



(Eighth Parliament - First Session)

No. 81.]

MINUTES OF PARLIAMENT

Friday, June 24, 2016 at 10.30 a. m.

PRESENT :

Hon. Selvam Adaikkalanathan, Deputy Chairman of Committees

Hon. Ranil Wickremesinghe, Prime Minister and Minister of National Policies and
Economic Affairs

Hon. (Mrs.) Thalatha Atukorale, Minister of Foreign Employment

Hon. Wajira Abeywardana, Minister of Home Affairs

Hon. John Amaratunga, Minister of Tourism Development and Christian Religious
Affairs and Minister of Lands

Hon. (Dr.) Sarath Amunugama, Minister of Special Assignment

Hon. Gayantha Karunatileka, Minister of Parliamentary Reforms and Mass Media
and the Chief Government Whip

Hon. Lakshman Kiriella, Minister of Higher Education and Highways and the Leader
of the House of Parliament

Hon. Mano Ganesan, Minister of National Co-existence, Dialogue and Official
Languages

Hon. Daya Gamage, Minister of Primary Industries

Hon. Nimal Siripala de Silva, Minister of Transport and Civil Aviation

Hon. Palany Thigambaram, Minister of Hill Country New Villages, Infrastructure and
Community Development

Hon. Duminda Dissanayake, Minister of Agriculture

Hon. S. B. Nawinne, Minister of Internal Affairs, Wayamba Development and Cultural
Affairs

Hon. Gamini Jayawickrama Perera, Minister of Sustainable Development and
Wildlife

Hon. A. D. Susil Premajayantha, Minister of Science, Technology and Research

Hon. Rishad Bathiudeen, Minister of Industry and Commerce

Hon. R. M. Ranjith Madduma Bandara, Minister of Public Administration and Management

Hon. (Mrs.) Chandrani Bandara, Minister of Women and Child Affairs

Hon. Faiszer Musthapha, Minister of Provincial Councils and Local Government

Hon. Anura Priyadharshana Yapa, Minister of Disaster Management

Hon. Sagala Ratnayaka, Minister of Law and Order and Southern Development

Hon. Arjuna Ranatunga, Minister of Ports and Shipping

Hon. Patali Champika Ranawaka, Minister of Megapolis and Western Development

Hon. Malik Samarawickrama, Minister of Development Strategies and International Trade

Hon. (Dr.) Rajitha Senaratne, Minister of Health, Nutrition and Indigenous Medicine

Hon. D. M. Swaminathan, Minister of Prisons Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs

Hon. Rauff Hakeem, Minister of City Planning and Water Supply

Hon. Abdul Haleem, Minister of Post, Postal Services and Muslim Religious Affairs

Hon. Kabir Hashim, Minister of Public Enterprise Development

Hon. P. Harrison, Minister of Rural Economic Affairs

Hon. Field Marshal Sarath Fonseka, Minister of Regional Development

Hon. Wasantha Aluwihare, State Minister of Agriculture

Hon. Mohan Lal Grero, State Minister of Higher Education

Hon. Dilan Perera, State Minister of Highways

Hon. Niroshan Perera, State Minister of National Policies and Economic Affairs

Hon. (Dr.) (Mrs.) Sudarshini Fernandopulle, State Minister of City Planning and Water Supply

Hon. (Mrs.) Vijayakala Maheswaran, State Minister of Child Affairs

Hon. Ruwan Wijewardene, State Minister of Defence

Hon. Dilip Wedaarachchi, State Minister of Fisheries and Aquatic Resources Development

Hon. Ravindra Samaraweera, State Minister of Labour and Trade Unions Relations

Hon. Sujeewa Senasinghe, State Minister of International Trade

Hon. Vasantha Senanayake, State Minister of Irrigation and Water Resources Management

