරුණු පැහැදිලි කළා. ඒ අනුව යමින් මම අද මේ සභාව හමුවේ වර්තමාන තත්ත්වය පිළිබඳ තොරතුරු අනාවරණ කරන්නට කැමතියි.

ගරු කථානායකතුමනි, මීට අවුරුදු දෙකකට පමණ කලින්, රටේ ආර්ථිකය යළි නංවාලීමේ අභියෝගය මම බාර ගන්නාට පස්සේ අපේ සිව් වැදෑරුම් වැඩ සැලැස්ම මේ පාර්ලිමේන්තුව හමුවේ තැබුවා. එය මෙසේයි.

1. ජාත්‍යන්තර මූල්‍ය අරමුදල සමඟ සාකච්ඡා කොට විස්තීර්ණ ණය පහසුකම් ලබා ගැනීම සහ රට තුළ මූල්‍ය විනයක් ඇති කිරීම.
2. ජාත්‍යන්තර මූල්‍ය හා නීති විශේෂඥයන් වන ලසාර්ඩ් සහ ක්ලිෆර්ඩ් වාන්ස් ආයතන සමඟ එක්වී IMF සම්බන්ධීකරණය ඇතිව ණය ස්ථාවර කරලීමේ සැලසුම සකස් කිරීම හා ණය හිමියන් සමඟ සාකච්ඡා කොට එකඟත්වයකට එළැඹීම.
3. විදේශ ආයෝජන තහවුරු කර ගැනීම හා අපනයන ආර්ථිකය ශක්තිමත් කරලීමට අවශ්‍ය ප්‍රතිපත්ති, නීති රීති සහ වැඩසටහන් සම්පාදනය කිරීම සහ ඩිජිටල් හරිත ආර්ථිකයක් නිර්මාණය කිරීම. රටේ ආර්ථිකය ප්‍රවර්ධනය පිණිස අවශ්‍ය ප්‍රතිසංස්කරණ සකස් කර ඉදිරිපත් කිරීම.
4. මේ වැඩ පිළිවෙළ ඔස්සේ 2048 වෙද්දී මේ රට ණය බරින් තොර දියුණු ආර්ථිකයක් ඔස්සේ සංවර්ධිත දේශයක් බවට පත්වීම.

එතැන් පටන් අප දුෂ්කර, කටුක ගමනකට මුල පිරුවා. අනාගතය සාර්ථක කර ගැනීමට හැකි වෙන්නේ ඒ ගමන ඔස්සේ බව අප දැන සිටියා. පියවරින් පියවර අප ඉදිරියට ගියා. 2023 සහ 2024 අය වැය ලේඛන මගින් මේ වැඩ පිළිවෙළ තවදුරටත් ශක්තිමත් කළා.

2023 මාර්තු මාසය වෙද්දී IMF විස්තීර්ණ ණය පහසුකම සඳහා එකඟත්වය ලබා ගැනීමට අප සමත් වුණා. එහි පළමු වාරිකය 2023 මාර්තු 20 වැනි දා ලබා ගැනීමට අප සමත් වුණා. අප ලබාගෙන තිබූ ප්‍රගතිය සමාලෝචනය කිරීමෙන් අනතුරුව දෙවැනි වාරිකය 2023 දෙසැම්බර් 12 වැනි දාත්, තුන්වැනි වාරිකය 2024 ජුනි 12 වැනි දාත් අපට ලැබුණා. IMF වැඩ පිළිවෙළ පටන් ගත් දා සිටම අප ණය ප්‍රතිව්‍යුහගත කිරීම ගැන සාකච්ඡා ආරම්භ කළා.

මෙවැනි කාර්යයක් සඳහා අවශ්‍ය විශේෂඥ දැනුම ලබා ගැනීම උදෙසා ලසාර්ඩ් සහ ක්ලිෆර්ඩ් වාන්ස් යන අන්තර්ජාතික ආයතනවල සභාය අප දිගින් දිගටම ලබා ගන්නා.

අපේ විදේශීය ණය ප්‍රමාණය ඇමෙරිකානු ඩොලර් බිලියන 37යි. එයින් ඩොලර් බිලියන 10.6ක් ද්විපාර්ශ්වීය ණය. ඩොලර් බිලියන 11.7ක් බහු පාර්ශ්වීය ණය. ඩොලර් බිලියන 14.7ක් වාණිජ ණය. ඒ අතරින් බිලියන 12.5ක් ස්වෛරී බැඳුම්කර.

ණය කපා හැරීම, ණය සහන කාලය, ආපසු ගෙවීමේ කාලය දීර්ඝ කර ගැනීම හෙවත් ප්‍රතිව්‍යුහගත කිරීම සහ ඊට අදාළ කරුණු සම්බන්ධයෙන් මේ සභාව තුළත්, ඉන් පිටතදීත් විවිධ අය විවිධ අදහස් ප්‍රකාශ කළා. ඒ සමඟ කරුණු සත්‍යතාවෙන් තොරයි. සමහර කරුණු අර්ධ සත්‍යය. ඒ නිසා ණය ප්‍රතිව්‍යුහගත කිරීම පිළිබඳ ජාත්‍යන්තර පිළිවෙත සහ සත්‍ය කරුණු මම මේ අවස්ථාවේ පැහැදිලි කරන්න කැමතියි.

[ගරු රනිල් වික්‍රමසිංහ මහතා]

මොනවාද මේ විදේශ ණය කියන්නේ? ඒ ඒ රටවල් ණය දෙන්න සල්ලි කොහෙන්ද ලබා ගන්නේ? අපට ඔවුන් ණයට දෙන්නේ ඒ රටවල ජනතාවගේ බදු මුදල්. ඒ වාගේම ඒ රටවල ජනතාවගේ ඉතුරුම්.

අපේ රටේ බොහෝ දෙනා යෝජනා කරන්නේ, කිසිම කැපවීමක් නොකර අපේ විදේශ ණය සඳහා සහන ලබා ගත යුතු බවයි. නමුත්, එහෙම වෙන්නේ නැහැ. එය ප්‍රායෝගික නැහැ. ජාත්‍යන්තර පිළිවෙත්වලට අනුව එහෙම කරන්නත් බැහැ. වෙනත් රටවල ජනතාවගේ බදු මුදල් වාගේම, ඒ අයගේ ඉතුරුම් සම්බන්ධ තීරණ ගැනීමේදී අපටත් කැපවීමක් කරන්න සිද්ධ වෙනවා. අප කැපවීමක් කරන්නේ නැත්නම්, ඒ රටවල ජනතාවත් අප වෙනුවෙන් කැපවීමක් කරන්නේ නැහැ.

ඒ විතරක් නොවෙයි. ණය ප්‍රතිව්‍යුහගත කිරීම අසීරු ව්‍යායාමයක්. ජාත්‍යන්තර ආර්ථික විශේෂඥයන් කියන්නේ මේ කාර්යය අසීරු සහ වේදනාකාරී කාර්යයක් බවයි. එය ණයහිමියන්ටත්, ණයගැතියන්ටත්, ණයගැති රටේ පුරවැසියන්ටත්, මැදිහත්කරුවන්ටත් වේදනාකාරී ක්‍රියාවලියක්.

නිල ද්විපාර්ශ්වික ණයහිමියන් මූලික ණය මුදලෙහි කප්පාදුවක් කිසි විටෙක සිදු කරන්නේ නැහැ. අපට ලබා ගන්න පුළුවන් සහන පමණයි. ණය ගෙවීමේ කාලය දීර්ඝ කිරීම, ණය සහන කාල සීමා, පොලී අනුපාතය අඩු කිරීම ආදියෙන් තමයි මේ සහන ලබා දෙන්නේ. නමුත්, මේ යථාර්ථය නොදැන සමහරු මූලික ණය කපා හැරීමක් සඳහා ශ්‍රී ලංකා රජය ඉල්ලීම් කළේ නැහැ කියා දොස් කියනවා. තවත් සමහරු කියනවා, ඔවුන්ට බලය ලැබුණාම මූලික ණය මුදලින් සියයට 50ක් කපා හැරීමට ණයහිමි රටවල් සමඟ සාකච්ඡා කරන බව. මෙවැනි කාර්යයක් සඳහා දෙපාර්ශ්වයම එකඟ විය යුතු බව අප අවබෝධ කර ගත යුතුයි. අප කියන දේම කරන්න ණයහිමියන් කටයුතු නොකරන බවත් අප අවබෝධ කර ගත යුතුයි. එවැනි ප්‍රකාශවලින් පෙනෙන්නේ ජාත්‍යන්තර ආර්ථික ක්‍රම ගැන ඔවුන්ට කිසිදු අවබෝධයක් නැති බව පමණයි.

ණය ප්‍රතිව්‍යුහගත කිරීම කවර මට්ටමකින් සිදු කළ යුතු ද යන්න පිළිබඳ අවසන් තීරණ ගැනීමේ බලය තිබෙන්නේ ණයහිමියාටවත්, ණයගැතියාටවත් නොවෙයි. ඒ පිළිබඳ තීරණය ගන්නේ IMF එකයි. රටක ණය තිරසරභාවය ඇති කරලීම පිණිස අවශ්‍ය ප්‍රතිව්‍යුහගත සැලැස්ම කවරක්ද කියා තීරණය කරන්නේ ඔවුන්. ඒ ඒ රටවල ආර්ථික ශක්තිය පිළිබඳව ස්වාධීන තක්සේරුවකින් පසු ඔවුන් ඒ තීරණය ගන්නවා.

අපේ රටේ ණය තිරසරභාවයක් නොමැති බව IMF එක අපට දැන්වූයේ 2022 වසරේ අප අමාරුවේ වැටෙන්නට බොහෝ කාලයකට කලින්. ඒ වාගේම IMF එක අනුගමනය කරන ක්‍රමය රටකින් රටකට වෙනස්. අඩු ආදායම් රටවලට එක ක්‍රමයක්; මැදි ආදායම් රටවලට තවත් ක්‍රමයක්. මම එක් උදාහරණයක් දක්වන්නම්. ශ්‍රී ලංකාව මැදි ආදායම් ගණයට වැටෙන රටක්. මැදි ආදායම් රටවල් සඳහා හඳුන්වා දී ඇති නව ණය තිරසර විශ්ලේෂණ රාමුව භාවිත කර, ණය ප්‍රතිව්‍යුහගත කළ මුල්ම මැදි ආදායම් ලබන රටවල් අතරින් එකක්, ශ්‍රී ලංකාව. ශ්‍රී ලංකාව සඳහා ඔවුන් ඉදිරිපත් කළ සැලැස්ම අනුව 2032 වෙද්දී රාජ්‍ය ණය ප්‍රමාණය දළ දේශීය නිෂ්පාදිතයෙන් සියයට 95කට වඩා අඩු කර ගත යුතු වෙනවා. අඩු ආදායම් රටක් වූ සානාව සඳහා ඔවුන් ඉදිරිපත් කළ සැලැස්ම මීට වෙනස්. ඒ සැලසුම අනුව 2028 වෙද්දී ඔවුන්ගේ රාජ්‍ය ණයෙහි වර්තමාන වටිනාකම දළ දේශීය නිෂ්පාදිතයෙන් සියයට 55කට වඩා අඩු කර ගත යුතුයි.

සානාවත් ලංකාව වාගේම මේ ගිවිසුමට අත්සන් කළා. ඒ රටේ ජනාධිපති නානා අකුමෝ ඇබෝ සහ ශ්‍රී ලංකාවෙන් මමත් මේ ගැන විටින් විට සාකච්ඡා කරලා තිබෙනවා. අපි කියනවා නේ, emerging market economy එකක් ගැන. නමුත්, ඒ අය තවම අඩු ආදායම් රටක්.

ඒත් අපට පොදු කාරණාත් තිබුණා. අපට වෙනස් වෙනස් කාරණා තිබ්ලාත්, අපේ රටවල් දෙකටම පුළුවන් වෙලා තිබෙනවා මේ වැඩ කටයුත්ත කරගෙන යන්න.

මේ පසුබිම මත අපට නිල ණයහිමි කමිටුවේ සාමාජිකයන් ලෙස පැරිස් සමාජය සහ ඉන්දියාව සමඟත්, චීනයේ එක්සිම් බැංකුව සමඟත් වෙන වෙනම සාකච්ඡා කිරීමට සිදු වුණා. හැබැයි, මේ පාර්ශ්ව එකකටවත් සුවිශේෂයක් කිරීමට අපට අවසරයක් නැහැ. ඔවුන් දෙපාර්ශ්වයටම සමානව සැලකෙන පොදු කොන්දේසි මාලාවක් සකස් කිරීම තමයි අප ඉදිරියේ තිබුණු දැවැන්ත අභියෝගය. මේ සංකීර්ණ අභියෝගයට අප මුහුණ දුන්නේ වර්තමානයේ පවත්නා භූ දේශපාලනික ප්‍රවණතා මධ්‍යයේයි. ඒ නිසා අපේ ඉලක්කය වෙත ගමන් කිරීම ලේසි පහසු වුණේ නැහැ. ගරු කථානායකතුමනි, ඒක හරියට වෙස් නැටුමයි, වඩිග පටුනයි දෙකම එක විධියට කරන්න යනවා වාගෙයි. එහෙත්, කරන්න බැරි වැඩක් අපි කළා.

මේ සියලු දුෂ්කරතා සහ අභියෝග මැද IMF වැඩසටහන ආරම්භ වී මාස 15ක පමණ කෙටි කාලයක් තුළ විදේශීය ද්විපාර්ශ්වික නිල ණයහිමියන් සමඟ එකඟතාවකට පැමිණීමට අපට පුළුවන් වුණා. මේ සා කෙටි කාලයක් තුළ ණය ප්‍රතිව්‍යුහගත කිරීමේ ක්‍රියාවලිය සාර්ථක කරගත් මැදි ආදායම් ලබන රටවල් අතර අපි ඉදිරියෙන්ම සිටිනවා. මෙය සුවිශේෂී ජයග්‍රහණයක්; සුබ ආරංචියක්.

ගරු කථානායකතුමනි, ඉන්දියාව, ජපානය සහ ප්‍රංශය සමඟ පහාපතිත්වය දරන නිල ණයහිමි කමිටුව සහ චීන එක්සිම් බැංකුව සමඟ ණය ප්‍රතිව්‍යුහගත කිරීම සම්බන්ධයෙන් ඇති කරගත් එකඟතා ගැන මම දැන් මේ සභාව දැනුවත් කරන්න කැමතියි.

