



(Ninth Parliament - Fifth Session)

No. 33.]

MINUTES OF PARLIAMENT

Tuesday, July 02, 2024 at 9.30 a.m.

PRESENT :

Hon. Mahinda Yapa Abeywardana, Speaker

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

Hon. Angajan Ramanathan, Deputy Chairperson of Committees

Hon. Ranil Wickremesinghe, President of the Democratic Socialist Republic of Sri Lanka

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

Hon. Mahinda Amaraweera, Minister of Agriculture and Plantation Industries

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. Douglas Devananda, Minister of Fisheries

Hon. Manusha Nanayakkara, Minister of Labour and Foreign Employment

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

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. Prasanna Ranatunga, Minister of Urban Development and Housing and Chief Government Whip

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

Hon. Kanchana Wijesekera, Minister of Power and Energy

Hon. Sajith Premadasa, Leader of the Opposition in Parliament

Hon. Ranjith Siyambalapitiya, Non Cabinet Minister of State Plantation Enterprises Reforms and State Minister of Finance

Hon. (Dr.) (Mrs.) Seetha Arambepola, State Minister of Health

Hon. Lasantha Alagiyawanna, State Minister of Transport

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

Hon. A. Aravindh Kumar, State Minister of Education

Hon. Siripala Gamalath, State Minister of Highways

Hon. D. V. Chanaka, State Minister of Power and Energy

Hon. Sisira Jayakody, Attorney at Law, State Minister of Indigenous Medicine

Hon. Anuradha Jayaratne, State Minister of Justice and Prison Affairs

Hon. Premalal Jayasekara, State Minister of Ports and Aviation

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. Anupa Pasqual, State Minister of Social Empowerment

Hon. Jagath Pushpakumara, State Minister of Foreign Employment Promotion

Hon. Arundika Fernando, State Minister of Urban Development and Housing

Hon. Ashoka Priyantha, State Minister of Home Affairs

Hon. Shantha Bandara, State Minister of Mass Media

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 and Mahaweli Development

Hon. (Dr.) Suren Raghavan, State Minister of Higher Education

Hon. Shasheendra Rajapaksa, State Minister of Irrigation and Water Supply

Hon. Janaka Wakkumbura, State Minister of Provincial Councils, Local Government and Environment

Hon. Thenuka Vidanagamage, State Minister of Urban Development and Housing

Hon. S. Viyalanderan, State Minister of Trade and Environment

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. Sampath Athukorala

Hon. Tissa Attanayake

Hon. Hector Appuhamy

Hon. Wajira Abeywardana

Hon. Ashok Abeysinghe

Hon. Mayadunna Chinthaka Amal

Hon. Thavaraja Kalai Arasan

Hon. J. C. Alawathuwala

Hon. Dullas Alahapperuma

Hon. Mahindananda Aluthgamage

Hon. U. K. Sumith Udukumbura

Hon. M. Udayakumar

Hon. (Dr.) Major Pradeep Undugoda

Hon. Akila Ellawala

Hon. Selvarajah Kajendren

Hon. Govindan Karunakaram

Hon. Gayantha Karunatileka

Hon. Sagara Kariyawasam, Attorney at Law

Hon. Faizal Cassim

Hon. Jayantha Ketagoda

Hon. Lakshman Kiriella, Attorney at Law

Hon. Udayana Kirindigoda, Attorney at Law

Hon. Lalith Varna Kumara

Hon. Gevindu Cumaratunga

Hon. Velu Kumar

Hon. Karunadasa Kodithuwakku

Hon. Nalaka Bandara Kottegoda

Hon. Mano Ganesan

Hon. Weerasena Gamage
Hon. Udaya Gammanpila
Hon. (Dr.) Upul Galappaththi
Hon. Udayakantha Gunathilaka
Hon. (Mrs.) Kokila Gunawardene
Hon. Yadamini Gunawardena
Hon. (Dr.) Nalaka Godahewa
Hon. S. M. Chandrasena
Hon. Nalin Bandara Jayamaha
Hon. Piyanakara Jayaratne
Hon. (Prof.) Channa Jayasumana
Hon. Dayasiri Jayasekara
Hon. M. S. Thowfeek
Hon. Kulasingam Dhileeban
Hon. Shan Vijayalal De Silva
Hon. Palani Thigambaram
Hon. Duminda Dissanayake
Hon. S. B. Dissanayake
Hon. (Mrs.) Manjula Dissanayake
Hon. Mayantha Dissanayake
Hon. Wimalaweera Dissanayake
Hon. Sarathi Dushmantha
Hon. (Major) Sudarshana Denipitiya
Hon. Premnath C. Dolawatte, Attorney at Law
Hon. W. H. M. Dharmasena
Hon. Asanka Navarathna
Hon. Buddhika Pathirana
Hon. Nimal Piyathissa
Hon. (Prof.) G. L. Peiris
Hon. Niroshan Perera
Hon. K. Sujith Sanjaya Perera
Hon. Johnston Fernando
Hon. (Dr.) (Mrs.) Sudarshini Fernandopulle

