



(Eighth Parliament - Second Session)

No. 28.]

MINUTES OF PARLIAMENT

Friday, August 10, 2018 at 10.00 a.m.

PRESENT :

Hon. Karu Jayasuriya, Speaker

Hon. J. M. Ananda Kumarasiri, Deputy Speaker and the Chair of Committees

Hon. Selvam Adaikkalanathan, Deputy Chairperson of Committees

Hon. Wajira Abeywardana, Minister of Home Affairs

Hon. (Dr.) Sarath Amunugama, Minister of Science, Technology, Research, Skills Development & Vocational Training and Kandyan Heritage

Hon. Gayantha Karunatileka, Minister of Lands and Parliamentary Reforms and Chief Government Whip

Hon. Akila Viraj Kariyawasam, Minister of Education

Hon. Lakshman Kiriella, Minister of Public Enterprise & Kandy City Development and Leader of the House of Parliament

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. Tilak Marapana, Minister of Foreign Affairs

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

Hon. (Dr.) Wijeyadasa Rajapakse, Minister of Higher Education & Cultural Affairs

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

Hon. J. C. Alawathuwala, State Minister of Home Affairs

Hon. Ranjith Aluvihare, State Minister of Tourism Development and Christian Religious Affairs

Hon. Wasantha Aluwihare, State Minister of Agriculture

Hon. Lucky Jayawardana, State Minister of City Planning and Water Supply

Hon. (Dr.) Harsha De Silva, State Minister of National Policies and Economic Affairs

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

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

Hon. (Mrs.) Sriyani Wijewickrama, State Minister of Provincial Councils, Local Government and Sports

Hon. Dilip Wedaarachchi, State Minister of Fisheries & Aquatic Resources Development and Rural Economic Affairs

Hon. Lakshman Senewiratne, State Minister of Science, Technology, Research, Skills Development & Vocational Training and Kandyan Heritage

Hon. Vasantha Senanayake, State Minister of Foreign Affairs

Hon. A. H. M. Fowzie, State Minister of National Unity and Co-existence

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

Hon. Lasantha Alagiyawanna, Deputy Minister of Finance and Mass Media

Hon. Duneshe Gankanda, Deputy Minister of Lands and Parliamentary Reforms

Hon. H. R. Sarathie Dushmantha, Deputy Minister of Justice & Prison Reforms

Hon. Buddhika Pathirana, Deputy Minister of Industry and Commerce

Hon. Karunarathna Paranawithana, Deputy Minister of Science, Technology, Research, Skills Development & Vocational Training and Kandyan Heritage

Hon. Seyed Ali Zahir Moulana, Deputy Minister of National Integration, Reconciliation and Official Languages

Hon. Ajith Mannapperuma, Deputy Minister of Environment

Hon. Angajan Ramanathan, Deputy Minister of Agriculture

Hon. Muthu Sivalingam, Deputy Minister of Social Welfare & Primary Industries

Hon. Ameer Ali Shihabdeen, Deputy Minister of Fisheries & Aquatic Resources Development and Rural Economic Affairs

Hon. Mahinda Yapa Abeywardena

Hon. Lakshman Yapa Abeywardena

Hon. Dullas Alahapperuma

Hon. (Dr.) S. M. Mohamed Ismail

Hon. Ravi Karunanayake

Hon. A. Aravindh Kumar

Hon. Udaya Prabhath Gammanpila

Hon. Nihal Galappaththi

Hon. Dinesh Gunawardena

Hon. (Dr.) Bandula Gunawardane

Hon. S. M. Chandrasena

Hon. D. V. Chanaka
Hon. Sisira Jayakody
Hon. Malith Jayathilake
Hon. (Dr.) Nalinda Jayathissa
Hon. Anura Sidney Jayarathne
Hon. Anuradha Jayaratne
Hon. Piyankara Jayaratne
Hon. Dayasiri Jayasekara
Hon. Mylvaganam Thilakarajah
Hon. Janaka Bandara Tennakoon
Hon. M. S. Thowfeek
Hon. T. Ranjith De Zoysa
Hon. S. B. Dissanayake
Hon. Salinda Dissanayake
Hon. Douglas Devananda
Hon. Vasudeva Nanayakkara
Hon. K. K. Piyadasa
Hon. Susantha Punchinilame
Hon. Sujith Sanjaya Perera
Hon. (Dr.) (Mrs.) Sudarshini Fernandopulle
Hon. Ashoka Priyantha
Hon. A. D. Susil Premajayantha
Hon. (Mrs.) Hirunika Premachandra
Hon. Tharaka Balasuriya
Hon. Vijitha Berugoda
Hon. (Mrs.) Vijayakala Maheswaran
Hon. (Prof.) Ashu Marasinghe
Hon. S. C. Mutukumarana
Hon. Anura Priyadharshana Yapa
Hon. (Ven.) Athuraliye Rathana Thero
Hon. Prasanna Ranaweera
Hon. Ishak Rahuman
Hon. Mujibur Rahuman
Hon. Harshana Rajakaruna
Hon. Chamal Rajapaksa
Hon. Gamini Lokuge
Hon. Janaka Wakkumbura

