



(Ninth Parliament - Second Session)

No. 13.]

MINUTES OF PARLIAMENT

Tuesday, March 08, 2022 at 10.00 a.m.

PRESENT :

Hon. Mahinda Yapa Abeywardana, Speaker

Hon. Ranjith Siyambalapitiya, Deputy Speaker and the Chair of Committees

Hon. Rohitha Abegunawardhana, Minister of Ports & Shipping

Hon. Mahinda Amaraweera, Minister of Environment

Hon. Dilum Amunugama, Minister of Transport

Hon. Dullas Alahapperuma, Minister of Mass Media

Hon. Mahindananda Aluthgamage, Minister of Agriculture

Hon. Dinesh Gunawardena, Minister of Education and Leader of the House of Parliament

Hon. (Dr.) Bandula Gunawardana, Minister of Trade

Hon. S. M. Chandrasena, Minister of Lands

Hon. Janaka Bandara Thennakoon, Minister of Public Services, Provincial Councils & Local Government

Hon. Nimal Siripala de Silva, Minister of Labour

Hon. S. B. Dissanayake, Minister of Industries

Hon. Vasudeva Nanayakkara, Minister of Water Supply

Hon. (Dr.) Ramesh Pathirana, Minister of Plantation

Hon. Johnston Fernando, Minister of Highways and Chief Government Whip

Hon. Prasanna Ranatunga, Minister of Tourism

Hon. C. B. Rathnayake, Minister of Wildlife and Forest Resources Conservation

Hon. Keheliya Rambukwella, Minister of Health

Hon. Chamal Rajapaksa, Minister of Irrigation, State Minister of Defence and State Minister of Home Affairs

Hon. Namal Rajapaksa, Minister of Youth & Sports, Minister of Development Co-ordination and Monitoring and State Minister of Digital Technology and Enterprise Development

Hon. Basil Rohana Rajapaksa, Minister of Finance

Hon. Gamini Lokuge, Minister of Energy

Hon. (Dr.) Sarath Weerasekera, Minister of Public Security

Hon. M .U. M. Ali Sabry, Minister of Justice

Hon. (Dr.) (Mrs.) Seetha Arambepola, State Minister of Skills Development, Vocational Education, Research and Innovation

Hon. Lasantha Alagiyawanna, State Minister of Co-operative Services, Marketing Development and Consumer Protection

Hon. Siripala Gamalath, State Minister of Canals and Common Infrastructure Development in Settlements in Mahaweli Zones

Hon. D. V. Chanaka, State Minister of Aviation and Export Zones Development

Hon. Sisira Jayakody, State Minister of Indigenous Medicine Promotion, Rural and Ayurvedic Hospitals Development and Community Health

Hon. Anuradha Jayaratne, State Minister of Tanks, Reservoirs and Irrigation Development related to Rural Paddy Fields

Hon. Piyanara Jayaratne, State Minister of Foreign Employment Promotion and Market Diversification

Hon. Mohan Priyadarshana De Silva, State Minister of Coast Conservation & Low-Lying Lands Development

Hon. Wimalaweera Dissanayake, State Minister of Disaster Management

Hon. Sanath Nishantha, State Minister of Rural and Divisional Drinking Water Supply Projects Development

Hon. Arundika Fernando, State Minister of Coconut, Kithul and Palmyrah Cultivation Promotion and Related Industrial Product Manufacturing & Export Diversification

Hon. (Dr.) (Mrs.) Sudarshini Fernandopulle, State Minister of Primary Health Care, Epidemics and COVID Disease Control

Hon. Prasanna Ranaweera, State Minister of Rattan, Brass, Pottery, Furniture and Rural Industrial Promotion

Hon. Lohan Ratwatte, State Minister of Gem & Jewellery related Industries

Hon. Shasheendra Rajapaksa, State Minister of Promoting the Production & Regulating the Supply of Organic Fertilizer, and Paddy and Grains, Organic Foods, Vegetables, Fruits, Chilies, Onion and Potato Cultivation Promoting, Seed Production and Advanced Technology Agriculture

Hon. Nimal Lanza, State Minister of Rural Roads and other Infrastructure

Hon. Janaka Wakkumbura, State Minister of Development of Minor Crops including Sugarcane, Maize, Cashew, Pepper, Cinnamon, Cloves, Betel Related Industries and Export Promotion

