



(Ninth Parliament - Third Session)

No. 25.]

MINUTES OF PARLIAMENT

Thursday, October 20, 2022 at 9.30 a.m.

PRESENT :

Hon. Mahinda Yapa Abeywardana, Speaker

Hon. Ajith Rajapakse, Deputy Speaker and the Chair of Committees

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

Hon. Tiran Alles, Minister of Public Security

Hon. Naseer Ahamed, Minister of Environment

Hon. (Dr.) Bandula Gunawardana, Minister of Transport and Highways and Minister of Mass Media

Hon. Nimal Siripala de Silva, Attorney at Law, Minister of Ports, Shipping and Aviation

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

Hon. Nalin Fernando, Minister of Trade, Commerce and Food Security

Hon. (Dr.) Susil Premajayantha, Attorney at Law, Minister of Education and Leader of the House of Parliament

Hon. Keheliya Rambukwella, Minister of Health and Minister of Water Supply

Hon. (Dr.) Wijeyadasa Rajapakshe, PC, Minister of Justice, Prisons Affairs and Constitutional Reforms

Hon. Vidura Wikramanayaka, Minister of Buddhasasana, Religious and Cultural Affairs

Hon. Kanchana Wijesekera, Minister of Power and Energy

Hon. M .U. M. Ali Sabry, PC, Minister of Foreign Affairs

Hon. Sajith Premadasa, Leader of the Opposition in Parliament

Hon. Lasantha Alagiyawanna, State Minister of Transport

Hon. (Mrs.) Geetha Samanmale Kumarsinghe, State Minister of Women and Child Affairs

Hon. A. Aravindh Kumar, State Minister of Education

Hon. (Mrs.) Diana Gamage, State Minister of Tourism

Hon. Sivanethurai Santhirakanthan, State Minister of Rural Road Development
Hon. D. V. Chanaka, State Minister of Power and Energy
Hon. Sisira Jayakody, Attorney at Law, State Minister of Indigenous Medicine
Hon. Chamara Sampath Dasanayake, State Minister of Primary Industries
Hon. Piyal Nishantha De Silva, State Minister of Fisheries
Hon. Mohan Priyadarshana De Silva, Attorney at Law, State Minister of Agriculture
Hon. Rohana Dissanayaka, State Minister of Sports and Youth Affairs
Hon. Sanath Nishantha, State Minister of Water Supply
Hon. Jagath Pushpakumara, State Minister of Foreign Employment Promotion
Hon. Ashoka Priyantha, State Minister of Home Affairs
Hon. Shantha Bandara, State Minister of Mass Media
Hon. Tharaka Balasuriya, State Minister of Foreign Affairs
Hon. Vijitha Berugoda, State Minister of Piriven Education
Hon. K. Kader Masthan, State Minister of Rural Economy
Hon. Prasanna Ranaweera, State Minister of Small and Medium Enterprises Development
Hon. Lohan Ratwatte, State Minister of Plantation Industries
Hon. (Dr.) Suren Raghavan, State Minister of Higher Education
Hon. Shasheendra Rajapaksa, State Minister of Irrigation
Hon. Janaka Wakkumbura, State Minister of Provincial Councils and Local Government
Hon. Thenuka Vidanagamage, State Minister of Urban Development and Housing
Hon. Ranjith Siyambalapitiya, State Minister of Finance
Hon. Shehan Semasinghe, State Minister of Finance
Hon. Indika Anuruddha Herath, State Minister of Power and Energy
Hon. Kanaka Herath, State Minister of Technology
Hon. D. B. Herath, State Minister of Livestock Development

Hon. A. L. M. Athaullah
Hon. Kapila Athukorala
Hon. (Mrs.) Thalatha Athukorala, Attorney at Law
Hon. Sampath Athukorala
Hon. Tissa Attanayake
Hon. Wajira Abeywardana
Hon. Ashok Abeysinghe
Hon. Thushara Indunil Amarasena
Hon. Mayadunna Chinthaka Amal
Hon. Thavaraja Kalai Arasan
Hon. Dullas Alahapperuma