Hon. A. H. M. Fowzie, State Minister of National Integration and Reconciliation

Hon. Ashok Abeysinghe, Deputy Minister of Transport and Civil Aviation

Hon. Lasantha Alagiyawanna, Deputy Minister of Megapolis and Western Development

Hon. Faizal Cassim, Deputy Minister of Health, Nutrition and Indigenous Medicine

Hon. Dunes Gankanda, Deputy Minister of Disaster Management

Hon. (Dr.) (Mrs.) Anoma Gamage, Deputy Minister of Petroleum Resources Development

Hon. Anuradha Jayaratne, Deputy Minister of Mahaweli Development and Environment

Hon. (Mrs.) Sumedha G. Jayasena, Deputy Minister of Sustainable Development and Wildlife

Hon. Palitha Kumara Thewarapperuma, Deputy Minister of Internal Affairs, Wayamba Development and Cultural Affairs

Hon. (Dr.) Harsha De Silva, Deputy Minister of Foreign Affairs

Hon. H. R. Sarathie Dushmantha, Deputy Minister of Justice and Deputy Minister of Buddhasasana

Hon. Manusha Nanayakkara, Deputy Minister of Foreign Employment

Hon. Karunarathna Paranawithana, Deputy Minister of Parliamentary Reforms and Mass Media

Hon. Susantha Punchinilame, Deputy Minister of Public Administration and Management

Hon. Ajith P. Perera, Deputy Minister of Power and Renewable Energy

Hon. Lakshman Wasantha Perera, Deputy Minister of Plantation Industries

Hon. Arundika Fernando, Deputy Minister of Tourism Development and Christian Religious Affairs

Hon. Tharanath Basnayaka, Deputy Minister of Telecommunication and Digital Infrastructure

Hon. Ranjan Ramanayake, Deputy Minister of Social Empowerment and Welfare

Hon. Nimal Lanza, Deputy Minister of Home Affairs

Hon. Eran Wickramaratne, Deputy Minister of Public Enterprise Development

Hon. Duleep Wijsekera, Deputy Minister of Post, Postal Services and Muslim Religious Affairs

Hon. Hector Appuhamy

Hon. Thushara Indunil Amarasena

Hon. J. C. Alawathuwala

Hon. Ananda Aluthgamage

Hon. Ranjith Aluvihare

Hon. A. Aravindh Kumar
Hon. J. M. Ananda Kumarasiri
Hon. Velu Kumar
Hon. Nalaka Prasad Colonne
Hon. Kaveendiran Kodeeswaran
Hon. Chandrasiri Gajadeera
Hon. Chandima Gamage
Hon. Udaya Prabhath Gammanpila
Hon. Nihal Galappaththi
Hon. Dinesh Gunawardena
Hon. Edward Gunasekara
Hon. S. M. Chandrasena
Hon. Sisira Jayakody
Hon. (Dr.) Nalinda Jayathissa
Hon. Nalin Bandara Jayamaha
Hon. Anura Sidney Jayarathne
Hon. (Dr.) Kavinda Heshan Jayawardana
Hon. Lucky Jayawardana
Hon. Premalal Jayasekara
Hon. Mylvaganam Thilakarajah
Hon. K. Thurairetnasingam
Hon. M. S. Thowfeek
Hon. Sirinal de Mel
Hon. Anura Dissanayaka
Hon. Mayantha Dissanayake
Hon. Wimalaweera Dissanayaka
Hon. Weerakumara Dissanayake
Hon. Douglas Devananda
Hon. Mohamed Navavi
Hon. Vasudeva Nanayakkara
Hon. Buddhika Pathirana
Hon. K. K. Piyadasa
Hon. Sujith Sanjaya Perera
Hon. Ashoka Priyantha
Hon. S. Premarathna