Hon. Kanchana Wijesekera, State Minister of Ornamental Fish, Inland Fish & Prawn Farming, Fishery Harbour Development, Multi day Fishing Activities and Fish Exports

Hon. Thenuka Vidanagamage, State Minister of Rural and School Sports Infrastructure Improvement

Hon. Shehan Semasinghe, State Minister of Samurdhi, Household Economy, Micro Finance, Self Employment and Business Development

Hon. Indika Anuruddha Herath, State Minister of Rural Housing and Construction & Building Material Industries

Hon. Kanaka Herath, State Minister of Company Estate Reforms, Tea and Rubber Estates Related Crops Cultivation and Factories Modernization and Tea and Rubber Export Promotion

Hon. D. B. Herath, State Minister of Livestock, Farm Promotion and Dairy & Egg Related Industries

Hon. Amarakeerthi Athukorala

Hon. Kapila Athukorala

Hon. (Mrs.) Thalatha Athukorala

Hon. Sampath Athukorala

Hon. Tissa Attanayake

Hon. Hector Appuhamy

Hon. Ashok Abeysinghe

Hon. (Dr.) (Ms.) Harini Amarasuriya

Hon. Thushara Indunil Amarasena

Hon. Mayadunna Chinthaka Amal

Hon. Thavaraja Kalai Arasan

Hon. J. C. Alawathuwala

Hon. Thisakutti Arachchi

Hon. M. Udayakumar

Hon. U. K. Sumith Udukumbura

Hon. (Major) Pradeep Undugoda

Hon. Sanjeeva Edirimanna

Hon. Akila Ellawala

Hon. Lalith Ellawala

Hon. Gayantha Karunatileka

Hon. Sagara Kariyawasam

Hon. Faizal Cassim

Hon. Jayantha Ketagoda

Hon. Lakshman Kiriella

Hon. Udayana Kirindigoda

Hon. Lalith Varna Kumara

Hon. Gevindu Cumaratunga

Hon. (Mrs.) Geetha Samanmale Kumarasinghe

Hon. K. P. S. Kumarasiri
Hon. A. Aravindh Kumar
Hon. Velu Kumar
Hon. Karunadasa Kodithuwakku
Hon. Nalaka Bandara Kottegoda
Hon. (Mrs.) Diana Gamage
Hon. (Dr.) Upul Galappaththi
Hon. Udayakantha Gunathilaka
Hon. (Mrs.) Kokila Gunawardene
Hon. Yadamini Gunawardena
Hon. Milan Jayathilake
Hon. Nalin Bandara Jayamaha
Hon. Premalal Jayasekara
Hon. Kulasingam Dhileeban
Hon. Premitha Bandara Tennakoon
Hon. M. S. Thowfeek
Hon. Shan Vijayalal De Silva
Hon. (Dr.) Harsha de Silva
Hon. Chamara Sampath Dasanayake
Hon. Anura Dissanayaka
Hon. (Mrs.) Manjula Dissanayake
Hon. Mayantha Dissanayake
Hon. Sarathi Dushmantha
Hon. (Major) Sudarshana Denipitiya
Hon. Isuru Dodangoda
Hon. Premnath C. Dolawatte
Hon. W. H. M. Dharmasena
Hon. H. Nandasena
Hon. (Dr.) Gayashan Nawananda
Hon. Asanka Navarathna
Hon. Charles Nirmalanathan
Hon. Kins Nelson
Hon. Buddhika Pathirana
Hon. Anupa Pasqual
Hon. Nimal Piyathissa
Hon. Jagath Pushpakumara
Hon. Niroshan Perera