Hon. Mahindananda Aluthgamage
Hon. Thisakutti Arachchi
Hon. U. K. Sumith Udukumbura
Hon. M. Udayakumar
Hon. Lalith Ellawala
Hon. Govindan Karunakaram
Hon. Gayantha Karunatilleka
Hon. Sagara Kariyawasam, Attorney at Law
Hon. Faizal Cassim
Hon. Jayantha Ketagoda
Hon. Lakshman Kiriella, Attorney at Law
Hon. Udayana Kirindigoda
Hon. Lalith Varna Kumara
Hon. Gevindu Cumaratunga
Hon. K. P. S. Kumarasiri
Hon. Mano Ganesan
Hon. Udaya Gammanpila
Hon. (Mrs.) Kokila Gunawardene
Hon. Yadamini Gunawardena
Hon. (Dr.) Nalaka Godahewa
Hon. Milan Jayathilake
Hon. Piyankara Jayaratne
Hon. (Dr.) Kavinda Heshan Jayawardhana
Hon. (Prof.) Channa Jayasumana
Hon. M. S. Thowfeek
Hon. Kulasingam Dhileeban
Hon. Janaka Bandara Thennakoon
Hon. Shan Vijayalal De Silva
Hon. (Dr.) Harsha de Silva
Hon. Anura Dissanayaka
Hon. Duminda Dissanayake
Hon. S. B. Dissanayake
Hon. Mayantha Dissanayake
Hon. Sarathi Dushmantha
Hon. (Major) Sudarshana Denipitiya

Hon. Isuru Dodangoda
Hon. Premnath C. Dolawatte, Attorney at Law
Hon. W. H. M. Dharmasena
Hon. H. Nandasena
Hon. (Dr.) Gayashan Nawananda
Hon. Asanka Navarathna
Hon. Vasudeva Nanayakkara
Hon. Charles Nirmalanathan
Hon. Kins Nelson
Hon. Buddhika Pathirana
Hon. Nimal Piyathissa
Hon. Dilan Perera
Hon. Niroshan Perera
Hon. K. Sujith Sanjaya Perera
Hon. G. G. Ponnambalam
Hon. Johnston Fernando
Hon. (Dr.) (Mrs.) Sudarshini Fernandopulle
Hon. (Mrs.) Muditha Prishanthi
Hon. Rohana Bandara
Hon. R. M. Ranjith Madduma Bandara
Hon. (Prof.) Ranjith Bandara
Hon. Rishad Bathiudeen
Hon. Sudath Manjula
Hon. S. M. Marikkar
Hon. Imran Maharoof
Hon. Imthiaz Bakeer Markar
Hon. Ajith Mannapperuma
Hon. Mohomad Muzammil
Hon. Anura Priyadharshana Yapa, Attorney at Law
Hon. Wasantha Yapabandara, Attorney at Law
Hon. Patali Champika Ranawaka
Hon. (Ven.) Athuraliye Rathana Thero
Hon. Kumarasiri Rathnayaka
Hon. Ishak Rahuman
Hon. Mujibur Rahuman

Hon. Harshana Rajakaruna
Hon. Gunathilaka Rajapaksha
Hon. Chamal Rajapaksa
Hon. (Dr.) Thilak Rajapakshe
Hon. Namal Rajapaksa, Attorney at Law
Hon. Mahinda Rajapaksa
Hon. Upul Mahendra Rajapaksha
Hon. (Dr.) V. Radhakrishnan
Hon. M. Rameshwaran
Hon. Waruna Liyanage
Hon. Gamini Lokuge
Hon. (Mrs.) Pavithradevi Wanniarachchi, Attorney at Law
Hon. Gamini Waleboda
Hon. Eran Wickramaratne
Hon. C.V. Wigneswaran
Hon. (Mrs.) Rohini Kumari Wijerathna
Hon. Chaminda Wijesiri
Hon. Madhura Withanage, Attorney at Law
Hon. Hesha Withanage
Hon. (Prof.) Tissa Vitarana
Hon. Chandima Weerakkody, Attorney at Law
Hon. Wimal Weerawansa
Hon. D. Weerasingha
Hon. Weerasumana Weerasinghe
Hon. (Dr.) Sarath Weerasekera
Hon. Dilip Wedaarachchi
Hon. Kumara Welgama
Hon. Sivagnanam Shritharan
Hon. Jagath Samarawickrama
Hon. Jayantha Samaraweera
Hon. Dharmalingam Sithadthan
Hon. Maithreepala Sirisena
Hon. M. A. Sumanthiran
Hon. Jagath Kumara Sumithraarachchi
Hon. John Seneviratne
Hon. (Dr.) Rajitha Senarathne
Hon. Rauff Hakeem, Attorney at Law

Hon. H. M. M. Harees

Hon. Kabir Hashim

Hon. (Prof.) Charitha 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 announcement:—

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

On an overall consideration of the provisions of the Bill, the Supreme Court has made the following Determination:—

The Bill as a whole is inconsistent with Article 12(1) of the Constitution and as such may be enacted only by the special majority required by Article 84(2) of the Constitution. However, this inconsistency shall cease if:

- (i) All references to ‘ex-combatants’, ‘violent extreme groups’ and ‘any other group of persons’ are deleted from the Bill; and
- (ii) The Bill is limited to the rehabilitation of drug dependent persons and such other persons as may be identified by law.