- මූලික ණය ආපසු ගෙවීම සඳහා 2028 වසර දක්වා සහන කාලයක් අපට ලැබෙනවා.
- පොලී අනුපාතය සැලකිය යුතු ප්‍රමාණයකින් පහළ දමා තිබෙනවා. ඒ අනුව පොලී අනුපාතය සියයට 2.1ක හෝ ඊට අඩු මට්ටමක පවත්වාගෙන යන්නට අවසර ලැබෙනවා.
- ණය සම්පූර්ණයෙන් ගෙවා අවසන් කිරීමේ කාලය වසර අටකින් දීර්ඝ කර තිබෙනවා. තවත් ලෙසකින් කිවහොත්, අපේ ණය ගෙවා අවසන් කළ යුත්තේ 2043 වසරේදී. ඒ අනුව, දීර්ඝ කර තිබෙනවා වසර 8ක කාලයක්.
- ණය සේවාකරණ වියදම කල් දැමිය හැකි පරිදි මූලික ණය මුදල ආපසු ගෙවීම ක්‍රමිකව වැඩි කරන්නට හැකි වෙනවා. එහි ප්‍රතිඵලයක් වශයෙන් ඩොලර් බිලියන පහක ණය සේවාකරණයක් ශ්‍රී ලංකාවට ඉතිරි වෙනවා. ණය ගෙවීමේදී මූලික මුදල නොවෙයි, අපට ගෙවන්නට තිබෙන පොලියෙන් ඩොලර් බිලියන පහක් මේකෙන් ඉතුරු කර ගන්නට පුළුවන්.
- මේ නිසා ආර්ථිකය යථා තත්ත්වයට පත් කිරීම, සංචිත යළි ගොඩනැගීම, රාජ්‍ය මූල්‍ය ස්වරක්ෂකයන් ඇති කිරීම සහ ණය ආපසු ගෙවීමේ හැකියාව වැඩි කිරීම මගින් අනාගතයේදී ශක්තිමත් ස්ථාවරයක සිට ණය ගෙවීමට අවකාශ ලැබෙන පරිදි ආර්ථිකය වර්ධනය කර ගැනීමට අපට පුළුවන් වෙනවා. ඒ වාගේම, සැලකිය යුතු මූල්‍ය අවකාශයක් උදා වෙනවා.

ගරු කථානායකතුමනි, 2023 වසරේදී අපි දේශීය ණය ප්‍රතිව්‍යුහගත කිරීමේ කාර්යය අවසන් කළා. මේ ක්‍රියාවලියේදී අපි ඉතා පරිස්සම් සහගතව කටයුතු කළා. අපේ රටේ මූල්‍ය ආයතන දුර්වල නොවන ආකාරයට, ඒ ඒ ආයතනවලට ප්‍රශ්න ඇති නොවන ආකාරයට වාගේම, අපේ තැන්පත්කරුවන් අවදානමකට ලක් නොවන ආකාරයට තමයි අපි දේශීය ණය ප්‍රතිව්‍යුහගත කිරීමේ කාර්යය කළේ.

දැන් අපි ඇමෙරිකානු ඩොලර් බිලියන 10ක් වූ විදේශීය ද්විපාර්ශ්වීය ණය ප්‍රතිව්‍යුහගත කිරීමේ කාර්යය සාර්ථක කර ගත්තා. ණය ප්‍රතිව්‍යුහගත කිරීම පිළිබඳ ජාත්‍යන්තර සම්මුතිවලට අනුව බහුපාර්ශ්වීය ණය මේ වැඩ පිළිවෙළට අදාළ නැහැ. ඇත්ත වශයෙන්ම බහුපාර්ශ්වීය ණය කොහේවත් අඩු කරන්න යන්නේ නැහැ. ඒවා IMF එක, ලෝක බැංකුව, ආසියානු සංවර්ධන බැංකුව දීලා තිබෙන ණය.

ඊළඟට, අපට ඇත්තේ ඇමෙරිකානු ඩොලර් බිලියන 14.7ක් වූ වාණිජ ණය ප්‍රතිව්‍යුහගත කිරීමේ සැලැස්ම අවසන් කර ගැනීමයි. මේ පිළිබඳ සාකච්ඡා දැනට සාර්ථක අන්දමින් පවත්වාගෙන යනවා. තව නොබෝ දිනකින් මේ සියලු කාර්යයන් නිම කර ගැනීමට අප අපේක්ෂා කරනවා. ඉන් පසු ණය ප්‍රතිව්‍යුහගත කිරීම පිළිබඳ සියලු ගිවිසුම් හා ලියවිලි මම පාර්ලිමේන්තුවේ රජයේ මුදල් පිළිබඳ කාරක සභාවට ඉදිරිපත් කරනවා.

අපි බලාපොරොත්තු වුණේ පළමුවෙනි ගිවිසුම් දෙක විතරක් ඉදිරිපත් කරන්න. දැන් අපි පෞද්ගලික බැඳුම්කරුවන් සමඟ සාකච්ඡා කරනවා. ඒ වැඩ කටයුත්තක් තිබෙනවා. ඒ වාගේම මේ කටයුතු දවස් කිහිපයක් කල් දාන්න කියලා OCC එක මගෙන් ඉල්ලා තිබුණා. ප්‍රංශයේ ආණ්ඩු මාරුවක් වෙන නිසා මම ඒකට එකඟ වුණා. නමුත් අපට එකෙක් භානියක් වෙන්නේ නැහැ. සානාවයි, ලංකාවයි දෙකම ගිවිසුම් අත්සන් කරලා තිබෙනවා. මේ ගැන දැනුවත් කරන්න වුවමනා නම් ඒ අවස්ථාව අපි ලබා දිය යුතුයි. ඒ වාගේම තවත් කරුණු ගණනාවක් ඇති, ප්‍රංශයේ නව ආණ්ඩුව එක්ක සාකච්ඡා කරන්න.

ඉන් පසු ඒ පිළිබඳ ගැඹුරු හා පුළුල් අවධානයක් යොමු කරන්න කියා මම රජයේ මුදල් පිළිබඳ කාරක සභාවෙන් ඉල්ලා සිටිනවා. මම එහි සභාපතිතුමා වන ආචාර්ය හර්ෂ ද සිල්වා මැතිතුමා සමඟ මේ ගැන සාකච්ඡා කළා, මේ කරුණු ඔක්කෝම ලබා දීලා. කරුණාකරලා මේ ගැන සම්පූර්ණ, ගැඹුරු විග්‍රහයක් කරන්න. මේක අපේ අනාගතය. හැම එක්කෙනාම මේ ගැන විග්‍රහයක් කළ යුතුයි.

ගරු කථානායකතුමනි, මෙතෙක් අප පැමිණි නිවැරදි මඟ නිසා කෙටි කාලයක් තුළ එවැනි ප්‍රගතියක් අත්පත් කර ගන්න අපට පුළුවන් වුණා. දැනට අපි ලබාගෙන ඇති සාර්ථක ප්‍රතිඵල නිසා රටට ලැබෙන ප්‍රතිලාභ ගැන මම මේ ගරු සභාව ඉදිරියේ කරුණු දක්වන්න කැමැතියි. ණය ගෙවන්න හැකියාව නැති බව 2022 අප්‍රේල් මාසයේ ප්‍රකාශයට පත් කිරීමත් සමඟ කිසිදු විදේශ රටක් අපට ණය ආධාර දුන්නේ නැහැ. නිත්‍යානුකූලව ඔවුන්ට එවැනි පසුබිමක ණය දෙන්නත් බැහැ. මේ අවස්ථාවේදී මිත්‍ර රටවල් දෙකක් හැටියට ඉන්දියාව සහ බංග්ලාදේශය අපට කෙටි කාලීන ණය ආධාර ලබා දුන්නා. ලෝක බැංකුව, ආසියානු සංවර්ධන බැංකුව වැනි ජාත්‍යන්තර සංවිධාන විවිධාකාරයෙන් සහන ණය, ආධාර ලබා දුන්නා. ඒ හැරුණු විට වෙනත් කිසිදු රටකට අපට දීර්ඝ කාලීන ණය ලබාදීමට හැකියාවක් සහ අවසරයක් තිබුණේ නැහැ.

සමහර දේශපාලන කණ්ඩායම් සමාජ මාධ්‍ය ඔස්සේ අපේ විදේශ ණය ගැන බොරු ආරංචි පතුරුවනවා. අපේ අනුර කුමාර

දිසානායක මන්ත්‍රීතුමාගේ අනුගාමිකයෙක් දාපු පෝස්ටුවක මෙහෙම තිබුණා, “ආරංචිය සුබයි. පිනා රට ගන්නකොට සමස්ත විදේශ ණය ඩොලර් බිලියන 71යි. දැන් 100යි” කියලා. අනුර කුමාර දිසානායක මන්ත්‍රීතුමා සමඟ අපි වාද විවාද කරලා තිබෙනවා, හැප්පිලා තිබෙනවා. හැබැයි, එතුමා කවදාවත් මට මෙහෙම තුන්වෙනි පන්තියේ අපහාස කරලා නැහැ. හැබැයි ඔබතුමාගේ සමහර අනුගාමිකයන් කටයුතු කරන්නේ ඔබතුමාත් විනාශ කරන්නයි.

මම මේ පෝස්ටුවෙන්ම ඊට අදාළ කරුණු ගෙන හැර දක්වන්නම්.

අපේ රටේ සමස්ත විදේශ ණය ප්‍රමාණය ඩොලර් බිලියන 37යි. හැබැයි මේ පුද්ගලයා බිලියන 71ක් කියා බොරු සංඛ්‍යාවක් කියනවා. ඊළඟට බිලියන 100ක් දක්වා පසුගිය අවුරුදු දෙක තුළ අපි ණය ගත්ත බවකුත් කියනවා. හැබැයි ණය ගෙවන්න බැරි බව ප්‍රකාශයට පත් කිරීමෙන් අනතුරුව කිසිදු රටක් අපට ණය දුන්නේ නැති බව ඕනෑම කෙනෙක් දන්නවා. කිසිදු රටකට අපට ණයක් දීමට නිත්‍යානුකූල අයිතියක් නැහැ. ඉතින් මේ බොරු සමාජගත කිරීමෙන් බලාපොරොත්තු වන්නේ කුමක්ද? කිසිම රටක් අපට ණය දෙන්නේ නැත්නම්, අපි කොහොමද ණය ගන්නේ? මම එංගලන්තයේ මහ බැංකුව කඩන්නද? ඒක මම දන්නේ නැහැ. පෝස්ටුව දැමීම පුද්ගලයාට මට වඩා පළපුරුද්දක් තිබෙනවා, බැංකු කඩන එක ගැන. *[බාධා කිරීම]*

ගරු කථානායකතුමනි, මේ අවබෝධතා ගිවිසුමෙන් පසුව අපට ද්විපාර්ශ්වීය විදේශ ණය ලබා ගැනීමේ අවකාශය යළිත් උදා වී තිබෙනවා. අපේ නිල ණය හිමියන් වන පැරිස් සමාජය, චීනයේ එක්සිම් බැංකුව ආදියෙන් යළිත් ණය ආධාර ලබා ගැනීමට අපට අවස්ථාව සැලසෙනවා.

ඒ වාගේම විදේශ ණය ආධාර මත ක්‍රියාත්මක වී අතරමඟ නැවතුණු ව්‍යාපෘති ගණනාවක් යළි ආරම්භ කරන්නට හැකි වෙනවා. ණය ගෙවීමට නොහැකි රටක් ලෙස නම් කෙරුණු නිසා, ඒ ඒ රටවල් ලබා දුන් මුදල් නැතිවීමෙන් අපේ සංවර්ධන ව්‍යාපෘති ගණනාවක් අතරමඟ නැවතුණා; විශේෂයෙන්ම ඉදිකිරීම් ක්ෂේත්‍රයේ ව්‍යාපෘති. ඒ සියල්ල යළි ආරම්භ කරන්න අපට හැකි වෙනවා. මෙය අපේ ඉදිකිරීම් ක්ෂේත්‍රයේ යෝධ පිම්මක් වෙනවා. ඒ නිසාම ආර්ථිකයට විශාල ශක්තියක් ලැබෙනවා. රැකියා, ආදායම් මාර්ග වැඩි වෙනවා. නුවර අධිවේගී මාර්ගයේ ඉදිකිරීම් කටයුතුත් නිම කළ හැකියි.

විදේශ ව්‍යාපෘති අතරමඟ නැවතීමේ තවත් ප්‍රතිඵලයක් වුණේ අපේ ආර්ථික සංවර්ධන වේගය පහළ වැටීමයි. මේ වන විට අප ප්‍රගතියක් ලබා තිබෙනවා. යළිත් ලෝක ආධාර මත ව්‍යාපෘති ක්‍රියාත්මක වෙද්දී සංවර්ධන වේගය තව තවත් ඉහළ නංවා ගැනීමට අපට හැකි වෙනවා.

ගරු කථානායකතුමනි, විදේශ ණය සම්බන්ධයෙන් සමාජයේ පතුරුවන මිථ්‍යාව පිළිබඳවත් කරුණු කීපයක් අවධාරණය කරන්න මම කැමැතියි.

ශ්‍රී ලංකාව වැනි සංවර්ධනය වෙමින් පවත්නා රටකට තනිව යැපෙන්න බැහැ. තනිව යැපෙන්න තරම් ආදායමක් අප තවම උපදවා ගෙන නැහැ. ඒ නිසා අපට ණය සහ ආධාර ලබා ගන්න සිද්ධ වෙනවා. හැබැයි, ඒ ණය සහ ආධාර අප ආයෝජනය කළ යුත්තේ එදිනෙදා කන්න බොන්න, පඩි වැඩි කරගන්න වාගේ කාර්යයන් සඳහා නොවෙයි. නිදහසින් පසුව අප රට වරද්දා ගත් ප්‍රධාන දෙයක් තමයි ඒ. පඩි වැඩි කරන්න ණය යොදා ගන්නා. ආණ්ඩුවේ රස්සා දෙන්න ණය යොදා ගන්නා. ආහාර නොමිලේ

[ගරු රනිල් වික්‍රමසිංහ මහතා]

දෙන්න ණය යොදා ගන්නා. ආහාර ද්‍රව්‍ය, ඉන්ධන, විදුලි බලය වාගේ දේ අඩුවට දෙන්න ණය යොදා ගන්නා. රාජ්‍ය ව්‍යවසායවල පාඩු පියවන්න ණය යොදා ගන්නා. මේ ඔක්කොම නොකර අස්වැසුම දෙන්න අපට පුළුවන් වුණා. ඒ සංඛ්‍යාව වැඩි කරන්න පුළුවන් වුණා. හාල් කිලෝ 10 ගණනේ මාස දෙකකට දුන්නා. අපි "උරුමය" වැඩසටහන ක්‍රියාත්මක කරගෙන යනවා. දැන් නිවාසවලට සින්නක්කර ඔප්පු ලබා දෙනවා. මේ ඔක්කොම අපි කරලා තිබෙනවා, පිරිසට සල්ලි ගන්නේ නැතුව.