Hon. (Dr.) (Mrs.) Thusitha Wijemanna
Hon. (Mrs.) Rohini Kumari Wijerathna
Hon. Duleep Wijesekera
Hon. Kanchana Wijesekera
Hon. Hesha Withanage
Hon. Chandima Weerakkody
Hon. Kumara Welgama
Hon. (Mrs.) Shanthi Sriskandarasa
Hon. Jayantha Samaraweera
Hon. Sandith Samarasinghe
Hon. Rajavaritham Sampanthan, Leader of the Opposition in Parliament
Hon. Dharmalingam Sithadthan
Hon. Vadivel Suresh
Hon. Mavai S. Senathirajah
Hon. Shehan Semasinghe
Hon. Sunil Handunnetti
Hon. Indika Anuruddha Herath
Hon. Vijitha Herath

Mr. Neil Iddawala, Acting Secretary-General of Parliament

Mrs. Kushani Rohanadeera, Assistant Secretary-General

Mr. Tikiri K. Jayathilake, Assistant Secretary-General

Parliament met pursuant to adjournment. The Speaker took the Chair.

1. Announcements by the Speaker : The Speaker made the following announcement:-

“According to the request submitted to me on the 01st August, 2018 with the signatures of eight Members of Parliament who contested the General Election held on the 15th August, 2015 under the United Peoples’ Freedom Alliance and were returned to Parliament, stating that the total number of Members of Parliament in the Opposition are 93 and that the Office of Leader of the Opposition be given to Hon. Dinesh Gunawardena on behalf of 70 of those Members of Parliament, I made a thorough study on the situation that has arisen over the Office of Leader of the Opposition in the present Eighth Parliament and I wish to announce my final decision on that.

Further, I considered the allocation of time for Parliamentary debates and the representation in the Committees mentioned in the above request and I wish to make my decision known in that regard as well.

I studied the views expressed by most of the Members of Parliament in the Opposition and the Government for hours on Tuesday the 07th August, 2018, the views of other eminent persons with a broad knowledge of Parliament democracy, the traditions in other Parliaments in the world, the accepted traditions in the Commonwealth countries and countries represented in the Inter-Parliamentary Union thoroughly, in order to express my views as follows

The Office of Leader of the Opposition is a prestigious office recognized by our Constitution and Standing Orders of Parliament in accordance with the traditions and practices upheld throughout the Parliamentary history. Further, the Office of Leader of the Opposition can be identified as an office which is exclusive to the legislature in line with the Westminster system of governance practiced in our country and is an essential post in the Parliamentary system.

When studying previous instances it clearly shows that the practice of recognizing the Member of Parliament who holds the Leadership of a recognized party or an alliance that contested the general election with the largest number of Members of Parliament that is not connected to the government by the Speaker for the Office of Leader of the Opposition and announcing it to the House is a clear and precise tradition throughout the history of our Parliament.

In our Parliamentary history, the leader of the party or alliance among the recognized political parties that contested a general election with the majority of Members of Parliament that is not connected to the government was recognized by the Speaker for the Office of the Leader of Opposition.

This tradition is maintained in countries such as Great Britain, Australia and Canada where democratic Parliamentary system is in operation. Even in our neighbouring country, India the Leader of the party with the largest number of Members of Parliament that is not connected to the government is appointed for the Office of Leader of the Opposition though it is subjected to the ceiling of obtaining the minimum number of seats.

Therefore, according to the studies made by me, the tradition followed by countries that follow the British Parliamentary System and the tradition followed in our country in appointing to the Office of Leader of the Opposition have been undisputedly the same.

The other matter is to analytically consider how that theory can be applied in accordance with the above tradition and the manner in which the parties are divided and the composition in the present Parliament.

Prior to gaining a proper understanding about the current situation, we have to consider the make up of the Government and the Opposition in the Seventh Parliament after the Presidential Election held on the 08th January, 2015.

Following the swearing in of the Hon. Ranil Wickramasinghe as the Prime Minister of that Parliament, a group of Members of Parliament led by the United National Party sat in the government side as the government and the majority of Members of Parliament of the United Peoples' Freedom Alliance who were sitting in the government up to that point sat in the opposition.

According to that new scenario in deciding as to who should be recognized as the Office of the Leader of the Opposition, my predecessor recognized Hon. Nimal Siripala de Silva, Member of Parliament of the United Peoples' Freedom Alliance which had the majority of Members of Parliament that sat in the Opposition in accordance with the accepted traditions in Parliament.