Clauses 3, 4(a), 4(b), 6(b), 23, 24, 25(2), 27, 28(1), 34, 35 and 37 [the definition of ‘rehabilitation’] of the Bill are inconsistent with Article 12(1) of the Constitution and as such may be enacted only by the special majority required by Article 84(2) of the Constitution.

However, the said inconsistencies shall cease if the said Clauses are amended as follows:—

Clause 3 - ‘*The objective of the Bureau shall be to rehabilitate drug dependent persons or any other person as may be identified by law as a person who requires rehabilitation and which may include treatment and adoption of various therapies in order to ensure effective reintegration and reconciliation, through developing socio-economic standards.*’

Clause 4(a) - *'Provide treatment and rehabilitation to drug dependent persons who in terms of the Drug Dependent Persons (Treatment and Rehabilitation) Act, No. 54 of 2007 request treatment and rehabilitation or are required by such law to be provided with treatment and rehabilitation.'*

Clause 4(b) - *'provide rehabilitation to any person who in terms of a relevant law, requests rehabilitation or is required by such law to be provided with rehabilitation;'*

Clause 4 - *by the insertion of the following new paragraph (e) - 'advise the Minister with regard to programmes for rehabilitation, treatment and aftercare having regard to the basic norms of Human Rights.'*

Clause 6(b) - *'the following five members (hereinafter referred to as 'appointed members') be appointed by the Minister:—*

- (i) two persons who shall possess academic and professional qualifications and have experience in the field of rehabilitation;*
- (ii) two persons who shall possess academic and professional qualifications and have experience in the field of social integration; and*
- (iii) one person who shall possess academic and professional qualifications and have experience in the field of law and order.'*

Clause 23 - *by the deletion of the words, 'ex-combatants, members of violent extremist groups, violent extremist person and any other person or group of persons' and this Clause being suitably amended to reflect the position that only the rehabilitation of drug dependant persons and such persons who are identified by law and whose rehabilitation is provided for by law will take place at a centre managed by the Bureau.*

Clause 23 - *by the insertion of new sub-clauses numbered as Clauses 23(2) to 23(7) as proposed by the Attorney-General and referred to at pages 36 and 37 of the Determination, subject to the following:—*

- (i) Clause 23(3)(a) - by the insertion of the words, 'and may examine the records and log books maintained at the Centre' at the end of this paragraph.*
- (ii) Clause 23(5) - by the addition of the words, 'including an order that such person be immediately admitted to a Government Hospital for medical treatment and that the Officer-in-Charge of such Centre immediately inform the Court that made the order for the rehabilitation of such person of the findings of the Government Medical Officer' at the end of this Clause.*

Clause 24 - *by the insertion of the words, 'as may be prescribed' after the words, 'or any unauthorised article.'*

Clause 25(2) - *by the insertion of Clause 25(2) as proposed by the Attorney-General and referred to at page 40 of the Determination, and subject to the following:—*

- (i) the addition of the words, '*or an Attorney-at-Law representing such person*' at the end of Clause 25(2)(a), and in the proviso to Clause 25(2) after the words in parentheses;
- (ii) the deletion of the words, '*within a Centre for Rehabilitation*' at the end of Clause 25(2)(b).

Clause 27 - by the insertion of the words, '*unlawfully*' and '*lawful*' as proposed by the Attorney-General and referred to at page 44 of the Determination.

Clause 28(1) - by the deletion of the words, '*any authorised member of the Forces,*' and the insertion of the word, '*immediately*' as proposed by the Attorney-General and referred to at page 45 of the Determination.

Clause 28 - by the insertion of the following new paragraph proposed by the Attorney-General - '*It shall be the duty of the Commissioner-General of Rehabilitation, or a person duly authorised by him to immediately inform the Magistrate within the Judicial Division in which such Centre is located of any exercise of powers under Section 28(1) and (2).*'

Clause 34 - by the insertion of the following proviso at the end of Clause 34(1) - '*Provided that the Council shall not have the power to make rules in respect of any matter in which regulations are required to be made in terms of this Act.*'

Clause 35 - should be amended in the manner referred to at pages 29 and 30 of the Determination.