සමහර දේශපාලන කණ්ඩායම් ඉදිරියටත් මේ ආකාරයටම ක්‍රියා කරන බවට ජනතාවට පොරොන්දු වෙනවා. "අපි ආවාම පඩි වැඩි කරනවා. අපි ආවාම බදු අඩු කරනවා. අපි ආවාම සහන දෙනවා" කියමින් දහසකුත් එකක් පොරොන්දු දෙනවා. හැබැයි ඒ සඳහා මුදල් උපදවා ගන්නා ක්‍රමය ගැන ඔවුන් වචනයක් කපා කරන්නේ නැහැ. හැබැයි, මම මේ වගකීම භාර ගන්නට පස්සේ ආණ්ඩු ගණනාවක් කළ ඒ වැරදි වැඩේ නැවැත්තුවා.

ගරු කථානායකතුමනි, මිළහට මම පෙන්වා දෙන්න යන්නේ විදේශ ණය ප්‍රතිව්‍යුහගතකරණය නිසා අපට ලැබෙන මූල්‍යමය ප්‍රතිලාභ පිළිබඳවයි. 2022 වන විට විදේශ මුදලින් නාමික කළ ණය ගෙවීම සඳහා දළ දේශීය නිෂ්පාදිතයෙන් සියයට 9.2ක් අප වැය කළ යුතුව තිබුණා. 2027 සිට 2032 දක්වා කාලය තුළ එය සියයට 4.5 දක්වා අඩු කරගත යුතුයි. 2022 වෙද්දී දළ මූල්‍යයන අවශ්‍යතා සඳහා දළ දේශීය නිෂ්පාදිතයෙන් සියයට 34.6ක්. 2027 සිට 2032 දක්වා කාලය තුළ එය සියයට 13කට අඩුවෙන් පවත්වා ගත යුතුයි. මේ මගින් රාජ්‍ය සේවය සඳහා වැඩි මුදලක් වෙන් කිරීමට අවකාශය සැලසෙනවා. ඒ වාගේම දේශීය පොලී අනුපාතික තවදුරටත් පහළ හෙළීමටත් ඉඩකඩ ලැබෙනවා.

ගරු කථානායකතුමනි, අගාධයකට වැටී තිබුණු අපේ රටේ ආර්ථිකය යළි ගොඩනැංවීමේ වැයමට පක්ෂ හේදයකින් තොරව සහාය දක්වන්න කියා මම මේ සභාවේ මන්ත්‍රීවරුන්ගෙන් දිගින් දිගටම ඉල්ලා සිටියා. දීර්ඝ කාලයක් තිස්සේ මට දේශපාලන වශයෙන් එරෙහිව කටයුතු කළ අය පවා රට ගැන හිතලා මේ කාර්යයට ප්‍රසිද්ධියේම සහාය දැක්වූවා. තවත් සමහරු නිහඬව සහාය දැක්වූවා. තව පිරිසක් දිගින් දිගටම බාධා කළා; විවේචනය කළා.

මේ ආර්ථික අර්බුදය ඇති වූ අවස්ථාවේ මම දැරූ ස්ථාවරය වුණේ වහාම IMF සහාය ලබා ගත යුතු බවයි. ගෝඨාභය රාජපක්ෂ ජනාධිපතිවරයා කැඳවූ සර්ව පාක්ෂික සාකච්ඡාව විපක්ෂයේ යම් යම් කණ්ඩායම් වර්ජනය කරද්දී, මම තනි මන්ත්‍රීවරයෙකු ලෙස ඊට සහභාගි වුණා. මගේ මතය මම පැහැදිලිව ප්‍රකාශ කළා.

අපට යන්න තිබෙන එකම මාර්ගය IMF සහාය ලබා ගැනීම බව මම කිව්වා. ඊට මාස කීපයකට පස්සේ රටේ ආර්ථිකය ගොඩනැංවීමේ අභියෝගය කිසිවෙකුත් භාර නොගත් පසුබිමක මම මේකට බෙල්ල තිබ්බා. ඒ අනතුරුදායක අභියෝගය මම භාර ගත්තේ මගේ රට වෙනුවෙන්; මගේ මව්බිම වෙනුවෙන්; ලක් මාතාව වෙනුවෙන්. ලක් මාතාව අනතුරුදායක වැල් පාලමෙන් කෙසේ හෝ එගොඩ කරන බව ජනතාව ඉදිරියේ සපය කරමින් මම මේ අභියෝගය භාර ගත්තා. සියලු ජන කොටස් මේ වැඩ පිළිවෙළට සහාය දුන්නා. ඒ අයට මගේ ස්තූතිය යළිත් පුද කරන්නට කැමැතියි.

විවිධ දුෂ්කරතා මැද IMF සාකච්ඡා අප ඉදිරියට ගෙන ගියා. ඒ අවස්ථාවේ විවේචකයන් කිව්වේ කිසි දිනෙක IMF සාකච්ඡා

සාර්ථක කර ගැනීමට හැකි වෙන්නේ නැහැ කියලායි. හැබැයි අපි ඒ සාකච්ඡා සාර්ථක කරගත්තා. එතකොට විවේචකයන් පිල්ල මාරු කළා. IMF සහයෝගයෙන් ගොඩ ගිය කිසිම රටක් නැති බව එක කණ්ඩායමක් කිව්වා. තමන් බලයට පත් වුණාම IMF එකඟතාවලට ගරු කරන්නේ නැති බව තවත් අය කිව්වා. හැබැයි අපි සාර්ථකව ඉදිරියටම ගියා. විවේචකයන් ආයෙම පිලි මාරු කළා. IMF කොන්දේසි සපුරන්න අපට බැරි වෙලා තිබෙන බව සමීක්ෂණ වාර්තා උපුටා දක්වමින් ඔවුන් පෙන්වා දුන්නා. ඒ නිසා අපේ වැඩ පිළිවෙළ අසාර්ථක බව කිව්වා. පළමු වාරිකය ලැබුණාට දෙවැනි එක ලැබෙන්නේ නැහැ කිව්වා. හැබැයි දෙවැනි වාරිකයත් අපිට ලැබුණා. ඒ පාර ආපහු විවේචකයන්ගේ පිලි මාරු වුණා. IMF කොන්දේසිවලින් සියයට අවිවරක්, මෙවිවරක් සපුරන්න අපි අසමත් වෙලා කියලා අහවල් සමීක්ෂණ ආයතනය කියා තිබෙනවා, දැන් ඉතින් තුන්වැනි වාරිකය ගැන බලාපොරොත්තු නියන්න බැහැ කියමින් ඒ අය රටට බය කරන්න උත්සාහ කළා. හැබැයි තුන්වැනි වාරිකයත් අපට ලැබුණා. පිල්ල නැවතත් මාරු වුණා. තුන්වැනි වාරිකය ලැබුණත් කිසි ලෙසකින් ණය ප්‍රතිව්‍යුහගතකරණය සාර්ථක කරගන්නට අපට ලැබෙන්නේ නැහැ කිව්වා. ඒ විතරක් නොවෙයි, මේ ප්‍රතිව්‍යුහගතකරණයට එකඟ වෙන්න එපා කියලා අපේ ණය හිමි රටවලට විවිධාකාරයේ බලපෑම් කරන්නටත් උත්සාහ කළා. හැබැයි ණය ප්‍රතිව්‍යුහගතකරණය අප සාර්ථක කරගත්තා. ඒ පාර ආයෙම පිලි මාරු කළා. දැන් කියන්නේ "ණය ශ්‍රේණිගත කිරීම් ඉහළ නැංවිලා නැති නිසා ණය ප්‍රතිව්‍යුහගතකරණයෙන් පලක් නැහැ. ඒ නිසා තවමත් අපි බංකොලොත් රටක්" කියලායි. මම ඒ ගැනත් යමක් කියන්න කැමැතියි.

2019 වෙද්දී අපි හිටියේ ජාත්‍යන්තර ණය ශ්‍රේණිගතකිරීම්වල "බී" මට්ටමේ. 2020දී ශ්‍රී ලංකාව "සී" මට්ටමට පහත දැමිණා. ඒ කියන්නේ, ණය ගෙවාගන්න බැරි බව ප්‍රකාශ කරන්න බොහෝ කාලයකට කලින්. අපි පහළම මට්ටමට වැටුණේ ණය ගෙවන්න බැරි වුණාට පස්සේ නොවෙයි. එයින් අපට පැහැදිලි වෙන්නේ ශ්‍රේණිගතකිරීම් සඳහා පදනම් කරගන්නා වෙනත් නිර්ණායක ගණනාවක් තිබෙන බවයි. දැන් අප සාර්ථක ප්‍රතිඵල ගණනාවක් පෙන්වා තිබෙනවා. දේශීය ණය ප්‍රතිව්‍යුහගතකරණය සාර්ථකව නිම කළා. විදේශීය ද්විපාර්ශ්වික ණය ප්‍රතිව්‍යුහගතකරණය සාර්ථක කරගත්තා. ඉතිරිව ඇති වාණිජ ණය ප්‍රතිව්‍යුහගත කිරීම්ද කඩිනමින්ම නිම කර ගැනීමට අපට හැකි වෙයි.

මේ සියල්ල සමඟ අපේ ආර්ථික දර්ශක ඉහළ නැංවෙනවා. අපේ ආර්ථික දර්ශක පදනම් කරගෙන තිසි අවස්ථාවේ ණය ශ්‍රේණිගතකිරීම් ඉහළ දැමීමට ජාත්‍යන්තර මූල්‍ය ආයතන කටයුතු කරාවි. අපේ විවේචකයන්ට ආපහු පිලි මාරු කරන්න සිද්ධ වෙන්නේ අන්න එතකොටයි. ගරු කථානායකතුමනි, ආණ්ඩුවේ අපි සහ මේ විවේචකයන් අතර වෙනසක් තිබෙනවා. ආණ්ඩුවේ අපි සහ මේ කයිවාරුකරුවන් අතර වෙනසක් තිබෙනවා. ආණ්ඩුවේ අපි සහ මේ පමිපෝරිකරුවන් අතර වෙනසක් තිබෙනවා. අපි රට වෙනුවෙන් නිවැරදි ප්‍රතිපත්තියක, නිවැරදි මාර්ගයක ඉදිරියට යනවා. ඔවුන් බලය වෙනුවෙන් දවසින් දවස එක එක කපා කියනවා. මේ සියල්ල දෙස අවධානයෙන් සහ සිරුවෙන් බලා සිටින කණ්ඩායමක් මේ පාර්ලිමේන්තුවේ ඉන්නවා. විවිධ දේශපාලන පක්ෂවලට අයත් ඔවුන් මේ සියල්ලම ස්වාධීනව හා අපක්ෂපාතීව නිරීක්ෂණය කරනවා. ඔවුන් ඉවසිලිවත්තව මේ සියල්ල බලා සිටිනවා. පක්ෂයක් වෙනුවෙන් හෝ පුද්ගලයෙක් වෙනුවෙන් හෝ පෙනී සිටිනවාද, එහෙමත් නැත්නම් රට වෙනුවෙන් පෙනී සිටිනවාද යන්න ගැන ඔවුන් දැඩි ලෙස අවධානය යොමු කර තිබෙනවා.

ගරු කථානායකතුමනි, මීට අවුරුදු දෙකකට කලින් තිබුණු තත්ත්වය මොකක්ද? අපට ඒ තත්ත්වය අමතක කරන්න

පුළුවන්ද? ආර්ථික පැත්තෙන් පමණක් නොවෙයි, සමාජයීය, දේශපාලනික පැතිවලින් පවා ඒ තත්ත්වය වෙනස් වී ණය ප්‍රතිව්‍යුහගත කිරීම පිළිබඳ සුබ ආරංචි එද්දි සමහරු කලබල වුණු විධිය අප දැක්කා. භූමිතෙල් ගැවුණු ගැරඬියන් වාගේ ඒ අය හැසිරුණේ. Social media භාෂාවෙන් කියනවා නම් ඒ අයගේ ඇගේ ඉත්තුවන් දිව්වා. ඇයි ඒ? IMF වැඩ පිළිවෙල සාර්ථක වීම සුබ ආරංචියක්ද, අසුබ ආරංචියක්ද?

තෙල් පෝලීම්, ගෑස් පෝලීම්, භූමිතෙල් පෝලීම්වල දවස ගණන් රස්තියාදු වෙන එක අවසන් වීම සුබ ආරංචියක්ද, අසුබ ආරංචියක්ද? සියයට 30කට වඩා ඉහළ නැග තිබුණු බැංකු පොලිය සියයට 9ක් පමණ දක්වා පහළ වැටීම සුබ ආරංචියක්ද, අසුබ ආරංචියක්ද? සියයට 70ක් වාගේ ඉහළ අගයකට ගිය උද්ධමනය පසුගිය මාසය අවසානයේදී සියයට 1.7ක් දක්වා අඩුවීම සුබ ආරංචියක්ද, අසුබ ආරංචියක්ද?

එක දිගටම කාර්තු 6ක් හැකිලෙමින් තිබුණු අපේ ආර්ථිකය යළි වර්ධනය වෙන්න පටන් ගැනීම සුබ ආරංචියක්ද, අසුබ ආරංචියක්ද? 2022 මැයි මාසය වෙද්දි පත්ලටම හිඳි නත්තන්නාරව තිබුණු අපේ විදේශ සංචිත දැන් ඩොලර් මිලියන 5,410ක් දක්වා ඉහළ නැංවීම සුබ ආරංචියක්ද, අසුබ ආරංචියක්ද? රුපියල ශක්තිමත් වීම සුබ ආරංචියක්ද, අසුබ ආරංචියක්ද? ප්‍රාථමික ගිණුමේ හිඟය, අතිරික්තයක් ලෙස පරිවර්තනය වීම සුබ ආරංචියක්ද, අසුබ ආරංචියක්ද? සල්ලි අවිවු ගහන්නේ නැතිව අය වැය හිඟය පියවා ගැනීම සුබ ආරංචියක්ද, අසුබ ආරංචියක්ද? විදේශ ගෙවුම් ශේෂයේ ජංගම ගිණුමේ අතිරික්තයක් ඇති කර ගැනීම සුබ ආරංචියක්ද, අසුබ ආරංචියක්ද? ගාලු මුවදොර පිට්ටනියටවත් ගුවි නොකා යන්න නිදහසක් නොතිබුණු පක්ෂ නායකයන්ට රටේ දකුණු කෙළවරේ සිට උතුරු කෙළවරට යන්න පුළුවන් වීම සුබ ආරංචියක්ද, අසුබ ආරංචියක්ද? පාර්ලිමේන්තුවට එන්නට තියා තම තමන්ගේ ගෙවල්වල ඉන්නවත් බැරි තරම් භීෂණයක් තිබුණු රටක්, කිසිවෙකුට බයක් හැකක් නැතුව ජීවත් වෙන්න පුළුවන් තැනකට ගෙන ඒම සුබ ආරංචියක්ද, අසුබ ආරංචියක්ද? රටට යහපතක් වෙන එක සුබ ආරංචියක්ද, අසුබ ආරංචියක්ද?