Hon. K. Sujith Sanjaya Perera
Hon. Nalin Fernando
Hon. (Mrs.) Muditha Prishanthi
Hon. (Dr.) Susil Premajayantha
Hon. Sajith Premadasa, Leader of the Opposition in Parliament
Hon. Uddika Premarathne
Hon. R. M. Ranjith Madduma Bandara
Hon. (Prof.) Ranjith Bandara
Hon. Rohana Bandara
Hon. Shantha Bandara
Hon. Sudath Manjula
Hon. S. M. Marikkar
Hon. Imran Maharoof
Hon. Imthiaz Bakeer Markar
Hon. Mohomad Muzammil
Hon. Wasantha Yapabandara
Hon. Patali Champika Ranawaka
Hon. Nipuna Ranawaka
Hon. B. Y. G. Rathnasekara
Hon. (Ven.) Athuraliye Rathana Thero
Hon. Kumarasiri Rathnayaka
Hon. Ali Sabri Raheem
Hon. Ishak Rahuman
Hon. Mujibur Rahuman
Hon. Harshana Rajakaruna
Hon. Ajith Rajapakse
Hon. Gunathilaka Rajapaksha
Hon. (Dr.) Thilak Rajapakshe
Hon. Upul Mahendra Rajapaksha
Hon. (Dr.) V. Radhakrishnan
Hon. Shanakiyan Rajaputhiran Rasamanickam
Hon. Waruna Liyanage
Hon. Gamini Waleboda
Hon. Eran Wickramaratne
Hon. Ranil Wickremesinghe
Hon. (Mrs.) Rajika Wickramasinghe
Hon. (Mrs.) Rohini Kumari Wijerathna

Hon. Chaminda Wijesiri
Hon. M. W. D. Sahan Pradeep Withana
Hon. Madhura Withanage
Hon. Hesha Withanage
Hon. Chandima Weerakkody
Hon. D. Weerasingha
Hon. Weerasumana Weerasinghe
Hon. Dilip Wedaarachchi
Hon. Sivagnanam Shritharan
Hon. Rajavarothiam Sampanthan
Hon. Dharmalingam Sithadthan
Hon. M. A. Sumanthiran
Hon. Jagath Kumara Sumithraarachchi
Hon. Vadivel Suresh
Hon. John Seneviratne
Hon. (Dr.) Rajitha Senarathne
Hon. Rauff Hakeem
Hon. Abdul Haleem
Hon. Kabir Hashim
Hon. (Prof.) Charitha Herath
Hon. Vijitha Herath
Hon. Samanpriya Herath
Hon. Marjan Faleel
Hon. Field Marshal Sarath Fonseka

Mr. Dhammika Dasanayake, Secretary-General of Parliament

Mrs. Kushani Rohanadeera, Chief of Staff and Deputy Secretary-General of Parliament

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 announcements:—

I

“I wish to announce to Parliament that I have received the Determination of the Supreme Court in respect of the Bill entitled ‘Prevention of Terrorism (Temporary Provisions) (Amendment)’ which was challenged in the Supreme Court in terms of Article 121(1) of the Constitution.

The determination of the Supreme Court as to the constitutionality of the Bill entitled 'Prevention of Terrorism (Temporary Provisions) (Amendment)' is as follows:—

Clause 2 of the Bill

The Supreme Court holds that Clause 2 of the Bill is not inconsistent with any provision of the Constitution.

Clause 3 of the Bill

The Supreme Court holds that the Clause 3 of the Bill cannot be enacted in to law unless the number of votes cast in favour thereof amounts to not less than two-thirds of the whole number of Members (including those not present), as per the Constitution.

The Supreme Court is however of the view that if the provisions in Clause 3 of the Bill are amended as set out in the Determination of the Supreme Court, it would cease to be inconsistent with any provision of the Constitution.

Clause 4 of the Bill

The Supreme Court states that be that as it may, the learned Additional Solicitor General has informed the Court that the Hon. Attorney General would be advising the Minister to insert Article 141 into the body of the the proposed Section 10 in Clause 4 of the Bill and that the Minister would move that amendment at the Committee Stage of Parliament to address the concerns of the Petitioners.

Clause 5 of the Bill

For the reasons mentioned in the Determination of the Supreme Court, the Supreme Court holds that Clause 5 of the Bill is not inconsistent with any provision of the Constitution.

Clause 6 of the Bill

The Supreme Court holds that it cannot inquire into pronounce upon or in any manner called in question, the validity of Section 11 of the PTA on any ground whatsoever in terms of Article 80 (3) of the Constitution.

Clause 10 of the Bill

The Supreme Court holds that Clause 10 of the Bill if amended as set out in the determination of the Supreme Court, would ceased to be inconsistent with any provision of the Constitution.

Clause 11 of the Bill

The Supreme Court has stated that there is no basis to holds that Clause 11 of the Bill is inconsistent with any provision of the Constitution.