Clause 37 - '*rehabilitation*' means the procedures and programmes for rehabilitation, treatment, aftercare and support that shall be prescribed by regulations made under this Act.'

Clause 17 of the Bill is inconsistent with Article 12(1) of the Constitution and as such may be enacted only by the special majority required by Article 84(2) of the Constitution.

Clause 25(1) of the Bill is inconsistent with Article 14A of the Constitution and as such may be enacted only by the special majority required by Article 84(2) of the Constitution.

However, the said inconsistency shall cease if Clause 25(1) is amended by the addition of the words, '*or the provisions of the Right to Information Act*' at the end of the said Clause.

Clause 26 and 28(2) of the Bill are inconsistent with Article 11 of the Constitution and as such may be enacted only by the special majority required by Article 84(2) of the Constitution and upon being approved by the People at a Referendum as stipulated by Article 83 of the Constitution.

The said inconsistencies shall cease if:

- (i) the words, '*without reasonable cause*' in Clause 26 are deleted;
- (ii) the words, '*all such means including*' in Clause 28(2) are deleted.

Clause 29 of the Bill is inconsistent with Article 76 read together with Articles 3 and 4 of the Constitution and as such may be enacted only by the special majority required by Article 84(2) of the Constitution and upon being approved by the People at a Referendum as stipulated by the Article 83 of the Constitution.

The said inconsistency shall cease if Clause 29 is amended by the deletion of the words, '*or any rule*'

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

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

- (i) First Installment – Part XXXIV, Fourth Installment – Part XIX, Fifth Installment – Part IX, Sixth Installment – Parts XXI, XXII, XXIII of the Report of the Auditor-General for the Financial Year 2020; and
- (ii) First Installment – Parts IV, V, VI, VII, VIII, IX and X and Fourth Installment – Parts VI, VII and VIII of the Report of the Auditor-General for the Financial Year 2021

in terms of Article 154(6) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

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

(2) The Prime Minister and Minister of Public Administration, Home Affairs, Provincial Councils and Local Government presented the Report on the submission of observations and steps taken in terms of the Standing Order 119(4) of the Parliament with regard to the matters mentioned on the Ministry of Finance, Economic Stabilization and National Policies in the report of the Committee on Public Accounts which was presented to Parliament and moved that the Report be referred to the Committee on Public Accounts.

Question put, and agreed to.

3. Privileges : The Leader of the House of Parliament moved,— That the question of privilege arising out of the matters raised by the Hon. (Dr.) Susil Premajayantha, Attorney at Law, M.P. on 19th October, 2022 in Parliament to the effect that privileges of Parliament have been infringed, be referred to the Committee on Ethics and Privileges in terms of the provisions of Standing Order 118 of the Parliament.

Question put, and agreed to.

4. Twenty Second Amendment to the Constitution Bill : Order for Second Reading read.

The Minister of Justice, Prisons Affairs and Constitutional Reforms moved,— That the Bill be now read a second time.

(At 11.31 a.m. the Deputy Speaker took the Chair.)

The Minister of Justice, Prisons Affairs and Constitutional Reforms moved,—That Hon. Weerasumana Weerasinghe do take the Chair.

Question put, and agreed to.

(At 1.27 p.m. Hon. Weerasumana Weerasinghe took the Chair.)

The Minister of Justice, Prisons Affairs and Constitutional Reforms moved,— That Hon. Mayantha Dissanayake do take the Chair.

Question put, and agreed to.

(At 3.07 p.m. Hon. Mayantha Dissanayake took the Chair.)

The Minister of Education moved,— That the debate be now adjourned.

Question put, and agreed to.

Debate to be resumed on Friday, October 21, 2022.

5. Adjournment (Food Insecurity among People of Estates) : The Leader of the House of Parliament moved,— That this Parliament do now adjourn.

Question proposed, and debated.

The Minister of Justice, Prisons Affairs and Constitutional Reforms moved,— That Hon. Premnath C. Dolawatte, Attorney at Law do take the Chair.

Question put, and agreed to.

(At 4.59 p.m. Hon. Premnath C. Dolawatte, Attorney at Law took the Chair.)

And it being 5.30 p.m. Parliament was adjourned by the Presiding Member without Question put.

Parliament adjourned accordingly until 9.30 a.m. on Friday, October 21, 2022.