ගරු කථානායකතුමනි, මෙතැනින් ඉදිරියට යන්න අපට ඇති එකම මාර්ගය මෙයයි. මේ සුබ ආරංචිය අනාගතය දක්වා රැගෙන යන්නට හැකි එකම මාර්ගය මෙයයි. පසුගිය කාලය තුළ අප ලැබූ ජයග්‍රහණ මගින් එය යළි යළිත් තහවුරු වී තිබෙනවා. වැල් පාලමේ අසිරු ගමන අප ඉදිරියටම යා යුතුයි. කවුරු බලයට ආවත් ආපසු හැරීමක් අපට නැහැ. ආපසු හැරී වෙන පාරක ගියොත් මාසයක් දෙකක් යන්න කලින් ඉන්ධන නැහැ, ගෑස් නැහැ, විදුලි බලය නැහැ. මහරා ව්‍යාසනයකට රට ඇද වැටෙනවා. වසර 25කට 30කට යළි ගොඩ එන්නට බැරි බේදවාචකයකට මේ රට ඇද වැටෙනවා.

ගරු කථානායකතුමනි, හුණුවටයේ කතාව නාට්‍යයේ ගෘෂා දරුවා වඩාගෙන වැල් පාලමේ යන්න තීරණය කරනවා. ඒ අවස්ථාවේ වෙන විකල්පයක් නැහැ. ඒ වෙලාවේ ළඟ ඉන්න කෙනෙක් ගෘෂාගෙන් මෙහෙම අහනවා.

"මැරෙන්න හදනවාද? ජේනවාද හෙළ...! පාතල ලෝකේ වාගේ...!!!"

ඒත් ගෘෂා අවදානම් තීරණය ගන්නවා. ඇය දරුවාත් වඩාගෙන කොහොම හරි වැල් පාලම තරණය කරනවා. හැබැයි, හුඟක් දෙනා බලන් ඉන්නේ ගෘෂා වැල් පාලමෙන් පහළට වැටෙයි කියලා. ඒත් අන්තිමේදී ඇය දරුවාත් රැගෙන ආරක්ෂිතව වැල් පාලමෙන් එගොඩ වෙනවා. බලන් හිටපු කෙනෙක් කේන්තියෙන් කියනවා, මෙන්න මෙහෙම.

"මම උන්නේම වැටෙයි කියලා... අපරාදේ...."

අන්න එහෙම කාලකණ්ණි සිතුවිලි තිබෙන අය අදත් මේ සමාජයේ ඉන්නවා. මම ඒ අයටත් කියන්නේ, රට වෙනුවෙන්, රටේ අනාගතය වෙනුවෙන් ඒ සිතුවිල්ල වෙනස් කර ගන්න කියලායි. වැටෙන තුරු බලා නොසිට අපි රට ගොඩ නංවන විධිය ගැන හිතමු. ඒ වෙනුවෙන් වෙහෙසෙමු.

ගරු කථානායකතුමනි, මට කැමැති-අකැමැති, මට ගරු කරන-මට නිගරු කරන මේ ගරු සභාවේ සියලු සාමාජිකයන්ගෙන් යළි යළිත් ඉල්ලා සිටින්නේ රට ගැන සිතන්න කියායි. එකක් මතක තබා ගන්න. මම තීන්දු-තීරණ ගන්නේ දේශපාලන බලය වෙනුවෙන් හෝ දේශපාලන ජනප්‍රියතාව වෙනුවෙන් නොවෙයි. මම තීන්දු-තීරණ ගන්නේ රට වෙනුවෙන්. තරුණයන්ගේ අනාගතය වෙනුවෙන්. පසුගිය අවුරුදු දෙක පුරා මම දේශපාලනය කළේ නැහැ. දේශපාලන වාසි ලබා ගැනීම සඳහා තීන්දු ගන්නේ නැහැ.

මේ ගරු සභාවේ මම වාගේම රටට ආදරය කරන තවත් බොහෝ අය ඉන්නවා. තම තමන්ගේ පෞද්ගලික ලාභ ප්‍රයෝජනවලට වඩා රට ගැන හිතන බොහෝ අය ඉන්නවා. ඒ සියලුදෙනාගෙන්ම මම ඉල්ලා සිටින්නේ, රට යළි ගොඩ නැංවීමේ අභියෝගාත්මක ව්‍යායාමයට එක් වෙන ලෙසයි. මේ මල් වට්ටියට අත ගසන ලෙසයි. එන්න. අපි එකට එක් වී අපේ මව්බිම යළිත් ඉහළට ඔසවා තබමු.

Hon. Speaker, I would also like to say a few words in English. I will not go over what I have said, but will talk of what we have to do in the future.

The efforts taken to restructure our debt provide Sri Lanka with the necessary breathing space to transform the economy into a resilient and stable economy. That could manage the lighter burden of debt service in the future. This breathing space should not be wasted. In the past, Sri Lanka's economic growth was dominated by the non-tradable sector. During this period, particularly the post-war period, the economy expanded, but the tax revenue and exports, as a share of GDP, declined and the capacity to service debt continued to diminish. To reverse the trend, we must transform Sri Lanka into an economy where growth is driven by non-debt creating foreign exchange inflows. Export of goods, export of services and foreign direct investment must be the leading drivers of growth in the economy. Parallely, the fiscal and monetary reforms, reforms to State-owned enterprises and other reforms must continue to ensure that fiscal and external buzzers remain robust. A combination of strong revenues and robust foreign exchange balances are critical to ensure that Sri Lanka has a capacity to service the debt.

The Economic Transformation Bill embodies all of these critical factors. It provides the institutional framework to support the growth of exports and FDI in the economy. The Bill also provides the macroeconomic targets which will enable continued economic stability and sustainable, inclusive economic growth. Purposeful implementation of measures incorporated in the Economic Transformation Bill will create the required economic conditions that enable Sri Lanka to truly benefit from relief created by restructuring of debt. But, a failure to do so would mean that we would swiftly fall back into

[ගරු රනිල් වික්‍රමසිංහ මහතා]

trouble. The breathing space provided by debt restructuring will go on for two years.

What Sri Lanka requires now is a high-growth trajectory of 7 per cent GDP per annum. It may be high by Sri Lankan standards. We have stayed at a growth rate of 4 per cent or 5 per cent GDP, but Vietnam and some other countries have showed that you can go up to 7 per cent. If we maintain a 7 per cent growth for two decades, our GDP would grow from about US Dollars 85 billion to about US Dollars 350 billion, by four times. Are we always going to stay poor? Is our policy to stay poor? Should we not have policies which would make us, not us, the future generation, rich? In two decades, we would not be here, but the future generation would. We have to make them rich. So, that is certainly what we should follow and I ask this House and all political parties to get into high-growth policies and let us compete with each other on that. We cannot go on with a slow growth; we cannot go on this journey any further.

Therefore, while today is a major landmark and a cause for celebration, by no means, does it allow us to be complacent as a nation. The successful conclusion of the official debt restructuring should give us the confidence and encouragement to move forward on this path of economic recovery, towards the goal of a prosperous, inclusive and sustainable economy, a high-growth economy with a minimum of 7 per cent growth per year.

Sir, I am sorry that when I am making this Statement, one of my Colleagues or the only Colleague who came to Parliament with me, the Hon. Rajavarthiam Sampanthan, is no longer here with us. He passed away on Sunday. He and I have worked together through difficult times and I know the contribution he had made. One thing, I must say. Though he was in the TULF and the TNA, he steadfastly stood for the territorial integrity of Sri Lanka. He asked me, "Do you think, Ranil, that I will divide the country? As a small boy, I went to see the Independence in 1948". None of us has seen that. We, most of us, were not even born then. Anyway, he had his own views on how power should be shared. There is no reason to fight over that, but I think he had done a sufficient amount of work, that we have only a little more to finish and the best contribution we could make for him is to finish that work on devolution and decentralization.

Thank you.

ගරු සජිත් ප්‍රේමදාස මහතා (විරුද්ධ පාර්ශ්වයේ නායකයෙකු)

(மாண்புமிகு சஜித் பிரேமதாஸ் - எதிர்க்கட்சி முதல்வர்)
(The Hon. Sajith Premadasa - Leader of the Opposition)

නැඟී සිටියේය.

எழுந்தார்.
rose.

ගරු කථානායකතුමා

(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)

ගරු විපක්ෂ නායකතුමා.

ගරු සජිත් ප්‍රේමදාස මහතා

(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)

ගරු කථානායකතුමනි, පක්ෂ නායක රැස්වීමේදී එකඟ වුණු ආකාරයට, මටත් කරුණු කිහිපයක් ඉදිරිපත් කිරීමට අවස්ථාවක් ලබා දීම ගැන ඔබතුමාට ස්තූතිවන්ත වෙනවා.

අපි ජනාධිපතිතුමාගේ කථාව හොඳින් අසා සිටියා. විශේෂයෙන් මම එක දෙයකට එකඟ වෙනවා. කාර්යය අසීරු බව අපි අවබෝධ කරගෙන තිබෙනවා. ඒක ලේසි පහසු කාර්යයක් නොවෙයි, අසීරු කාර්යයක්. හැබැයි, මේ අසීරු කාර්යය ක්‍රියාත්මක කිරීමේදී අපි විශ්වාස කරන ආකාරයට රටේ ජනතාව සත්‍යය අවබෝධ කර ගැනීම අතීතයින්ම වැදගත් වෙනවා. ණය ප්‍රතිව්‍යුහගත කිරීම පිළිබඳව සහ ගිවිසුම් පිළිබඳව ප්‍රකාශ ගණනාවක් ඉදිරිපත් වුණා. ඒ ගැන දැන් අපේ අවධානය යොමු වෙලා තිබෙනවා. එක වෙලාවකදී ප්‍රකාශ කළා, ලංකාව තමයි ලෝකයේ අනෙක් රටවලට වඩා ඉතා ඉක්මනින් ණය ප්‍රතිව්‍යුහගත කිරීමට ලක් වුණේ කියලා. ඒක සත්‍යයෙන් තොරයි. සානාව, ආර්ථික විනාශ, ඉක්විද්‍යෝරය, බෙලිස්, මොංගෝලියාව, බාර්බේඩෝස්, වැඩි රාජ්‍යය වැනි රටවල් අපේ රටට පෙර සීමාසහිත කාල වකවානුවක් තුළ ණය ප්‍රතිව්‍යුහගත කිරීමේ ගිවිසුම් ක්‍රියාත්මක කරන්නට සමත් වුණා.

බලන්න, සානාව debt restructuring පටන් ගත්තේ 2023 ජනවාරි මාසයේදී. ඔවුන්ගේ Sovereign Bonds, US Dollars 13 billion තිබුණා. නමුත්, 2023 මාර්තු මාසයේ creditor committee එක ඔවුන්ට financing assurances දුන්නා. 2024 මාර්තු මාසයේ සානාව bilateral creditorලා සමඟ MoU එක අත්සන් කළා. 2024 ජූනි මාසයේ සානාව principal bondholdersලා එක්ක එකඟතාවකට ආවා. ඒ විතරක් නොවෙයි. සානාවට හැකියාව ලැබුණා, තමන්ගේ ණය සහ පොලිය කියන දෙකම සියයට 37ක් අඩු කර ගන්න. සානාව එහෙම කරනකොට ආර්ථික විනාශ මොකක්ද කළේ? ආර්ථික විනාශවත් ණය සාකච්ඡා ආරම්භ කළා, 2019 දෙසැම්බර් මාසයේ. Debt exchange එක ක්‍රියාත්මක වුණා, 2021 සැප්තැම්බර් මාසයේ. Defaulting පටන් ගත්තා, 2021 මාර්තු මාසයේ. මේ සියලු දේ සිද්ධ වෙලාත් ආර්ථික විනාශට පුළුවන්කම ලැබුණා, Net Present Value එක පදනම් කරගෙන සියයට 36ක ණය අඩු කිරීමක් කර ගන්නට. ඒ වාගේම market value haircut එක ලෙස සියයට 56ක් ලබා ගන්නට පුළුවන්කම ලැබුණා.

රීළඟට, ඉක්විද්‍යෝරය අරගෙන බලන්න. ඉක්විද්‍යෝරය ණය සාකච්ඡා ආරම්භ කළේ 2020 මාර්තු මාසයේ. ඒ අය debt exchange ක්‍රියාත්මක කළේ 2020 සැප්තැම්බර් මාසයේ. ඉක්විද්‍යෝරයට හැකියාව ලැබුණා, සියයට 42.2ක Net Present Value haircut එකක් ලබා ගන්නට. ඇත්ත වශයෙන්ම තවම අපට දැනගන්නට ලැබිලා නැහැ අපේ සංඛ්‍යාලේඛන, දත්ත පිළිබඳව. අපි බලාපොරොත්තුවෙන් හිටියා, ජනාධිපතිතුමා ජාතිය අමතනකොට, රැස්වීම් ආමන්ත්‍රණය කරනකොට වාගේම අද දවසේ පාර්ලිමේන්තුවට මේ සංඛ්‍යාලේඛන ටික ඉදිරිපත් කරයි කියලා. නමුත් හදිසියේම පාර්ලිමේන්තු පක්ෂ නායකයන්ගේ රැස්වීමක් කැඳවලා අදයි, හෙටයි විවාදයක් කරනවා කියලා ඔක්කොම සැලසුම් කරලා, හිටි හැටියේම ඊයේ දවසේ ඒක withdraw කළේ ඇත්තටම තවමත් අංග සම්පූර්ණ ගිවිසුමකට ප්‍රවේශ වෙලා නැති නිසායි. ආර්ථික විනාශ, ඉක්විද්‍යෝරය, සානාව ලබා ගත්ත ණය අඩු කිරීමට සමානව හෝ ඊට වැඩි ප්‍රමාණයකින් අපේ ශ්‍රී ලංකාවේ වර්තමාන රජයටත් ණය අඩු කර ගැනීමකට හැකියාවක් ලැබිලා තිබෙනවාද කියන එක අපි බලා සිටිනවා. ඒ, පළමුවැනි කාරණාව.