Hon. Bandula Lal Bandarigoda
Hon. Tharaka Balasuriya
Hon. Vijitha Berugoda
Hon. S. M. Marikkar
Hon. Seyed Ali Zahir Moulana
Hon. Imran Maharoo
Hon. Abdullah Mahrooff
Hon. Ajith Mannapperuma
Hon. Tilak Marapana
Hon. (Prof.) Ashu Marasinghe
Hon. S. C. Mutukumarana
Hon. (Ven.) Athuraliye Rathana Thero
Hon. Bimal Rathnayake
Hon. Mujibur Rahuman
Hon. Harshana Rajakaruna
Hon. Chamal Rajapaksa
Hon. Gamini Lokuge
Hon. Janaka Wakkumbura
Hon. (Dr.) Jayampathy Wickramaratne
Hon. A. A. Wijethunga
Hon. (Dr.) (Mrs.) Thusitha Wijemanna
Hon. Lakshman Ananda Wijemanne
Hon. (Mrs.) Rohini Kumari Wijerathna
Hon. (Mrs.) Sriyani Wijewickrama
Hon. Chaminda Wijesiri
Hon. Heshan Withanage
Hon. Kumara Welgama
Hon. S. Shritharan
Hon. (Mrs.) Shanthi Sriskandarasa
Hon. Sandith Samarasinghe
Hon. Rajavarothingam Sampanthan, Leader of the Opposition in Parliament
Hon. M. H. M. Salman
Hon. Muthu Sivalingam
Hon. Sivasakthy Ananthan
Hon. M. A. Sumanthiran

Hon. Mavai S. Senathirajah

Hon. Chathura Sandeepa Senaratne

Hon. Sunil Handunnetti

Hon. Vijitha Herath

Mr. Dhammika Dasanayake, Secretary-General of Parliament

Mr. Neil Iddawala, Chief of Staff and Deputy Secretary-General of Parliament

Mrs. Kushani Rohanadeera, Assistant Secretary-General

Mr. Tikiri K. Jayathilake, Assistant Secretary-General

**Parliament met pursuant to adjournment. The Deputy Chairman of
Committees took the Chair.**

1. Presentation of Papers : (1) The Minister of Parliamentary Reforms and Mass Media presented the Annual Report of the Tertiary and Vocational Education Commission for the year 2013 and moved that this Report be referred to the Sectoral Oversight Committee on Education and Human Resources Development.

Question put, and agreed to.

(2) The Minister of Home Affairs presented,—

- (i) the Annual Performance and Accounts Reports of the District Secretariat - Mullaitivu for the year 2015; and
- (ii) the Annual Performance and Accounts Report of the District Secretariat Batticaloa for the year 2015;

and moved that these Reports be referred to the Sectoral Oversight Committee on Internal Administration and Public Management.

Question put, and agreed to.

(3) The Minister of Parliamentary Reforms and Mass Media presented the Annual Performance Report and Accounts of the Ministry of Public Administration and Management for the year 2015 and moved that this Report be referred to the Sectoral Oversight Committee on Internal Administration and Public Management.

Question put, and agreed to.

(4) The Minister of Parliamentary Reforms and Mass Media presented the Performance Report of the Ministry of Ports and Shipping for the year 2015 and moved that this Report be referred to the Sectoral Oversight Committee on Transport and Communication.

Question put, and agreed to.

(5) The Minister of Parliamentary Reforms and Mass Media presented the Annual Report of the Sugathadasa National Sports Complex Authority for the year 2012 and moved that this Report be referred to the Sectoral Oversight Committee on Youth, Sports, Arts and Heritage.

Question put, and agreed to.

2. Petitions :

- (1) Hon. J. M. Ananda Kumarasiri presented a petition dated 28.02.2016 from Mr. D. M. Gunasena of Bodagama Road, Thanamalvila.

The Petition stood referred under Standing Order No. 25A of the Parliament, to the Committee on Public Petitions.

3. Right to Information Bill : Order read for resuming Adjourned Debate on Question (23rd June, 2016).

“That the Bill be now read a second time”

Question again proposed, and debate resumed.

The Minister of Megapolis and Western Development moved,—That Hon. J. M. Ananda Kumarasiri do take the Chair.

Question put, and agreed to.

(At 12.35 p. m. Hon. J. M. Ananda Kumarasiri took the Chair.)