During that period when Hon. Nimal Siripala de Silva held the Office of the Leader of the Opposition, some Members of Parliament of the United Peoples' Freedom Alliance took their oaths before the President as Ministers and they too were allocated seats with the government following the tradition.

At the same time, it is common knowledge that in the previous governments too there had been occasions when certain Members of the Opposition accepted various Ministerial portfolios and took seats with the government as well as when Ministers resigned from their Offices and took seats with the opposition.

As United Peoples' Freedom Alliance is a party to the National Government in Office according to the resolution passed on 03rd September 2015 to form a national government in terms of Article 46(4) and (5) of the Nineteenth Amendment to the Constitution for which as per provisions 47 (1) (c) of the Standing Orders of Parliament, Members voted by name as 143 for and 16 against, considering the manner in which this situation has changed in the present Parliament has become an essential factor.

Accordingly, as United Peoples' Freedom Alliance is functioning as a party to the government with some of its Members holding Ministerial portfolios even by now, the said resolution passed on 03rd September 2015 by majority does not allow me to recognize the number of Members seated in the Opposition representing United Peoples' Freedom Alliance as a separate party in the opposition.

Therefore, in line with the continuous Parliamentary tradition, the Leader of the party with the highest number of Members which is not within the government being recognized by the Speaker as the Leader of the Opposition has been the long standing tradition.

Accordingly, I wish to inform that I declared in this House on 03rd September 2015 that I had recognized Hon. Rajavarthiam Sampanthan, the Leader of Illankai Tamil Arasu Kachchi, the party with the highest number of Members seated in the Opposition in the present Eighth Parliament and which is not in the government, as the Leader of the Opposition in Parliament.

In the light of the aforementioned matters, I hereby declare as my final decision that neither the Constitution nor the tradition allows me to effect a change in the Office of Leader of the Opposition as the Speaker of this august Assembly at this juncture.

However, I wish to emphasize here that in relation to the Members seated in the Opposition representing United Peoples' Freedom Alliance which currently functions as a party to the National Government established in compliance with the Constitution, every necessary step will be taken to ensure fair allocation of time in participating in debates in Parliament and to provide opportunity for fair representation in all Committees currently established in Parliament and thereby safeguard the rights of those Members.

2. Presentation of Papers : (1) The Minister of Public Enterprise & Kandy City Development presented the Report on the Submission of observations and steps taken in terms of the Standing Order No. 119(4) of the Parliament with regard to the Report presented to the Parliament by the Committee on Public Accounts regarding the performance of the Prime Minister's Office in the year 2016 and moved that this Report be referred to the Committee on Public Accounts.

Question put, and agreed to.

(2) The Minister of Public Enterprise & Kandy City Development presented the Annual Report of the Office of the Parliamentary Commissioner for Administration (Ombudsman) for the year of 2016 and moved that this Report be referred to the Sectoral Oversight Committee on Internal Administration and Public Management.

Question put, and agreed to.

(3) The Minister of Public Enterprise & Kandy City Development presented the Annual Report of the Independent Television Network Ltd for the year of 2015 and moved that this Report be referred to the Sectoral Oversight Committee on Legal Affairs (anti-corruption) and Media.

Question put, and agreed to.

(4) The Minister of Public Enterprise & Kandy City Development presented the Regulation made by the Minister of Finance and Mass Media under Section 5 (15) of the Value Added Tax Act, No. 14 of 2002 as last amended by the Value Added Tax (Amendment) Act, No. 20 of 2016, relating to Value Added Tax and published in the Gazette Extraordinary No. 2078/6 of 02nd July 2018 and moved that this Regulation be referred to the Committee on Public Finance.

Question put, and agreed to.

(5) The Minister of Foreign Affairs presented the Regulations made by the Minister of Foreign Affairs under Section 4 of the Diplomatic Privileges Act, No. 9 of 1996 and published in the Gazette Extraordinary No. 2074/13 of 05th June 2018 and moved that these Regulations be referred to the Sectoral Oversight Committee on International Relations.

Question put, and agreed to.

(6) The Minister of Public Enterprise & Kandy City Development presented the Annual Report of the Sri Lanka Institute of Development Administration for the year of 2016 and moved that this Report be referred to the Sectoral Oversight Committee on Internal Administration and Public Management.

Question put, and agreed to.

(7) The Minister of Higher Education & Cultural Affairs presented the —

- (i) Order made by the Minister of Higher Education & Cultural Affairs under Section 25A of the Universities Act, No. 16 of 1978 recognizing the Saegis Campus (Private) Limited as a Degree Awarding Institute and published in the Gazette Extraordinary No. 2079/35 of 11th July 2018; and
- (ii) Annual Report of the Swami Vipulananda Institute of Aesthetic Studies, Eastern University for the year of 2016.

and moved that this Order and Report be referred to the Sectoral Oversight Committee on Education and Human Resources Development.