දෙවැනි කාරණාව මේකයි. ගරු ජනාධිපතිතුමනි, ඔබතුමා ජාතිය අමතනකොට බොහෝම පැහැදිලිව කිව්වා, නැවත ණය ගෙවීමේ කාර්යය ගිවිසුම්ගත වුණා කියලා 2028 සිට ක්‍රියාත්මක කරන්න.

හැබැයි, 2023 මාර්තු මාසයේ IMF එක කරපු ඒ debt sustainability analysis එකට අනුව ආපසු ණය ගෙවීම කරන්න පුළුවන් 2033 සිට කියලා IMF එක කියන බව ඔබතුමා දන්නවාද? 2033 සිට ණය ගෙවීමේ ක්‍රියාවලිය ආරම්භ වන්නට තිබියදීත්, ඇයි රජයට බැරි වුණේ ඒ වසරේදීම එය ක්‍රියාත්මක කරන්නට ගිවිසුම්ගත වෙන්නට? මොකද, 2033 දැන් 2028 වෙලා. අපි දකිනවා, රජයේ සාකච්ඡාමය ක්‍රියාදාමය තුළ ඇති වුණු දුර්වලතාව නිසා තමයි එසේ සිදු වුණේ කියලා. මොකද, IMF එක කියද්දීත් ණය ගෙවීම් කටයුතු 2033 සිට ක්‍රියාත්මක කරන්න කියලා, ඇත්තටම 2028 සිට එය ක්‍රියාත්මක කරන්නට ගිවිසුම්ගත වෙලා.

ඒ වාගේම ජනාධිපතිතුමාගේ ප්‍රකාශයේ විවිධ අවස්ථාවලදී කියැවුණා, China's EXIM Bank debt එක ඇමෙරිකානු ඩොලර් බිලියන 3.9කට එකඟ වුණා කියලා. හැබැයි, කිසිම සඳහනක් නැහැ, ඇමෙරිකානු ඩොලර් මිලියන 13.8ක Chinese Government debt එක ගැන. ඒ වාගේම China Development Bank debt එක ඇමෙරිකානු ඩොලර් මිලියන 538යි. ඒක ගැනත් සඳහනක් නැහැ. අපි බොහෝම පැහැදිලිව කියනවා, යම් යම් තොරතුරු, කරුණු-කාරණා රටට අනාවරණ කරන්නේ නැතුව තමයි ජනාධිපතිතුමා මේ ණය ප්‍රතිව්‍යුහගත කිරීමේ ක්‍රියාවලියේ සාර්ථකත්වය ගැන කථා කරන්නට උනන්දු වෙලා තිබෙන්නේ කියලා.

මේ අවස්ථාවේදී මම පැහැදිලිව මේ කාරණයන් කියන්නට ඕනෑ, ගරු කථානායකතුමනි. මේ රජය දේශීය ණය ප්‍රතිව්‍යුහගත කිරීමේදී අනුගමනය කරපු ක්‍රියාවලිය, විදේශීය ණය ප්‍රතිව්‍යුහගත කිරීමේ ක්‍රියාවලිය ක්‍රියාත්මක වන අවස්ථාවේදීත් ඇත්තටම ජාත්‍යන්තර බැඳුම්කර ණයගිම්කරුවන්ට යටත් වෙලා කටයුතු කරනවාය කියන එක අපට මේ අවස්ථාවේදී පෙනෙනවා. මම ඒ සඳහා උදාහරණ කිහිපයක් කියන්නම්. විශේෂයෙන්ම 2022දී බොහෝම පැහැදිලිව රජය ප්‍රකාශ කළා, දේශීය ණය ප්‍රතිව්‍යුහගත කිරීමක් කෙරෙන්නේ නැහැ කියලා. හැබැයි, international sovereign bondholdersලා තර්ජනය කරන්නට හඳුනාකොට අනිවාර්යයෙන්ම දේශීය ණය ප්‍රතිව්‍යුහගත කිරීම ක්‍රියාත්මක කළා. ඒකෙන් කළේ මොකක්ද? Primary bond dealersලා කියන සුපිරි පෝසතුන් පැත්තකින් තියලා, ඔවුන්ට අතවත් තියන්නේ නැතුව, මේ රටේ වැඩ කරන ජනතාවගේ විශ්‍රාමික අරමුදල්වලට - EPF/ETF එකට - පික්පොකට ගැහුවා කියන එක තමයි අපට බොහෝම පැහැදිලිව පෙනෙන්නේ. ඒ වාගේම 2023 ඔක්තෝබර් මාසයේදී රජය කිව්වා, value recovery instruments ක්‍රියාත්මක කරන්නේ නැහැ කියලා. හැබැයි, එහෙම කියලා ඉන්පසුව bondholdersලාට, international sovereign bondholdersලාට macro-linked bonds වැඩ පිළිවෙළ ක්‍රියාත්මක කරන්නට ඒ අයගේ පීඩනය සහ තර්ජනය මත රජය එකඟ වුණා. ඒ කියන්නේ ණය අඩු කිරීම තීන්දු වෙන්නේ GDP එක අනුව. දැන් GDP එක recover වෙනකොට ණය අඩු කිරීම සිමා කරන්නට මේ රජය මේ macro-linked bonds හරහා එකඟ වෙලා තිබෙනවා. අපි හිතනවා, ඒක ඇත්ත වශයෙන්ම රටට අසුබවාදී බව. විශේෂයෙන්ම ජනාධිපතිතුමා ප්‍රකාශ කර තිබෙනවා, විනිවිදභාවය සහ comparability කියන ප්‍රතිපත්තිය ක්‍රියාත්මක කරනවා කියලා domestic bondholdersලා සම්බන්ධව. ඒ කියන්නේ සම්බර ආකාරයට පීඩනය බෙදා හදා ගන්නවා කියලා; equal burden sharing එකක්. ඒ වාගේම විනිවිදභාවය. නමුත් මේවා ගැන රජය හුඟක් කථා කළත්, පැහැදිලිව රජය අනුගමනය කරලා තිබෙන්නේ ද්විත්ව ප්‍රතිපත්තියක්. ජාත්‍යන්තර ස්වෛරී බැඳුම්කර හිමියන්

වෙත එක ප්‍රතිපත්තියකුත්, මේ රටේ වැඩ කරන ජනතාවගේ pension fundsවලට පික්පොකට ගසමින් මේ රටේ ජනතාවට වෙනස් ප්‍රතිපත්තියකුත් තමයි ක්‍රියාත්මක කරලා තිබෙන්නේ.

මම ජනාධිපතිතුමාගේ අවධානය යොමු කරවන්නට කැමැතියි, විශේෂයෙන්ම ජැමෙයිකාව දෙසට. බලන්න, ජැමෙයිකාව දිහා. Domestic debt restructuringවලදී value recovery and inflation -hedged bonds ක්‍රියාත්මක කරලා රටටත්, ජනතාවටත් වාසිදායක ආකාරයට value එක recover කරන ක්‍රියාදාමයක් ක්‍රියාත්මක කරන්නට ජැමෙයිකාවට පුළුවන්කම ලැබුණා. හැබැයි, ජැමෙයිකාවට පුළුවන්කම ලැබුණාට ඔබතුමාගේ රජයට ඒ කර්තව්‍යය කරන්නට හැකියාව ලැබිලා නැහැ.

වැඩ කරන ජනතාවගේ සම්පත් ටික කප්පාදු කිරීමක් තමයි ඔබතුමා කළේ. ඒ වාගේම අපට තිබෙනවා ජනාධිපතිතුමාගෙන් ප්‍රශ්න කරන්න, ජාත්‍යන්තර ස්වෛරී බැඳුම්කර හිමියන් සමඟ කළ සාකච්ඡා ඇත්තටම ප්‍රශස්ත හා ප්‍රබුද්ධ ආකාරයට ක්‍රියාත්මක වුණාය කියලා ඔබතුමා විශ්වාස කරනවා ද කියලා. එය එසේ ක්‍රියාත්මක වුණා නම් කවදාවත්, විශේෂයෙන්ම ඒ ස්වෛරී බැඳුම්කර හිමියන් නියෝජනය කරන කණ්ඩායම් - bondholder groups - ප්‍රකාශ නිකුත් කරන්නේ නැහැ, ඒ අයගේ ඒ ගමනේ ප්‍රගතිය ක්‍රියාත්මක නොවීම පිළිබඳව. ඇත්තටම ශ්‍රී ලංකා රජයේ උනන්දුවක් නැතිකම පිළිබඳව ඒ international sovereign bondholdersලා 2024 ජනවාරි 31වන දා බොහෝම පැහැදිලි statement එකක් ඉදිරිපත් කරලා රටට කරුණු පෙන්වා දිලා තිබෙනවා.

මම ජනාධිපතිතුමාට තව කාරණයක් කියන්න කැමැතියි. දැන් ඔබතුමාත් බොහෝ විදේශ සංචාරවල නිරත වෙනවා. ඒ විදේශ සංචාරවලදී ඔබතුමා ජාත්‍යන්තර ප්‍රජාව, ජාත්‍යන්තර නායකයන් හමු වනවා. ඔබතුමා දන්නවා ද, සානාවට පුළුවන්කම ලැබුණා කියලා සියයට 37ක ණය කප්පාදුවක් ගන්න? සානාවේ මොහොමඩ් අමීන් ආදම් කියන මුදල් ඇමතිතුමා ජාත්‍යන්තර ස්වෛරී බැඳුම්කර හිමියන් - international sovereign bondholdersලා - සමඟ සෘජුවම සාකච්ඡා කරලා, විශ්වාසයක් දිනාගෙන, පිළිගැනීමක් ලබාගෙන, රට වෙනුවෙන් සියයට 37ක පමණ haircut එකක්, ණය අඩු කිරීමකට යොමු වුණා. ඉතින්, ඇත්ත වශයෙන්ම විදේශ සංචාර රැසක නිරත වුණු ඔබතුමාටත් පුළුවන්කම තිබුණා, ජාත්‍යන්තර ස්වෛරී බැඳුම්කර හිමියන් සමඟ සෘජුව කථා කරලා මේ රටේ මුදල් ඇමතිවරයා හැටියට අපේ රට වෙනුවෙන් වාසිදායක ගිවිසුමකට ප්‍රවේශ වෙන්න.

මම තව උදාහරණයක් කියන්නම්. ආර්ජන්ටිනාවේ මුදල් ඇමති මාර්ටින් ගුස්මාන් මැතිතුමා 2021 මොකක්ද කළේ? එතුමාත් කළේ අර දේමයි. මුදල් ඇමතිවරයා හැටියට ජාත්‍යන්තර ස්වෛරී බැඳුම්කර හිමියන් එක්ක සෘජුව සාකච්ඡා කරලා, විශ්වාසය දිනාගෙන ආර්ජන්ටිනාව වෙනුවෙන් ඉතා විශාල ණය කප්පාදුවක් ලබා ගන්නට එතුමාට පුළුවන්කම ලැබුණා. ඒ වාගේම ඉක්වදෝරයේ රිවඩ් මාර්ටිනෙස් කියන හිටපු මුදල් ඇමතිවරයා කළේ මොකක්ද? එතුමා කළේත් ඒ දේමයි. එතුමාත් ජාත්‍යන්තර ස්වෛරී බැඳුම්කර හිමියන් සමඟ සෘජුව සාකච්ඡා කරලා ඉක්වදෝරය වෙනුවෙන් විශාල ණය අඩු කර ගැනීමක්, එහෙම නැත්නම් ණය කප්පාදුවක් ලබා ගත්තා.

මුදල් ඇමතිවරයා වන ගරු ජනාධිපතිතුමාගෙන් මම විශේෂයෙන්ම මේ කාරණය අහන්න කැමැතියි. පිට රට සංචාර ගණනාවක නිරත වන අවස්ථාවක ඔබතුමාටත් හැකියාව තිබුණා ජාත්‍යන්තර ස්වෛරී බැඳුම්කර හිමියන් එක්ක සෘජුව මුහුණට මුහුණ සාකච්ඡා පවත්වා රට වෙනුවෙන් විශ්වාසයක් නිර්මාණය කරලා, විශ්වාසය දිනාගෙන, ඒ විශ්වාසය මත අපේ රටට ගන්න

[ගරු සජිත් ප්‍රේමදාස මහතා]

පුළුවන් හොඳම පැකේජ එක, හොඳම ඩිල් එක, හොඳම ගිවිසුම ලබා ගන්න. ඒ අවස්ථාව ඔබතුමාට ලැබුණා. නමුත්, ඔබතුමා අපොහොසත් වුණා ඒ කාර්යය ඉෂ්ට කරන්න.

ඒ වාගේම මම ඔබතුමාට තව කාරණයක් මතක් කරන්න කැමැතියි. අවස්ථා ගණනාවකදී ඔබතුමා රටටත් ප්‍රකාශ කරලා තිබෙනවා, මම හිතන විධියට මේ ගරු සභාවේදීත් ප්‍රකාශ කරලා තිබෙනවා, මුදල් අමාත්‍යාංශයේ නිලධාරීන් ප්‍රකාශ කරලා තිබෙනවා, IMF එක කරලා තිබෙන Technical Assistance Reports ටික ගරු සභාවට ලබා දෙනවා කියලා. අද වන කල් එකම Report එකක්වත් සභාගත කරලාත් නැහැ, අපට ලබා දිලාත් නැහැ. මට මතකයි, ඔබතුමා විපක්ෂයේ ඉන්නකොට එවකට මුදල් ඇමතිවරයා ලෙස හිටපු බැසිල් රාජපක්ෂ මහතාට ඇඟිල්ල දිගු කරලා වෝදනා කළා, IMF එකත් එක්ක කරන සියලු සාකච්ඡාවල ඒ සියලු වාර්තා ගරු සභාවට ලබා දෙන්න කියලා. දැන් අවස්ථාව එළඹිලා තිබෙනවා ඔබතුමාටත් ඒ Technical Assistance Reports ටික සභාගත කරන්න. එතකොට අපටත් පුළුවන් ඒවා පරිශීලනය කරලා අපේ අදහස් හා යෝජනා ටිකත් ඉදිරිපත් කරන්න.

ගරු ජනාධිපතිතුමනි, අපි පැහැදිලිව කියනවා, -

ගරු රනිල් වික්‍රමසිංහ මහතා

(மாண்புமிகு ரணில் விக்கிரமசிங்கம்)
(The Hon. Ranil Wickremesinghe)

නැහී සිටියේය.

எழுந்தார்.
rose.

ගරු සජිත් ප්‍රේමදාස මහතා

(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)

I never interrupted you, Hon. President. I will take just a few minutes.

ගරු රනිල් වික්‍රමසිංහ මහතා

(மாண்புமிகு ரணில் விக்கிரமசிங்கம்)
(The Hon. Ranil Wickremesinghe)

Give me time to reply. Otherwise, I will have to walk away halfway through.