The State Minister of Higher Education moved,—That Hon. Lucky Jayawardana do take the Chair.

Question put, and agreed to.

(At 1.35 p.m. Hon. Lucky Jayawardana took the Chair.)

Question put, and agreed to.

Bill accordingly read a second time.

The Minister of Parliamentary Reforms and Mass Media moved,— That the Bill be referred to a Committee of the whole Parliament.

Question put, and agreed to.

Parliament immediately resolved itself into Committee.

(In the Committee)

The Presiding Member took the Chair.

Clause 1

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out lines 11 to 15 (both inclusive) in page 1 and insert,—

“Short title
and date of
operation.

1. (1) This Act may be cited as the Right to Information Act,
No. of 2016.

(2) The provisions of this section, Part IV, sections 23, 36, 40, 41, 42, 43 and 44 shall come into operation on the date on which the certificate is endorsed in respect of this Act in terms of Article 79 of the Constitution.

(3) The provisions of all other sections of this Act, shall come into operation in respect of such public authorities or categories of public authorities and on such dates as may be prescribed by the Minister by Order published in the *gazette*:

provided however, that the dates so prescribed shall be at least six months after the certification referred to in subsection (2) above and that all provisions of this Act shall be applicable to all public authorities no later than one year of such certification.”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clause 2 was agreed to.

Clause 3

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to insert immediately after line 24 in page 1, the following,—

“(2) The provisions of this Act, shall not be in derogation of the powers, privileges and practices of Parliament.”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clause 4 was agreed to.

Clause 5

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out line 13 in page 4 and insert,—

“contempt of court or prejudicial to the maintenance of the authority and impartiality of the judiciary.”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to leave out line 15 in page 4 and insert,—

“the privileges of Parliament or of a Provincial Council as provided by Law.”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to insert immediately after line 19 in page 4, the following,—

“(m) the information is of a cabinet memorandum in relation to which a decision has not been taken; or

(n) the information relates to an election conducted by the Commissioner of Elections which is required by the relevant election laws to be kept confidential.”

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to leave out line 31 in page 4 and insert,—

“request for information shall not be refused where the public”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to leave out lines 3 to 6 (both inclusive) in page 5 and insert,—

“(5) An information officer may seek the advice of the Commission, with regard to an issue connected with the grant of access to any information which is exempted from being disclosed under subsection (1), and the commission may as expeditiously as possible and in any event give its advice within fourteen days.”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clause 6 was agreed to.

Clause 7

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out lines 16 to 19 (both inclusive) in page 5 and insert,—

“7. (1) It shall be the duty of every public authority to maintain all its records duly catalogued and indexed in such form as is consistent with its operational requirements which would facilitate the right of access to information as provided for in this Act.”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to insert immediately after line 2 in page 6, the following,—

“(4) No record or information which is the subject matter of a request made under this Act, shall be destroyed during the pendency of such request or any appeal or judicial proceeding relating to such request.”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clause 8

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out line 11 in page 6 and insert,—

“Commission as would enable a citizen to exercise the right”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to leave out lines 18 to 19 in page 7 and insert,—

“(a) published in the official languages and be made available in electronic form; and”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to insert immediately after line 23 in page 7, the following,—

“For the avoidance of doubt it is hereby declared that any reference to the Minister shall also include a reference to a Minister of a Provincial Council established under Chapter XVIIA of the Constitution.”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clause 9

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out line 30 in page 7 and insert,—

“Minister, as on the date of such communication:

Provided however, in the event of an urgent project, information shall be provided one week prior to the commencement of such project and reasons for such urgency shall be communicated to the Commission.”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to leave out line 5 in page 8 and insert,—

“that behalf by a citizen, make available”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to leave out line 14 in page 8 and insert,—

“(a) in the case of foreign funded projects, one hundred thousand”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to insert immediately after line 17 in page 8, the following,—

“for the avoidance of doubt it is hereby declared that any reference to the Minister shall also include a reference to a Minister of a Provincial Council established under chapter XVIIIA of the Constitution.”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clause 10

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out lines 19 to 20 in page 8 and insert,—

“to the Commission before the thirty first day of December immediately succeeding the year to which the report relates which shall be made available to the public in its office and on its official website, furnishing information such as—”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to insert immediately after line 28 in page 8, the following,—

“(f) the number of appeals from refusal to communicate information;

(g) practices relating to the maintenance, management and destruction of records; and

(h) its activities under section 8;”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clause 11 was agreed to.