Clause 12 of the Bill

The Supreme Court is of the view that the proposed Section 26(2) in Clause 12 in that form would be inconsistent with Article 12(1) of the Constitution.

The Supreme Court has stated that as per Article 123(1)(c), that if the provisions in the proposed Section 26(2) in Clause 12 of the Bill are amended as set out in the determination of the Supreme Court, it would ceased to be inconsistent with any provision of the Constitution.

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

II

"I wish to inform that I have endorsed the certificate on the Bill entitled 'Fauna and Flora Protection (Amendment)' on 02nd March 2022, under the provisions of Article 79 of the Constitution of the Democratic Socialist Republic of Sri Lanka."

III

"I wish to inform Parliament that I have received copies of Six Petitions filed at the Supreme Court under Article 121(1) of the Constitution in respect of the Bill entitled 'Surcharge Tax', in addition to the receipt of Petitions mentioned in the announcement made by me on 25th February 2022."

2. Presentation of Papers : (1) The Minister of Trade presented the—

- (i) Annual Report of the Lanka Sathosa Ltd for the year 2018; and
- (ii) Annual Report of the Consumer Affairs Authority for the year 2020

and moved that those Reports be referred to the Ministerial Consultative Committee on Trade.

Question put, and agreed to.

(2) The Minister of Public Services, Provincial Councils & Local Government presented the Annual Report of the Official Languages Commission for the year 2019 and moved that the Report be referred to the Ministerial Consultative Committee on Public Services, Provincial Councils & Local Government.

Question put, and agreed to.

(3) The Minister of Health presented the Regulations made by the Minister of Health in consultation with the Sri Lanka Medical Council under Section 72 read with Section 19(a) of the Medical Ordinance (Chapter 105) and published in the Gazette Extraordinary No. 2259/54 of 24th December 2021 and moved that those Regulations be referred to the Ministerial Consultative Committee on Health.

Question put, and agreed to.

(4) The Minister of Highways on behalf of the Minister of Finance presented the Note on Supplementary Allocations from the Supplementary Support Services and Contingent Liabilities Project appearing under Expenditure Head No. 240 of the Department of National Budget for the period from 06.01.2022 to 21.02.2022 under Section 6(1) of the Appropriation Act, No. 30 of 2021.

Ordered that the said Papers do lie upon the **Table**.

(5) The Minister of Lands presented the—

- (i) Regulations made by the Minister of Lands under Sections 155 and 156 of the Land Development Ordinance (Chapter 464) as amended by Acts, Nos. 16 of 1969, 27 of 1981, 22 of 1993, 9 of 1995 and No. 20 of 1996 and published in the Gazette Extraordinary No. 2251/48 of 28th October 2021 and the Gazette Extraordinary No. 2266/5 of 07th February 2022 making the amendments to the said Gazette; and
- (ii) Regulations made by the Minister of Lands under Sections 155 and 156 of the Land Development Ordinance (Chapter 464) as amended by Acts, Nos. 16 of 1969, 27 of 1981, 22 of 1993, 9 of 1995 and No. 20 of 1996 and published in the Gazette Extraordinary No. 2262/50 of 15th January 2022 and the Gazette Extraordinary No. 2266/5 of 07th February 2022 making the amendments to the said Gazette

and moved that those Regulations be referred to the Ministerial Consultative Committee on Lands.

Question put, and agreed to.

(6) The Minister of Agriculture presented the Annual Report of the Hadabima Authority of Sri Lanka for the year 2018 and moved that the Report be referred to the Ministerial Consultative Committee on Agriculture.

Question put, and agreed to.

(7) The Minister of Highways presented the Performance Report of the Rubber Development Department for the year 2019.

Ordered that the said Report do lie upon the **Table**.

(8) The Minister of Youth & Sports, Minister of Development Co-ordination and Monitoring and State Minister of Digital Technology and Enterprise Development presented the Regulations made by the Minister of Youth & Sports under Section 34 read with Section 3 of the Convention against Doping in Sport Act, No. 33 of 2013 and published in the Gazette Extraordinary No. 2263/2 of 18th January 2022 and moved that those Regulations be referred to the Ministerial Consultative Committee on Youth & Sports.

Question put, and agreed to.