ගරු සජිත් ප්‍රේමදාස මහතා

(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)

Give me just a few more minutes from your time, please.

ගරු ජනාධිපතිතුමනි, ඔබතුමා සඳහන් කළා මේ රටට මේ කරපු ක්‍රියාදාමය ඇත්ත වශයෙන්ම ඉතාම විශිෂ්ට ක්‍රියාදාමයක් හැටියට.

මූල්‍ය විනය ගැන ඔබතුමා කථා කළා. පුනකරි ව්‍යාපෘතිය ගැන ඔබතුමා ඇවිල්ලා මේ සභාවේ කථා කරලා, 700 megawatt plant එකක් ක්‍රියාත්මක කරනවා කිව්වා. අවසානයේ unsolicited proposal එකක් හරහා ඒ ව්‍යාපෘතිය ලබා දීලා තිබෙන්නේ වෙනත් රටක solar panels distribute කරන ආයතනයකට. ඒ පුද්ගලයන්ට අවස්ථාව දීලා තිබෙනවා, ඒ permit එක අරගෙන, ඒ permit එක විකුණාගෙන කන්න. මේකද මූල්‍ය විනය කියලා මම අහන්න කැමැතියි.

ඒ වාගේම තමයි සුළං විදුලි බලාගාර පිළිබඳ කාරණයත්. Unsolicited proposal එකකින් 500 megawatt plant එකක් කරනවා. CEB එක 50 megawatt plant එකක් ක්‍රියාත්මක කරනවා, ප්‍රසම්පාදන ක්‍රමය තුළ. CEB එකේ tariff rate එක, ඒ මිල ඇවිල්ලා තිබෙනවා, ඩොලර් ශත 4.8යි කියලා. හැබැයි, අර unsolicited proposal එක අනුව යෝජිත 500 megawatt plant එකේ ගණන ඩොලර් ශත 8.2යි. මම අහන්න කැමැතියි ගරු ජනාධිපතිතුමනි, මේකද මූල්‍ය විනය, මේකද සත්‍යය, මේකද කරපු කැප කිරීම කියලා.

ඒ වාගේම මම ඔබතුමාට කියන්න කැමැතියි, - හර්ෂ ද සිල්වා මැතිතුමාත් මට ප්‍රකාශ කර සිටියා - ඔබතුමා පසුගිය සිකුරාදා දුරකථනයෙන් එතුමා අමතා යෝජනා කර තිබෙනවා, සදුදා දවසේ Public Finance Committee එක කැඳවලා කොහොම හරි මේ යෝජනාව Public Finance Committee එකෙන් අනුමත කරලා - [බාධා කිරීමක්] ඔබතුමා උත්තර දෙන්න, ඔබතුමාගේ වෙලාවෙදි. 2වැනි දා සහ 3වැනි දා විවාදයේදී මේ යෝජනාව සම්මත කර ගත හැකි ආකාරයට රජයේ මුදල් පිළිබඳ කාරක සභාවේදී මේ යෝජනාව ගැන සාකච්ඡා කරලා, අනුමත කරලා දෙන්න කිව්වාම, හර්ෂ ද සිල්වා මැතිතුමා ඔබතුමාගෙන් ඉල්ලීමක් කරලා තිබෙනවා, "ඔව්, අපට සාකච්ඡා කරන්න පුළුවන්. කරුණාකරලා ගිවිසුම් ටික ලබා දෙන්න" කියලා. එතකොට ඔබතුමා කියලා තිබෙනවා, තවමත් ජාත්‍යන්තර ස්වෛරී බැඳුම්කර හිමියන් සමඟ සාකච්ඡා පවතින නිසා bilateral creditorsලා එක්ක ඇති කර ගත්ත ගිවිසුම විතරක් ලබා දෙන්න බැහැ කියලා. ඉතින් ඇත්ත වශයෙන්ම මම අහන්න කැමැතියි සභානායකතුමාගෙන්, හදිසියේ පක්ෂ නායක රැස්වීමක් කැඳවලා, 2වැනි දා සහ 3වැනි දා විවාද කරනවාය කියලා කියනකොට ඔබතුමාවත් දැනගෙන හිටියේ නැද්ද, - ඒ කියන්නේ ඔබතුමා personally නොවෙයි - අග්‍රාමාත්‍යතුමා ප්‍රමුඛ කැබිනට් මණ්ඩලයවත් දැනගෙන හිටියේ නැද්ද, මේ ගිවිසුම් ටික සම්පූර්ණයෙන්ම අවසන් කළේ නැති බව? ඒකෙන් අපට පැහැදිලිවම පෙනෙනවා, රජයේ මධ්‍යම ස්නායු පද්ධතිය වැඩ කරන්නේ නැති බව. ඔළුව දන්නේ නැහැ, කඳ කරන දේ; කඳ දන්නේ නැහැ, කකුල් දෙක කරන දේ; කකුල් දෙක දන්නේ නැහැ, අත් දෙක කරන දේ. කිසිම coordination එකක් නැහැ. ඒ නිසා තමයි ඊයේත් පක්ෂ නායක රැස්වීමක් කැඳවලා, න්‍යාය පත්‍රය සහමුලින් වෙනස් කරන්න සිදු වුණේ.

ගරු ජනාධිපතිතුමනි, අවසාන වශයෙන් මම මේකයි කියන්නේ. මම දන්නවා, ඔබතුමා කැමැති නැහැ, මම කියන දේවල් අහගෙන ඉන්න. කමක් නැහැ. මම කෙටියෙන් කියන්නම්. අවසාන වශයෙන් දැන් ඔබතුමා කාරණා කීපයක් කියමින් ඇහුවා සුබද, අසුබද කියලා. මම අහන්න කැමැතියි ගරු ජනාධිපතිතුමාගෙන්, මන්දපෝෂණය වැඩි වීම සුබද, අසුබද? රැකියා අහිමි වීම සුබද, අසුබද? රටේ උගතුන්, බුද්ධිමතුන් රට අත්හැර යෑම සුබද, අසුබද? දුප්පත්කම වැඩි වීම සුබද, අසුබද? ක්ෂුද්‍ර, කුඩා හා මධ්‍ය පරිමාණයේ කර්මාන්ත ලක්ෂ ගණනින් වැසී යෑම, ව්‍යවසායකයන් සහමුලින් ව්‍යාපාරවලින් ඉවත් වීම සුබද, අසුබද? පාසල් දරුවන් පන්තියේදී ක්ලාන්තය හැදිලා වැටෙන එක සුබද, අසුබද? ඉදිකිරීම් කර්මාන්තය කඩා වැටෙන එක සුබද, අසුබද? වෙල් තුන කාපු අය වෙල් දෙක කන කොට, වෙල් දෙක කාපු අය එක වෙල කන කොට, එක වෙල කාපු අය එකම ආහාර වේලක්වත් ගන්නේ නැති කොට ඒක සුබද, අසුබද ගරු ජනාධිපතිතුමනි?

ගරු කථානායකතුමා

(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)

ගරු විපක්ෂ නායකතුමා, ඔබතුමා මාතෘකාවෙන් පිට යන්නේ.

ගරු සජීත් ප්‍රේමදාස මහතා
(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)
ඒවා සුබද, අසුබද?

ගරු කථානායකතුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)
ඒක වෙනම අහගන්න.

ගරු සජීත් ප්‍රේමදාස මහතා
(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)
ඉතින් මම එතුමාට කියන්න කැමැතියි, පැහැදිලිවම-*[බාධා කිරීමක්]* මට පොඩ්ඩක් අවස්ථාව දෙන්න.

ගරු කථානායකතුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)
ඔබතුමාට අවස්ථාව දීලා තිබෙන්නේ ඇති වෙනත්.

ගරු සජීත් ප්‍රේමදාස මහතා
(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)
මම අවසන් කරනවා.

ගරු ජනාධිපතිතුමාට පැහැදිලිවම මම එක දෙයක් කියන්න කැමැතියි. තවමත් ජාත්‍යන්තර ස්වෛරී බැඳුම්කර හිමියන් සමඟ සාකච්ඡා යනවාය කියන තත්ත්වය තුළ, අපි ඔබතුමාට අවසරය දෙන්නම්, දැන්ම ම ඊට යන්න. ගිහිල්ලා ජාත්‍යන්තර ස්වෛරී බැඳුම්කර හිමියන් හමු වෙලා සාකච්ඡා කරලා, ඉක්වදෝරයේ, ආර්ජන්ටිනාවේ, සානාචේ මුදල් ඇමතිවරු ඊට වෙනුවෙන් ලබා ගත්ත ඒ සහනය, ඒ ණය කප්පාදුව, ඒ haircut එක ලබා ගන්න. අපි ඕනෑ තරම් ආශීර්වාද කරනවා, ඔබතුමාට. ඊට ගිහිල්ලා ඉතා ඉක්මනින් සාකච්ඡා පවත්වලා, සාකච්ඡා සාර්ථක කරගෙන කොහොම හරි-

ගරු රනිල් වික්‍රමසිංහ මහතා
(மாண்புமிகு ரணில் விக்கிரமசிங்ஹ)
(The Hon. Ranil Wickremesinghe)
ගරු කථානායකතුමා, - *[බාධා කිරීම]* ගරු කථානායකතුමා, මට දෙකෙන් එකක් කරන්න දෙන්න. *[බාධා කිරීම]* එක්කෝ මම පිළිතුරු දෙනවා. එහෙම නැත්නම්, මට මෙතැනින් පිට වෙලා යන්න සිදු වෙනවා. *[බාධා කිරීම]*

ගරු සජීත් ප්‍රේමදාස මහතා
(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)
Let me finish.

ගරු කථානායකතුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)
You have finished now.

ගරු රනිල් වික්‍රමසිංහ මහතා
(மாண்புமிகு ரணில் விக்கிரமசிங்ஹ)
(The Hon. Ranil Wickremesinghe)
එතුමාට වුවමනා නැත්නම් මම යන්නම්. *[බාධා කිරීම]*

ගරු කථානායකතුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)

ගරු ජනාධිපතිතුමාට උත්තර දෙන්න ඉඩ දෙන්න. *[බාධා කිරීම]*

ගරු සජීත් ප්‍රේමදාස මහතා
(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)
Let me finish.

ගරු කථානායකතුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)

විපක්ෂ නායකතුමා, ඔබතුමාට මොනවාද තවත් කියන්න තිබෙන්නේ? *[බාධා කිරීම]*

ගරු රනිල් වික්‍රමසිංහ මහතා
(மாண்புமிகு ரணில் விக்கிரமசிங்ஹ)
(The Hon. Ranil Wickremesinghe)
ගරු කථානායකතුමා, - *[බාධා කිරීම]*

ගරු කථානායකතුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)
කරුණාකර ගරු ජනාධිපතිතුමාට උත්තර දෙන්න ඉඩ දෙන්න. ගරු විපක්ෂ නායකතුමා, ඔබතුමා විනාඩි 20ක් කපා කළා. *[බාධා කිරීමක්]* හොඳයි, ඉක්මන් කරලා කියන්න.

ගරු සජීත් ප්‍රේමදාස මහතා
(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)
කථානායකතුමාට පුදුම රුවිකත්වයක් තිබෙනවා නේ, මගේ mike එක off කරන්නයි, ජනාධිපතිතුමාගේ mike එක on කරන්නයි.

ගරු කථානායකතුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)
වෙනත් දේවල් ගැන කපා කරන්නේ නැතුව ඔබතුමා කියන්න හදන දේ කියන්න.

ගරු සජීත් ප්‍රේමදාස මහතා
(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)
ගරු කථානායකතුමා, මම අවසන් කරන්නයි හදන්නේ.

ගරු ජනාධිපතිතුමාට මේ අවස්ථාවේ මම පැහැදිලිව කියනවා, කරුණාකර ණය ප්‍රතිව්‍යුහගත කිරීමේ ක්‍රියාවලිය දේශපාලනීකරණය කරන්නට එපා කියලා. ඔබතුමාගේ දේශපාලන න්‍යාය පත්‍රය අනුව ලක්ෂ 220ක් වන මේ රටේ ජනතාව බිල්ලට තියන්න එපා. දේශපාලන කාල සටහන අනුව කටයුතු කරන්න ගිහිල්ලා ඊටට නරක ගිවිසුමකට - bad deal එකකට, raw deal එකකට- ප්‍රවේශ වෙන්න එපා කියන එකයි මම ජනාධිපතිතුමාගෙන් ඉල්ලන්නේ.

ගරු කථානායකතුමා
(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)
බොහොම ස්තූතියි. දේශපාලනය වේදිකාවේදී කරමු.

ගරු රනිල් වික්‍රමසිංහ මහතා

(மாண்புமிகு ரணில் விக்கிரமசிங்கம்)

(The Hon. Ranil Wickremesinghe)

ගරු කපානායකතුමනි, එතුමා පළමුවෙන්ම අපෙන් ප්‍රශ්නයක් ඇහුවා, මන්දපෝෂණය, ළමයින් පාසලේ පන්ති කාමරවලදී ක්ලාන්ත වෙලා වැටෙන එක සුබද, අසුබද කියලා. ඒක අසුබයි. ඒ නිසා තමයි "අස්වැසුම" ගෙනාවේ. ඒ නිසා තමයි හාල් කිලෝ 10 ගණනේ මාස දෙකක් දුන්නේ. ඒ නිසා තමයි ඇමතිතුමා ආහාර දෙන්න පටන් ගත්තේ. දුප්පත්කම අසුබ ද, සුබ ද කියලාත් ඇහුවා. දුප්පත්කම අසුබයි. ඒකයි ලක්ෂ 20කට "උරුමය" යටතේ ඉඩම් අයිතිය දෙන්නේ. ඒකයි ලක්ෂ දෙකහමාරකට අපි ගෙයක් බැගින් දෙන්නේ. තව මොනවාද ඕනෑ? විධිකියාව සුබද, අසුබද කියලා ඇහුවා. විධිකියාව අසුබ නිසා තමයි දැන් කර්මාන්තශාලා පටන් ගත්තේ; ආයෝජන ගෙනෙන්නේ.

මම තව එකක් අහනවා. මේ රටේ ආර්ථිකය කඩා වැටිලා මිනිස්සු භාමෙන් ඉන්න කොට අගමැතිකම ගන්නේ නැතිව බයේ දුවන එක සුබද, අසුබද? *[සෝෂා කිරීම]*

ගරු කපානායකතුමනි, ඉදිකිරීම් කොන්ත්‍රාත්කරුවන්ට හිඟ තිබූ රුපියල් බිලියන 200ක් ගෙවා අවසන්. දැන් ආපහු ආධාර එනකොට නුවර පාර ඇතුළු අනෙක් වැඩ කටයුතු සියල්ලම ආරම්භ කරන්න අපට පුළුවන්. *[බාධා කිරීම]* දුකද? මම අහන්නේ ඒකයි.