Question put, and agreed to.

(8) The Minister of Education presented the Annual Performance Report of the Ministry of Education for the year of 2017 and moved that this Report be referred to the Sectoral Oversight Committee on Education and Human Resources Development.

Question put, and agreed to.

(9) The Minister of Public Enterprise & Kandy City Development presented the Annual Reports of the Sri Lanka Anti-Doping Agency for the years of 2014 and 2015 and moved that these Reports be referred to the Sectoral Oversight Committee on Youth, Sports, Arts and Heritage.

Question put, and agreed to.

3. Business of the Parliament : The Leader of the House of Parliament moved,— That the proceedings on Item Nos. 1,2,3,4 and 5 appearing on the Order Paper be exempted at this days' sitting from the provisions of Standing Order No. 24(2) of the Parliament.

Question put, and agreed to.

4. Sittings of the Parliament : The Leader of the House of Parliament moved,— That this Parliament at its rising this day do adjourn until 10.00 a.m. on Thursday 23rd August, 2018.

Question put, and agreed to.

(At 10.55 a.m. the Deputy Chairman of Committees took the Chair.)

5. Preparing and implementing a programme to properly carryout disciplinary enquiries by Student Discipline Committees of Schools : Hon. (Mrs.) Rohini Kumari Wijeratne seconded by Hon. (Prof.) Ashu Marasinghe moved,— That this Parliament resolves that a proper programme be prepared and implemented for taking action to carry out proper and impartial disciplinary enquiries into anti-disciplinary acts committed by school children as it is observed that some schools take steps to sack students from school without carrying out proper disciplinary enquiries into anti-disciplinary acts committed by those students thereby causing great injustice to such students disrupting their education and making most students mental patients due to severe mental pressure they are subjected to, and as there have been occasions where some children have become anti-social criminals who hate the entire teacher community as well as the entire society. (P. 1/18)

Question put, and agreed to.

(At 11.20 a.m. the Deputy Speaker took the Chair.)

The Minister of Hill Country New Villages, Infrastructure and Community Development moved,— That Hon. (Dr.) Mrs. Thusitha Wijemanna do take the Chair.

Question put, and agreed to.

(At 12.39 p.m. Hon. (Dr.) Mrs. Thusitha Wijemanna took the Chair.)

6. Establishment of a state medical faculty affiliated to the Uva Wellassa University using Badulla General Hospital as a teaching hospital : Hon. (Dr.) Nalinda Jayathissa seconded by Hon. Nihal Galappaththi moved,— That this Parliament resolves that a state medical faculty be established affiliated to the Uva Wellassa University using Badulla General Hospital as a teaching hospital in order to strengthen the state education and health services since there are only 50% of the doctors required to maintain the country's health services at a optimum level are available and large number of students who obtain high marks in the G.C.E. (Advanced Level) Biology stream are unable to enter the state medical faculties. (P. 2/'18)

Question put, and agreed to.

7. Implementation of existing laws in order to stop ragging that is presently taking place in all universities : Hon. (Mrs.) Hirunika Premachandra seconded by Hon. (Prof.) Ashu Marasinghe, moved,— That this Parliament resolves that, in order to completely prevent ragging that new students have to experience within or outside universities, law should be implemented in terms of Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act, No. 20 of 1998 against those who engage in ragging. (P.20/'18)

Question put, and agreed to.

8. Launching an expeditious programme to preserve the costal belt of Puttlam district : Hon. Ashoka Priyantha seconded by Hon. (Mrs.) Rohini Kumari Wijeratne moved,—That this parliament resolves that an expeditious programme should be launched to protect the coastal belt of Puttlam district even though the Puttlam district has been endowed with a very beautiful coastal belt, it has been polluted owing to sea erosion, destruction of mangrove and illegal constructions. (P.23/'18)

The Deputy Minister of Industry and Commerce moved,— That Hon. Mylvaganam Thilakarajah do take the Chair.

Question put, and agreed to.

(At 1.40 p.m. Hon. Mylvaganam Thilakarajah took the Chair.)

Question put, and agreed to.

9. Adjournment (Intervention by Sri Lankan Embassy in Qatar on Stafford Sri Lankan School in Doha) : The Leader of the House of Parliament moved,— That this Parliament do now adjourn.

Question proposed, and debated.

Question put, and agreed to; the Parliament was at 3.12 p.m. adjourned until 10.00 a.m. on Thursday, August 23, 2018 pursuant to the Resolution of Parliament of this day.