Clause 12

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out line 16 in page 9 and insert,—

“(a) Bar Association of Sri Lanka which shall nominate an Attorney-at-Law of eminence or a legal academic in consultation with Attorneys-at-law and Legal Academia;”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clauses 13 to 18 were agreed to.

Clause 19

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out line 2 in page 14 and insert,—

“of the Commission shall be deemed to be public servants”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to leave out the marginal note thereof and insert,—

“Members etc, of the Commission deemed to be public servants.”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clauses 20 to 24 were agreed to.

Clause 25

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out line 2 in page 17 and insert,—

“and personal liberty of a citizen, the”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clause 26

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out line 2 in page 18 and insert,—

“conspicuous place within the official premises and on a website of such public Authority if any, a notice”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clauses 27 to 30 were agreed to.

Clause 31

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to insert immediately after line 8 in page 21, the following,—

“Provided however, that the designated officer may admit the appeal after the expiry of the period of fourteen days if he or she is satisfied that the appellant was prevented by a reason beyond his or her control from filing the appeal in time.”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clauses 32 to 33 were agreed to.

Clause 34

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out line 21 in page 22 and insert,—

“within one month of the date on which such decision was”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clauses 35 to 37 were agreed to.

Clause 38

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out line 13 in page 24 and insert,—

“brought to the notice of such disciplinary authority within a period of one month.”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clause 39 was agreed to.

Clause 40

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out line 32 in page 25 and insert,—

“or disclosed under this Act.”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clause 41

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out line 2 in page 26 and insert,—

“to the principles and provisions of this Act.”;

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clause 42 was agreed to.

Clause 43

The Minister of Parliamentary Reforms and Mass Media proposed an amendment to leave out lines 15 to 20 (both inclusive) in page 28 and insert,—

“(e) a company incorporated under the Companies Act, No. 7 of 2007, in which the State, or a public corporation or the State and a public corporation together hold twenty five *per centum* or more of the shares or otherwise has a controlling interest;”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to leave out line 13 in page 29 and insert,—

“professional institutions which are established, recognized or licensed under any written law or funded, wholly or partly, by the State or a public corporation or any statutory body established or created by a statute of a Provincial Council;”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to leave out line 16 in page 29 and insert,—

“vocational or technical education which are established, recognized or licensed under any written law or funded, wholly or partly, by the State and or a public corporation or any statutory body established or created by a statute of a Provincial Council;”;

Question that the amendment be agreed to, put, and agreed to.

The Minister of Parliamentary Reforms and Mass Media proposed another amendment to leave out lines 20 to 25 in page.

Question that the amendment be agreed to, put, and agreed to.

Question that the Clause as amended stand part of the Bill, put and agreed to.

Clause 44 was agreed to.

SCHEDULE

Question that the SCHEDULE stand part of the Bill, put, and agreed to.

Preamble

Question that the Preamble stand part of the Bill, put, and agreed to.

Enacting Clause and Title

Question that the Enacting Clause and Title stand part of the Bill, put, and agreed to.

Bill reported with Amendments.

The Minister of Parliamentary Reforms and Mass moved,— That the Bill, as amended be now read the third time.

Question put, and agreed to.

Bill, as amended, accordingly read the third time and passed.

4. Adjournment : The Leader of the House of Parliament moved,— That this Parliament do now adjourn.

Question put, and agreed to; the Parliament was at 4.16 p.m. adjourned until 1.00 p. m. on Tuesday, July 05, 2016.