ගරු කපානායකතුමනි, මම වැඩි වෙලාවක් ගත්තේ නැහැ. මට අවස්ථාව දෙන්න. මම හර්ෂ ද සිල්වා මන්ත්‍රීතුමාට කිව්වේ, "අපි මේ ගිවිසුම් දෙක දෙන්න බලාපොරොත්තු වෙනවා" කියලායි. මම කබිරි හම්ම මැතිතුමාටත් ඒ බව කියලා තිබෙනවා. දැන් අපට අවස්ථාව ලැබී තිබෙනවා, විශේෂයෙන්ම පෞද්ගලික බැඳුම්කර හිමියන් එක්ක සාකච්ඡා කරන්න. ඒ අවස්ථාවේ ක්ලිමර්ඩ් වාන්ස් සමාගම කිව්වා, මේ කරුණු දැන් හෙළි කරන්න එපා කියලා. එතකොට ඒ අය දන්නවා අපි අනෙක් අය එක්ක ඇති කරගත් කොන්දේසි. ඒක සාමාන්‍ය දෙයක්. ඒ නිසා ඒ තුනම ඉදිරිපත් කරන්න කියලා කිව්වා. ඒවා ඉදිරිපත් කරන්න තමයි මම කියලා OCC එකටත් ටිකක් වෙලාව දුන්නේ. වෙන එකක් නොවෙයි, තවම සානාවේ කොන්දේසිවත් පිට කරලා නැති බව මෙතුමා දැනගන්න ඕනෑ. මෙතුමා කොහෙන් තොරතුරු ගන්නවාද කියලා මම දන්නේ නැහැ. විශේෂයෙන් ඒ ගැන කියලා- *[බාධා කිරීමක්]* මම දැන් කියන්නේ මේ කරුණු ඔක්කොම හර්ෂ ද සිල්වා මැතිතුමාගේ කමිටුවට දෙන්න කියලායි. එතැනදී ඔබතුමන්ලා ඔක්කෝම සාකච්ඡා කරලා ඕනෑ වාර්තාවක් ලියන්න. ඔබතුමා හර්ෂ ද සිල්වා මන්ත්‍රීතුමාට ඊර්ෂ්‍යා කරනවා ද? එතුමා ඒ කටයුත්ත කරන එකට අකමැති ද? ඒ නිසාද, දැන් මෙතැනට ඇවිත් මෙහෙම කථාවක් කරන්නේ? එහෙම නැත්නම් එතැනට ගිහින් කථා කරන්න ඕනෑ. අපි දෙපැත්තම එකඟයි, හර්ෂ ද සිල්වා මැතිතුමාගේ කමිටුවට. එතුමා මොනවා ලියයි ද කියලා මම දන්නේ නැහැ. අපට පක්ෂව ලියයි ද, විරුද්ධව ලියයි ද කියලා මම දන්නේ නැහැ. ඒ වාර්තාව ලිව්වාට පස්සේ ඒ ගැන විවාද කරන්න. මොනවාටද ඒ ගැන දැන් විවාද කරන්නේ? මෙතැන ප්‍රශ්නයක් තිබෙනවාද, හර්ෂ ද සිල්වා ආචාර්යතුමා ගැන? ඒ වෙනුවෙන් විවාදයක් ඕනෑ නම් මට කියන්න, "මට විශ්වාසයක් නැහැ, හර්ෂ ද සිල්වා ගැන. කරුණාකරලා දැන්ම විවාදයක් දෙන්න" කියලා. නාලක ගොඩහේවා ද දමන්න ඕනෑ, විපක්ෂයේ උපදේශක හැටියට? මට කමක් නැහැ. එක සැරයක් වලේ වැටිලා දෙවනුවත් වැටෙනවාද? මේ එකකින් වත් වැඩක් නැහැ නේ.

ගරු කපානායකතුමනි, ගුස්මාන් ගැන මම අලුතින් කියන්න හොඳ නැහැ. ගුස්මාන් කොච්චර හොඳට වැඩ කළා ද කිව්වොත්, එයාගේ පක්ෂය පැරදිලා විපක්ෂයේ කෙනා ආවා. ඔහුගේ පක්ෂය

අලුත් ජනාධිපතිතුමාගේ යෝජනා සියල්ලම අනුමත කළා. ඒක තමයි ගුස්මාන් කළේ. ඔය පැත්තේත් ඕනෑ තරම් ගුස්මාන්ලා ඇති. මම දන්නේ නැහැ, ගුස්මාන්ලා ගැන.

මට නම් වැඩක් නැහැ ගුස්මාන්ලා. ඒ ගොල්ලෝ ලංකාවට එන්නේ කථාවක් කරන්න, එතැන කථා කරන්න බැරි නිසා නේ; ටිකට එකක් දුන්න නිසා නේ. මම ඔය ගැන ආපහු කියන්න ඕනෑ ද? මම ඔය ගැන කථා කරන්න ඕනෑ ද? මොකක්ද ඔහු කරලා තිබෙන්නේ? ආර්ථිකයට ජනාධිපතිතුමා ඉතා දරුණු ලෙස වියදම් කපපාද කරලා තිබෙනවා. ආර්ථිකය හරි තැනකට ඇවිල්ලා තිබෙනවා. දැන් එතුමා කියන්නේ පෙසෝ එක වෙනුවට ඩොලර් එක දාන්න කියලා. Double currency දාලා ඊට පස්සේ පෙසෝ එක අයින් කරලා dollarize කරන්න කියලායි එතුමා කියන්නේ. ඒකට IMF එකත් විරුද්ධයි. දැන් එතැන සටහනක් තිබෙන්නේ.

සානාව ගැනත් එතුමා කථා කළා. එහේ මුදල් ඇමති නොවෙයි ඒ වැඩ කටයුතු කළේ. ඒ වැඩ කටයුතු ඔක්කෝම කළේ ජනාධිපති නානා ඇඩෝඩ් ඩන්ක්වා. මුදල් ඇමතිවරයා නොවෙයි, ඒක අපේ රාජ්‍ය ඇමතිවරයා කළා. මුදල් ඇමතිවරයා කරන්න අවශ්‍ය නැහැ. අපේ රාජ්‍ය ඇමතිවරයා ගිහිල්ලා කථා කරලා ඒක කළා. ඉතින්, තව මොනවාටද මම වෙනත් අය යවන්නේ? තමුන්නාන්සේලා එතුමා එක්ක කථා කරලා ටිකක් ඉගෙන ගන්න, කොහොමද ඒ කටයුතු කරන්නේ කියලා. එතුමාට ඕනෑ නම් President Nana Addo Dankwa එක්ක කථා කරන්න, මම එතුමාට කියන්නම්. මම එතුමා හොඳට දන්නවා. අපි අපේ රටවල් දෙක ගැන කථා කරනවා. අපි අදහස් හුවමාරු කර ගන්නවා, ඒ කටයුතු ටික කරගෙන යන්න. එතුමා හොඳ පුද්ගලයෙක්. එතුමා ව්‍යාපාරිකයෙක්. ඒ නිසා තමන්ගේ අතට අරගෙන ඒ වැඩ කළා; එතැන පාලනය ගෙන ගියා. මුදල් ඇමති සහ අගමැති එතුමා කියපු දේ කළා. එහේ යන්න කැමති නම් මම ටිකට එකක් දෙන්නම්. එහෙම නම් airplane එකේ යන්න ඕනෑ. එහෙම යන්න ඕනෑ නම් මට කියන්න.

මම කියන්නේ මේකයි. IMF එකත් එක්ක අපි මේකට එකඟ වෙලා තිබෙනවා. එහෙත් හර්ෂ ද සිල්වා මැතිතුමාට මේක භාර දෙන්න ඔබතුමා කැමති නැත්නම්, අගමැතිතුමාට කියලා විවාදයක් යොදා ගන්න. මට ප්‍රශ්නයක් නැහැ.

ගරු දිනේෂ් ගුණවර්ධන මහතා (අග්‍රාමාත්‍ය සහ රාජ්‍ය පරිපාලන, ස්වදේශ කටයුතු, පළාත් සභා හා පළාත් පාලන අමාත්‍යතුමා)

(மாண்புமிகு தினேஷ் குணவர்தன - பிரதம அமைச்சரும் பொது நிர்வாக, உள்ளாட்சி இயக்குவர்கள், மாகாண சபைகள் மற்றும் உள்ளாட்சி அமைச்சரும்)

(The Hon. Dinesh Gunawardena - Prime Minister and Minister of Public Administration, Home Affairs, Provincial Councils and Local Government)

ගරු කපානායකතුමනි, අපි දැන් පාර්ලිමේන්තුව කල් තබන්න ඕනෑ නේ. *[බාධා කිරීම]* අපි න්‍යාය පත්‍රයේ ඊළඟ කාරණයට යමු. *[බාධා කිරීම]*

ගරු ශෙහාන් සේමසිංහ මහතා (මුදල් රාජ්‍ය අමාත්‍යතුමා)

(மாண்புமிகு செஹான் சேமசிங்க - நிதி இராஜாங்க அமைச்சர்)

(The Hon. Shehan Semasinghe - State Minister of Finance)

ගරු කපානායකතුමනි, *[බාධා කිරීම]*

ගරු සජිත් ප්‍රේමදාස මහතා

(மாண்புமிகு சஜித் பிரேமதாஸ்)

(The Hon. Sajith Premadasa)

Sir, I rise to point of Order.

මේ කටයුතු අවසන් වුණාට පසුව ඔබ්බමා අවස්ථාව ගන්න.

I would like to take this opportunity to express our heartfelt sympathies and condolences regarding the sudden demise of the Hon. Rajavarotheiam Sampanthan, who was vocal about unity and protecting Sri Lanka's territorial integrity. He was always championing the course of national reconciliation, amity, comity and good relations between ethnic groups, religious groups and people of all denominations in our country. I would also like to take this opportunity to express that the Hon. Sampanthan's demise is a great loss for the country and for national reconciliation. He was always a progressive national leader. While speaking on behalf of the people he represented, he spoke of championing the course of Sri Lankanism. He was never a caste-oriented, creed-oriented, religion-oriented or ethnic-oriented politician.

Sir, I would like to take this opportunity to, once again, express our deepest sorrow and sympathies to everyone in the Sampanthan family and we all commemorate his laudable services to our motherland.

ගරු එම්.ඒ. සුමන්තිරත් මහතා

(மாண்புமிகு எம்.ஏ. சுமந்திரன்)

(The Hon. M.A. Sumanthiran)

Hon. Speaker, on behalf of the Tamil National Alliance, I would like to express my gratitude to the Hon. President and the Hon. Leader of the Opposition for their sentiments with regard to the late Hon. Rajavarotheiam Sampanthan. The Hon. President was pleased to remark that the Hon. Sampanthan and he entered Parliament in 1977 together. He had repeatedly said that during the Hon. Sampanthan's lifetime, the Tamil national question should be resolved. Unfortunately, the Hon. Sampanthan has now passed away and I wish to appeal to the President and the Government that before the President's term ends in October this year, that issue must be resolved to the satisfaction of all the people of this country.

Thank you.

ගරු නීතිඥ ලක්ෂ්මන් කිරිඇල්ල මහතා

(மாண்புமிகு சட்டத்தரணி லக்ஷ்மன் கிரிஎல்ல)

(The Hon. Lakshman Kiriella, Attorney-at-Law)

Sir, I rise to a point of Order.

ගරු කර්මාන්තකරු

(மாண்புமிகு சபாநாயகர் அவர்கள்)

(The Hon. Speaker)

ගරු ලක්ෂ්මන් කිරිඇල්ල මන්ත්‍රීතුමා.

ගරු නීතිඥ ලක්ෂ්මන් කිරිඇල්ල මහතා

(மாண்புமிகு சட்டத்தரணி லக்ஷ்மன் கிரிஎல்ல)

(The Hon. Lakshman Kiriella, Attorney-at-Law)

ගරු කර්මාන්තකරු, ඊයේ පෙරේදා එකඟ වූ ඉහිසුම් ගැන අහද්දි පසුගිය පක්ෂ නායක රැස්වීමට කලින් පැවති පක්ෂ නායක රැස්වීමේදී ආණ්ඩු පක්ෂයේ මන්ත්‍රීවරු අපට කිවවා, "සියලු ගිවිසුම් අත්සන් කරලා තිබෙනවා. ඒවා Internet එකේ දමලා තිබෙනවා" කියලා. අපි ගිවිසුම කෝ කියලා ඇහුවාම ඒ අය කිව්වා, "Internet එකේ දමලා තිබෙනවා" කියලා. නමුත් Internet එකේ එහෙම දෙයක් නැහැ. ඒකේ තිබෙන්නේ පරණ ගිවිසුම්. එහෙම කියලා සම්පූර්ණයෙන්ම අප නොමඟ යැව්වා. ගිවිසුම් අත්සන් කරලා තිබෙනවා, ඒවා කැබිනට් මණ්ඩලයට ඉදිරිපත් කරනවා කිව්වා. ඊට පස්සේ රජයේ මුදල් පිළිබඳ කාරක සභාවට ඉදිරිපත් කරනවා කිව්වා. ගරු කර්මාන්තකරු, මම ඔබතුමාට ඊයෙන් මේ ගැන කිව්වා. මාතර රැස්වීමේදී ජනාධිපතිතුමා කියලා තිබෙනවා,

"ගිවිසුම් 3ක් තිබෙනවා. ඒකෙන් දෙකක් අත්සන් කරලා තිබෙනවා. එකක් අත්සන් කරලා නැහැ" කියලා. ඒක අත්සන් කරන තුරු පාර්ලිමේන්තුවට ඉදිරිපත් කරන්න බැහැ. එක තමයි ඇත්ත. නමුත් පක්ෂ නායක රැස්වීමේදී අපට කිව්වා, "සියලු ගිවිසුම් අත්සන් කරලා තිබෙනවා. Internet එක බලන්න" කියලා. එතැන නීතිඥ මහත්වරුන් හිටියා. ඒ විධියට සම්පූර්ණයෙන්ම අප නොමඟ යැව්වා. ඒ වාගේම අපේ නිලධාරී මණ්ඩලයත් නොමඟ යවලා Order Paper එකටත් යෝජනාව දැම්මා. ගරු සභානායකතුමනි, අත්සන් නොකරපු ගිවිසුමක් Order Paper එකට දැම්මා. මම හිතන විධියට, සභානායකතුමා එදා හිටියේ නැහැ. ඊයේ නොවෙයි. කලින් දවසේ ඔබතුමා හිටියේ නැහැ. අත්සන් නොකරපු ගිවිසුමක් Order Paper එකට දැම්මා. එම සම්බන්ධයෙන් අපේ බලවත් කනගාටුව ප්‍රකාශ කරනවා. ගරු කර්මාන්තකරු, ඔබතුමා ඉදිරියේදීත් මේ ගැන බලන්න.