(9) The Minister of Transport presented the Regulations made by the Minister of Transport under Section 237 read with Section 213B of the Motor Traffic Act (Chapter 203) and published in the Gazette Extraordinary No. 2245/31 of 17th September 2021 and moved that those Regulations be referred to the Ministerial Consultative Committee on Transport.

Question put, and agreed to.

3. Presentation of Reports from Committees : (1) Hon. Jagath Pushpakumara, Member of the Committee on behalf of Hon. Nimal Siripala De Silva, Chair of the Ministerial Consultative Committee on Labour presented the Report of the said Committee on—

- (i) Workmen's Compensation (Amendment) Bill;
- (ii) Annual Report and the Financial Statement of the Sri Lanka Bureau of Foreign Employment for the year of 2016; and
- (iii) Annual Reports of the Employees' Provident Fund for the years of 2018 and 2019

which were referred to the Committee.

Ordered that the said Report do lie upon the **Table**.

(2) Hon. (Dr.) Bandula Gunawardena, Chair of the Ministerial Consultative Committee on Trade presented the Report of the said Committee on—

- (i) Intellectual Property (Amendment) Bill; and
- (ii) The Annual Report of Sri Lanka State Trading (General) Corporation Ltd.

which were referred to the Committee.

Ordered that the said Report do lie upon the **Table**.

(3) Hon. (Prof.) Charitha Herath, Chair of the Committee on Public Enterprises presented the First Report of the Committee on Public Enterprises for the Second Session of the Ninth Parliament.

Ordered that the said Report do lie upon the **Table** and to be printed.

4. Presentation of Public Petitions :

- (1) Hon. Keheliya Rambukwella presented a petition dated 03.07.2021 from Mr. M. R. J. G. Chithrangana of No. 205/11/2A, Dambagoda, Danthure.
- (2) Hon. Buddhika Pathirana presented a petition dated 18.01.2022 from Mr. D. A. Ariyathilaka of "Wathsala", Hiththatiya Middle, Matara.
- (3) Hon. Chaminda Wijesiri presented a petition dated 05.10.2020 from Mrs. T. M. Deepa Sriyakanthi of Elbaddegala road, Phala Kadurugamuwa, Diayathalawa.
- (4) Hon. H. Nandasena presented a petition dated 21.12.2021 from Mr. R.W. Bandusena of No. 2617, 3rd Step, Anuradhapura.

The Petitions stood referred under Standing Order 30(10) of the Parliament, to the Committee on Public Petitions.

5. Intellectual Property (Amendment) Bill : Order for Second Reading read.

The Minister of Trade moved,— That the Bill be now read a second time.

Hon. Velu Kumar seconded by Hon. Niroshan Perera moved,—That Hon. (Mrs.) Rohini Kumari Wijerathna do take the Chair.

Question put, and agreed to.

(At 1.30 p.m. Hon. (Mrs.) Rohini Kumari Wijerathna took the Chair.)

The State Minister of Canals and Common Infrastructure Development in Settlements in Mahaweli Zones moved,— That Hon. Weerasumana Weerasinghe do take the Chair.

Question put, and agreed to.

(At 2.58 p.m. Hon. Weerasumana Weerasinghe took the Chair.)

Question put, and agreed to.

Bill accordingly read a second time.

The Minister of Trade 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.

Clauses 1 to 8 were agreed to.

Clause 9

The Minister of Trade proposed an amendment to leave out line 25 in page 13 and substitute the following:—

“and the owners of the geographical”;

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

The Minister of Trade proposed another amendment to leave out line 11 in page 16 and substitute the following:—

“Mark under section 142 of this Act, may if he”;

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 10 to 12 were agreed to.

Clause 13

The Minister of Trade proposed an amendment to leave out line 12 in page 17 and substitute the following:—

““Industrial Design, Patent or Mark or” wherever such words appear in that subsection, of the words”.

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 14 to 16 were 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 Trade 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.

6. Adjournment (Adequate Women's Representation in Parliament, Provincial Councils and Local Government Authorities) : The Minister of Trade moved,— That this Parliament do now adjourn.

Question proposed, and debated.

And it being past 5.30 p.m. Parliament was at 5.36 p.m. adjourned by the Presiding Member without Question put, pursuant to the Resolution of Parliament this day.

Parliament adjourned accordingly until 10.00 a.m. on Wednesday, March 09, 2022.