Hon. Jagath Priyankara
Hon. (Mrs.) Muditha Prishanthi
Hon. Rohana Bandara
Hon. R. M. Ranjith Madduma Bandara
Hon. (Prof.) Ranjith Bandara
Hon. S. M. Marikkar
Hon. Imran Maharoof
Hon. S. C. Muthukumarana
Hon. S. M. M. Muszhaaraff, Attorney at Law
Hon. Mohomad Muzammil
Hon. Anura Priyadharshana Yapa, Attorney at Law
Hon. Wasantha Yapabandara, Attorney at Law
Hon. Patali Champika Ranawaka
Hon. Nipuna Ranawaka
Hon. Kumarasiri Rathnayaka
Hon. Keheliya Rambukwella
Hon. Ali Sabri Raheem
Hon. Ishak Rahuman
Hon. Mujibur Rahuman
Hon. Harshana Rajakaruna
Hon. Chamal Rajapaksa
Hon. (Dr.) Thilak Rajapakshe
Hon. Upul Mahendra Rajapaksha
Hon. (Dr.) V. Radhakrishnan
Hon. M. Rameshwaran
Hon. Shanakiyan Rajaputhiran Rasamanickam
Hon. Nimal Lanza
Hon. Gamini Lokuge
Hon. Gamini Waleboda
Hon. Nayana Wasalathilake
Hon. (Mrs.) Rajika Wickramasinghe
Hon. C.V. Wigneswaran
Hon. (Mrs.) Rohini Kumari Wijerathna

Hon. M. W. D. Sahan Pradeep Withana
Hon. Madhura Withanage, Attorney at Law
Hon. Hesha Withanage
Hon. Jayantha Weerasinghe, PC
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. Maithreepala Sirisena
Hon. M. A. Sumanthiran
Hon. Jagath Kumara Sumithraarachchi
Hon. Vadivel Suresh
Hon. W. D. J. Seneviratne, Attorney at Law
Hon. (Dr.) Rajitha Senarathne
Hon. Rauff Hakeem, Attorney at Law
Hon. H. M. M. Harees
Hon. Kabir Hashim
Hon. (Prof.) Charitha Herath
Hon. Jayarathna Herath
Hon. Samanpriya Herath
Hon. Marjan Faleel
Hon. A. H. M. Fowzie

Mrs. Kushani Rohanadeera, Secretary-General of Parliament

Mr. Chaminda Kularatne, Chief of Staff and Deputy Secretary General of Parliament

Mr. Hansa Abeyrathne, Assistant Secretary-General

Parliament met pursuant to the Notification of Mr. Speaker of 25th June 2024, under the Standing Order 16 of the Parliament.

The Speaker took the Chair.

1. Secretary General of Parliament read the following Gazette Notification by the Speaker by which the Parliament was convened:—



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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 2390/07 - 2024 ජූනි මස 25 වැනි අඟහරුවාදා - 2024.06.25
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PART I : SECTION (I) — GENERAL

Government Notifications

NOTIFICATION BY MR. SPEAKER

Convening of the Parliament of the Democratic Socialist Republic of Sri Lanka on Tuesday, the 2nd of July, 2024 at 9.30 a.m.

I, Mahinda Yapa Abeywardana, Speaker of Parliament do hereby notify that in pursuance of Standing Order 16 of the Standing Orders of Parliament, I have summoned the Parliament to meet on Tuesday the 02nd of July, 2024 at 9.30 a.m. having been requested so to do by the Hon. Prime Minister.

MAHINDA YAPA ABEYWARDANA,
Speaker.

Sri Jayewardenepura Kotte,
25th June, 2024.

EOG 06-0169



2. Messages from the President: The Speaker read the following message received from the President.



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இலங்கை சனாதிபதி
President of Sri Lanka

My No. PS/CSA/00/4/5/1

June 22, 2024

Hon. Mahinda Yapa Abeywardana
Speaker
Parliament of Sri Lanka

Hon. Speaker,

The Public Security Ordinance (Chapter 40)

By virtue of the powers vested in me by Section 12 of the Public Security Ordinance (Chapter 40), I have issued an order to the effect that all members of the Armed Forces specified in the First Schedule are summoned for the maintenance of Public Order in the areas specified in Second Schedule thereof taking into consideration the need for the Public Order to be maintained.