ගරු සජිත් ප්‍රේමදාස මහතා

(மாண்புமிகு சஜித் பிரேமதாஸ்)

(The Hon. Sajith Premadasa)

ගරු කර්මාන්තකරු, පක්ෂ නායක රැස්වීම කැඳවන්නේ ඔබතුමා. පක්ෂ නායක රැස්වීම කැඳවලා අපි කරන්නේ, පාර්ලිමේන්තුවේ න්‍යාය පත්‍රය සකස් කිරීම පිළිබඳව යම්කිසි එකඟතාවක්, අවබෝධතාවක්, සම්මුතියක් ඇති කර ගැනීමයි. එතකොට පක්ෂ නායක රැස්වීමේදී වැරදි තොරතුරු මත, බොරුව - මුසාව - මත, නොමඟ යැවීම මත, ඇන්දවීම මත මේ පාර්ලිමේන්තුවේ න්‍යාය පත්‍රය සකස් වෙනවා නම් මම ඔබතුමාට යෝජනා කරනවා, මින් ඉදිරියට මේ වාගේ යෝජනාවක් න්‍යාය පත්‍රයට ඇතුළත් කිරීමට පෙර, ජනාධිපතිවරයා ගිවිසුම් අත්සන් කළා කියලා කියනවා නම් ඒ ගිවිසුමේ පිටපතකුත් පක්ෂ නායක රැස්වීමට ගෙන්වා ගන්න කියලා. එතකොට අපට පුළුවනකම ලැබෙනවා, සත්‍ය මත පදනම්ව පාර්ලිමේන්තුවේ න්‍යාය පත්‍රය සකස් කරන්න. ගරු කර්මාන්තකරු, මේක බරපතළ වරදක්. මේක අපේ වරප්‍රසාද අහිමිවීමක්. පාර්ලිමේන්තු පක්ෂ නායකයන්ගේ රැස්වීමේදී බොරුව මත, රැවටිල්ල මත, බොරු ප්‍රචාර මත පාර්ලිමේන්තුවේ න්‍යාය පත්‍රය සකස් වෙනවා නම් ඒක බරපතළ කාරණාවක්.

ඔබතුමාත් ඒකට වග කියන්න ඕනෑ. මොකද, ඔබතුමා තමයි අපි හැම දෙනාගේම වරප්‍රසාද රැකගන්නට සිටින ප්‍රධානියා. මම ඔබතුමාගෙන් අහන්න කැමැතියි, ඇයි ජනාධිපතිවරයා රටට එකක් ප්‍රකාශ කරලා, පක්ෂ නායක රැස්වීමේදී තව එකක් ප්‍රකාශ කළේ කියලා. රටට කියනවා, ගිවිසුම් අත්සන් කළාය කියලා. පක්ෂ නායක රැස්වීමේදී කියනවා, "ඔව්, අපි ගිවිසුම් අත්සන් කළා" කියලා. හැබැයි, ආයෙන් පක්ෂ නායක රැස්වීමක් කැඳවා කියනවා, "නැහැ අනේ, විවාදය පවත්වන්න බැහැ. මොකද වැරදි යෝජනාව දාලා තිබෙන්නේ" කියලා. මේක පාර්ලිමේන්තුවත් නොමඟ යැවීමක්, රටත් බොරු කිරීමක්. ඒ ගැන මම කනගාටු වෙනවා. ජනාධිපතිවරයා හැම දාම මෙතැනට ඇවිල්ලා කර්මාන්තකරු, මගේ කර්මාන්තකරු බාධා කරලා, නැහිටලා යනවා. එතුමා මේවාට සවන් දෙන්නට ඕනෑ; සවන් දීමේ හැකියාවක් නැහැ. ඔබතුමාත් මගේ mike එක off කරන්න හරි දක්ෂයි. එහෙම කරන්න එපා. ඒක වැරදියි. මොකද, ඔබතුමා මූලාසනයේ ඉඳගෙන අපක්ෂපාතී වන්නට ඕනෑ, ගරු කර්මාන්තකරු.

ගරු කර්මාන්තකරු

(மாண்புமிகு சபாநாயகர் அவர்கள்)

(The Hon. Speaker)

ඔබතුමා කාලය අනවශ්‍ය ලෙස ගන්නකොට මට එහෙම කරන්න සිද්ධ වෙනවා.

ගරු සජිත් ප්‍රේමදාස මහතා

(மாண்புமிகு சஜித் பிரேமதாஸ்)

(The Hon. Sajith Premadasa)

මට ඔබතුමාගෙන් උත්තරයක් ඕනෑ. බොරු කියලා පාර්ලිමේන්තුවේ න්‍යාය පත්‍රය සකස් වූණේ කොහොමද කියන එකට ඔබතුමා උත්තරයක් දෙන්න.

ගරු කර්මාන්තකරු

(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)

ගරු විපක්ෂ නායකතුමනි, නායක පත්‍රය සකස් කිරීම මගේ කාර්යයක් නොවෙයි. එය පක්ෂ නායකයින්ගේ වැඩකි. මට තිබෙන්නේ පක්ෂ නායක රැස්වීම කැඳවන එක පමණයි. ඔබතුමන්ලා ඒක ඒ වෙලාවේ කර්මාන්ත කරලා විසඳාගන්න ඕනෑ.

ගරු සජිත් ප්‍රේමදාස මහතා

(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)

නැහැ, එහෙම කියන්න එපා. ඔබතුමා තමයි මූලාසනයේ ඉඳගෙන පක්ෂ නායක රැස්වීම මෙහෙයවන්නේ.

ගරු කර්මාන්තකරු

(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)

රැස්වීම මෙහෙයවීමේ රාජකාරිය කළාය කියලා නායක පත්‍රය සකස් කිරීමට අවශ්‍ය වෙන්නේ නැහැ.

ගරු සජිත් ප්‍රේමදාස මහතා

(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)

මම මේ නිලධාරීන්ට දොස් කියන්නේ නැහැ. පැහැදිලිවම ඔබතුමා ජනාධිපතිතුමාගේ වචනය පිළිගෙන ගිවිසුමේ පිටපතක්වත් ඉදිරිපත් කරන්නේ නැතිව පක්ෂ නායක රැස්වීමේදී පාර්ලිමේන්තුවේ නායක පත්‍රය සකස් කළා.

ගරු කර්මාන්තකරු

(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)

නැහැ, ජනාධිපතිතුමා මට කරා කළේ නැහැ.

ගරු සජිත් ප්‍රේමදාස මහතා

(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)

පාර්ලිමේන්තුව නොමඟ යැව්වා.

ගරු කර්මාන්තකරු

(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)

ඔබතුමා ඕනෑ එකක් කියන්න.

ගරු සභානායකතුමනි, නායක පත්‍රයේ යෝජනා අංක 4 ඉදිරිපත් කරන්න.

ගරු නීතිඥ (ආචාර්ය) සුසිල් ප්‍රේමජයන්ත මහතා

(மாண்புமிகு சட்டத்தரணி (கலாநிதி) சுசில் பிரேமஜயந்த்)
(The Hon. (Dr.) Susil Premajayantha, Attorney-at-Law)

ගරු කර්මාන්තකරුමනි, මම හිතන විධියට, නායක පත්‍රය අද සහ හෙටට සකස් කිරීම සම්බන්ධයෙන් සහ ගිවිසුම් සම්බන්ධයෙන් ගරු ජනාධිපතිතුමාගේ කටාවේදී එතුමා පැහැදිලි ප්‍රකාශයක් කළා. ඒ නිසා මම ඒ ගැන නැවත කියන්න යන්නේ නැහැ. ගිවිසුම් දෙකක් අත්සන් කර තිබෙනවා. තව ගිවිසුමක් සම්බන්ධව සාකච්ඡා කරගෙන යනවා, sovereign bond holdersලා එක්ක. ඒක අවසන් වුණාට පස්සේ තමයි එකඟතාවකට එන්නේ, ඒකට අදාළ අංශ මගින් ලබාගත් යම් යම් තොරතුරුත් එක්ක.

ගරු සජිත් ප්‍රේමදාස මහතා

(மாண்புமிகு சஜித் பிரேமதாஸ்)
(The Hon. Sajith Premadasa)

ගරු සභානායකතුමනි, මට ඔබතුමාගෙන් ප්‍රශ්නයක් අහන්න තිබෙනවා. මම මෙය බොහොම පැහැදිලිව ඔබතුමාගෙන් අහන්නම්කෝ. මම දන්නවා, ඔබතුමා එදා පක්ෂ නායක රැස්වීමේ

නොසිටි බව. ගිවිසුම් දෙකක් අත්සන් කළාය කියලා, ඒ අත්සන් කරපු ගිවිසුම් මත පාර්ලිමේන්තුවේ නායක පත්‍රය සකස් කරලා තිබෙනවා. බැලින්නම් ගිවිසුම් අත්සන් වෙලා නැහැ. එක් ගිවිසුමයි අත්සන් වෙලා තිබෙන්නේ. මම අහන්නේ බොහොම වැදගත් කාරණාවක්. අත්සන් නොකරපු ගිවිසුම් පිළිබඳව පාර්ලිමේන්තුවේ නායක පත්‍රයට එන්නේ කොහොමද? ඒක බොරුවක් නොවෙයිද? රැවිල්ලක් නොවෙයිද? වංචාවක් නොවෙයිද? ඇන්දවීමක් නොවෙයිද?

ගරු නීතිඥ (ආචාර්ය) සුසිල් ප්‍රේමජයන්ත මහතා

(மாண்புமிகு சட்டத்தரணி (கலாநிதி) சுசில் பிரேமஜயந்த்)
(The Hon. (Dr.) Susil Premajayantha, Attorney-at-Law)

ගරු කර්මාන්තකරුමනි, මම ගරු විපක්ෂ නායකතුමාට ස්තූතීවන්ත වෙනවා, අද දින පැයක් ඇතුළත හතරවැනි වතාවට එකම ප්‍රශ්නය ඉදිරිපත් කිරීම ගැන. ඔබතුමා එහෙම කළේ, එහි තිබෙන වැදගත්කම නිසා වෙන්න ඇති. ඔය ප්‍රශ්නයම විපක්ෂයේ ගරු ප්‍රධාන සංවිධායකතුමාත් ඉදිරිපත් කළා. මගේ උත්තරය තමයි, අපි ඊළඟ අවස්ථාවේ නායක පත්‍රය සකස් කිරීමේදී ඒ සඳහා අවශ්‍ය වන්නා වූ, සාධනය කළ හැකි ලිපිලේඛන සියල්ල ඉදිරිපත් කරලා නායක පත්‍රය සකස් කරනවා කියන එක.

ගරු කර්මාන්තකරු

(மாண்புமிகு சபாநாயகர் அவர்கள்)
(The Hon. Speaker)

නායක පත්‍රයේ යෝජනා අංක 4.

II**ගරු නීතිඥ (ආචාර්ය) සුසිල් ප්‍රේමජයන්ත මහතා**

(மாண்புமிகு சட்டத்தரணி (கலாநிதி) சுசில் பிரேமஜயந்த்)
(The Hon. (Dr.) Susil Premajayantha, Attorney-at-Law)

ගරු කර්මාන්තකරුමනි, මා පහත සඳහන් යෝජනාව ඉදිරිපත් කරනවා:

"අද දින විසිර යෑමේදී මෙම පාර්ලිමේන්තුව 2024 ජූලි 09 අඟහරුවාදා පූ.හ. 9.30 වනතෙක් කල් තැබිය යුතු ය."

ප්‍රශ්නය විමසන ලදින්, සභා සම්මත විය.

வினா விடுக்கப்பட்டு ஏற்றுக்கொள்ளப்பட்டது.

Question put, and agreed to.

කල්තැබීම

ஒத்திவைப்பு
ADJOURNMENT

ගරු නීතිඥ (ආචාර්ය) සුසිල් ප්‍රේමජයන්ත මහතා

(மாண்புமிகு சட்டத்தரணி (கலாநிதி) சுசில் பிரேமஜயந்த்)
(The Hon. (Dr.) Susil Premajayantha, Attorney-at-Law)

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

ප්‍රශ්නය විමසන ලදින්, සභා සම්මත විය.

வினா விடுக்கப்பட்டு ஏற்றுக்கொள்ளப்பட்டது.

Question put, and agreed to.

පාර්ලිමේන්තුව ඊට අනුකූලව, පූ.හ. 11.06ට, අද දින සභා සම්මතය අනුව, 2024 ජූලි 09වන අඟහරුවාදා පූ.හ. 9.30 වන තෙක් කල් ගියේය.

அதன்படி மு.ப.11.06 மணிக்கு பாராளுமன்றம், அதனது இன்றைய தீர்மானத்துக்கிணங்க, 2024 யூலை 09, செவ்வாய்க் கிழமை மு.ப. 9.30 மணிவரை ஒத்திவைக்கப்பட்டது.

Parliament adjourned accordingly at 11.06 a.m. until 9.30 a.m. on Tuesday, 09th July, 2024, pursuant to the Resolution of Parliament of this Day.

සැ.සු.

මෙම වාර්තාවේ අවසාන මුද්‍රණය සඳහා ස්වකීය කථාවල 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 தமது உரையின் இறுதிப் பதிப்பிற் செய்யவிரும்பும் பிழை திருத்தங்களை தமது பிரதியில் தெளிவாகக் குறித்து
அதனைப் பிழை திருத்தப்படாத பிரதி கிடைத்த இரு வாரங்களுள் **ஹன்சாட்** பதிப்பாசிரியருக்கு அனுப்புதல் வேண்டும்.

NOTE

Corrections which Members suggest for the Final Print of their speeches should be clearly marked in their copy and sent to the Editor of HANSARD within two weeks of receipt of the uncorrected copy.

Contents of Proceedings :

**Final set of manuscripts
Received from Parliament :**

Printed copies dispatched :

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

මෙම හැන්සාඩ් වාර්තාව www.parliament.lk වෙබ් අඩවියෙන්
බාගත හැක.

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

இந்த ஹன்சாட் அறிக்கையை www.parliament.lk எனும் இணையத்தளத்திலிருந்து
பதிவிறக்கம் செய்ய முடியும்.

Hansard Reports can be purchased from the Government Publications Bureau
at the Department of Government Information,
No. 163, Kirulapone Avenue, Polhengoda, Colombo 5.

This Hansard Report can be downloaded from
www.parliament.lk