Accordingly, I hereby inform the Parliament of the said Order in terms of Section 2(3) of the aforesaid Ordinance read with Section 21(2) thereof.

Yours sincerely,


Ranil Wickremesinghe
President

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இலங்கைச் சனநாயக சோசலிசக் குடியரசு
Democratic Socialist Republic of Sri Lanka

3. Announcements by the Speaker: The Speaker made the following announcements:—

I

“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.

The determination of the Supreme Court as to the constitutionality of the Bill concludes and upon a 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 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.

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 to be printed in the official Report of today's proceedings of the House."

II

"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:—

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 sub clause as set out in the summary of the Determination of the Supreme Court.

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.

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.

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.

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.

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.

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.

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 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.

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.

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.

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."

III

"I wish to inform that in terms of the provisions of Article 79 of the Constitution of the Democratic Socialist Republic of Sri Lanka, I have endorsed the certificate on the Bill titled 'Sri Lanka Electricity' on 27th June 2024."

IV

"I wish to inform Parliament that I have received a copy of a petition filed at the Supreme Court on 01.07.2024 under Article 121(1) of the Constitution in respect of the Bill titled 'Reciprocal Recognition, Registration and Enforcement of Foreign Judgments'."

V

"I wish to inform this House that a vacancy in the Membership of this Parliament has been occurred with effect from the 30th of June 2024 in terms of the provisions of Article 66(a) of the Constitution due to the death of Hon. Rajavarotheiam Sampanthan, Member of Parliament of the Electoral District of Trincomalee.

It is with profound regret that I inform this Parliament of his passing away. On behalf of Parliament, I would like to convey that we are deeply saddened by his demise and I would like to express our heartfelt sympathies to the family of the Honourable Member.

The vote of condolence in this regard will be presented to Parliament on a future date.

Furthermore, I wish to inform all the Members of Parliament that his remains will lie in the ceremonial hall near the main door of the Parliament on 03 July 2024 from 2.00 p.m. to 4.00 p.m. to pay final respects.

4. Presentation of Papers: (1) The Prime Minister and Minister of Public Administration, Home Affairs, Provincial Councils and Local Government presented the Proclamation made and Published in the Gazette Extraordinary No. 2390/28 of 29th June 2024 and Schedule thereto, by virtue of the powers vested with the President in terms of Section 2 of the Essential Public Services Act, No. 61 of 1979.

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

5. Motions for Leave of Absence: Hon. Lakshman Kiriella, Attorney at Law, seconded by the Hon. Rauff Hakeem, Attorney at Law moved,— That the Hon. G. G. Ponnambalam, Member of Parliament for Jaffna Electoral District be granted leave under Article 66(f) of the Constitution, to be absent from the sittings of Parliament for a period of three months from July 02, 2024.

Question put, and agreed to.

6. Address by Honourable President: Honourable President addressed Parliament in terms of Article 32(4) of the Constitution.

7. Medical (Amendment): The Minister of Education on behalf of the Minister of Health presented,— Bill to amend the Medical Ordinance (Chapter 105).

The Bill was ordered to be read a second time on Tuesday, July 23, 2024, be printed and be referred to the Sectoral Oversight Committee on Health

8. Medical (Amendment): The Minister of Education on behalf of the minister of Health presented,— Bill to amend the Medical Ordinance (Chapter 105).

The Bill was ordered to be read a second time on Tuesday, July 23, 2024, be printed and be referred to the Sectoral Oversight Committee on Health

9. Sittings of the Parliament (No. 1): The Leader of the House of Parliament moved,— That notwithstanding the provisions of Standing Order 8 of the Parliament, the hours of sitting of Parliament on this day shall be 9.30 a.m. to 12.30 p.m. and 1.00 p.m. to 5.00 p.m.. At 5.00 p.m. Mr. Speaker shall adjourn the Parliament without question put.

Question put, and agreed to.

10. Sittings of the Parliament (No. 2): The Leader of the House of Parliament moved,— That this Parliament at its rising this day do adjourn until 9.30 a.m. on Tuesday, 09th July, 2024

Question put, and agreed to.

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

Question put, and agreed to; accordingly the Parliament was at 11.06 p.m. adjourned by the Speaker until 9.30 a.m. on Tuesday, July 09, 2024, pursuant to the Resolution of Parliament of this day.