



[Eighth Parliament - First Session]

No. 50.]

ORDER PAPER OF PARLIAMENT

FOR

Thursday, February 11, 2016 at 1.00 p.m.

QUESTIONS FOR ORAL ANSWERS

73/'15

1.

Hon. Buddhika Pathirana,— To ask the Minister of Petroleum Resources Development,—(1)

(a) Will he inform this House—

- (i) the number of tankers transporting crude oil to which demurrage was paid as a result of the pipeline carrying crude oil being in a state of disrepair off the seas of Colombo Harbour on 25.05.2014;
- (ii) separately, the amount paid as demurrage to each of the said tankers;
- (iii) the number of days taken to repair the pipeline;
- (iv) the number of days in which the Sapugaskanda Oil Refinery had to be closed fully on account of this; and
- (v) the overall loss caused to the Ceylon Petroleum Corporation as a result of the damage caused to the pipeline carrying oil ?

(b) Will he state—

- (i) the date on which tenders were called last, to purchase the required pipelines to the buoy;
- (ii) if so, the companies which forwarded tenders and the countries to which they belong;
- (iii) the company to which the tender was awarded; and
- (iv) the reasons for awarding the tender to that company?

(c) If not, why?

2.

Hon. Vasudeva Nanayakkara,— To ask the Minister of Skills Development and Vocational Training,—(2)

- (a) Will he inform this House—
 - (i) whether the facilities available at present are sufficient to give a free technical or vocational training to young men and women who have passed the G.C.E. (Ordinary Level) examination, based on their talents and skills before they are recruited for government or private sector jobs;
 - (ii) if not, to what extent facilities have to be increased; and
 - (iii) to what extent the existing curricula for vocational or technical training suit or adequate for today's requirement?
- (b) Will he also inform this House—
 - (i) whether a suitable policy and a methodology will be formulated for recruiting the aforesaid trainees to government or private sector jobs based solely on qualifications and talents, without any political influence;
 - (ii) whether he accepts that unnecessary frustration to youths can be prevented by stating in the advertisement the number of vacancies to be filled when calling applications for government vacancies; and
 - (iii) if so, whether necessary steps will be taken for it?
- (c) If not, why?

224/'15

3.

Hon. Dullas Alahapperuma,— To ask the Minister of Education,—(1)

- (a) Is he aware that—
 - (i) a new subject stream known as Technology was introduced to the G.C.E. Advanced Level streams on 15.07.2013;
 - (ii) initially 14,000 students in 252 schools enrolled for that stream;
 - (iii) the University Grants Commission agreed to accommodate 3000 students who selected Technology stream to follow degree courses in 2016; and
 - (iv) University Colleges were established to provide educational opportunities to 6000 students under the National Vocational Qualification (NVQ) framework in addition to the degree courses in the Government Universities?
- (b) Will he inform this House separately—
 - (i) the number of schools that taught the Technology stream in 2014;
 - (ii) the number of students who selected that stream as the second batch; and
 - (iii) the number of students, out of those who followed the Technology stream for Advanced Level, that is planned to be enrolled at Universities and University Colleges for 2016?
- (c) If not, why?

4.

Hon. Sunil Handunnetti,— To ask the Minister of Education,—(2)

(a) Will he state—

- (i) whether the application forwarded by Mr. W. Pradeep, who received a condominium housing unit after his house was destroyed by the Tsunami, to admit his child to Grade one of Sujatha Vidyalaya, Matara in 2013 had been rejected;
- (ii) if so, the reasons for that;
- (iii) whether the appeal forwarded in that regard had been rejected; and
- (iv) if so, the reasons for that?

(b) Will he also state—

- (i) whether the Secretary to the Ministry and the Director of National Schools have informed the Principal in writing to admit the relevant child to the school after the above rejections, and inform him of it;
- (ii) if so, the responses of the Principal after the said written intimation;
- (iii) whether he is aware that the child had not been admitted to the school by rejecting the above intimation; and
- (iv) the reasons for not admitting the child to the school?

(c) Will he inform this House—

- (i) whether a formal inquiry had been conducted in regard to that rejection; and
- (ii) the steps will be taken against the injustice caused to that child?

(d) If not, why?

5.

Hon. M. H. M. Salman,— To ask the Minister of Post, Postal Services and Muslim Religious Affairs,—(1)

- (a) Is he aware that when lands and buildings (Wakf Property) belonging to the religious sites of Muslim Mosques, Juma Mosques and Thakkiya Saviya under the Muslim Mosques and Charitable Trusts Act, are acquired for various development purposes of the government, the Department of Muslim Religious and Cultural Affairs (Wakf Division) is not enlightened on such acquisitions?

(4)

- (b) Will he inform this House—
 - (i) whether a Gazette Notification has been issued by the Subject Minister with pertinence to the procedures to be adopted (as per the relevant Act) when acquiring the Wakf property registered in the Department of Muslim Religious and Cultural Affairs ;
 - (ii) if so, of the number and date of the aforesaid Gazette Notification;
 - (iii) whether a copy of the said notification will be tabled?
- (c) If not, why?

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6.

Hon. S. M. Marikkar,— To ask the Minister of Transport and Civil Aviation,—(1)

- (a) Is he aware that the Sri Lanka Transport Board has not deployed busses for route numbers 151, 714 and 166 that travel across Kolonnawa area?
- (b) Will he inform this House—
 - (i) the number of families affected due to the lack of buses on these roads;
 - (ii) whether a permanent programme will be prepared to deploy SLTB buses on these roads;
 - (iii) if so, the period of time to be taken to resume transport services on these roads; and
 - (iv) whether a programme will be formulated to prevent threats and harassments from private bus operators and other groups against the buses that will be deployed on the said roads?
- (c) If not, why?

302/'15

7.

Hon. Udaya Prabhath Gammanpila,— To ask the Minister of Development Strategies and International Trade,—(1)

- (a) Will he inform this House—
 - (i) whether the government is engaged in discussions with India to sign an Indo-Lanka Economic and Technological Partnership Agreement;
 - (ii) when the said agreement is expected to be signed;
 - (iii) of the manner in which the said agreement differs from the Comprehensive Economic Partnership Agreement known as “CEPA”; and
 - (iv) whether the content of the said agreement will be discussed with Members of Parliament, scholars, professionals and the business community prior to its signing?
- (b) If not, why?

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8.

Hon. Buddhika Pathirana,— To ask the Minister of Internal Affairs, Wayamba Development and Cultural Affairs,—(1)

- (a) Will he inform this House—
 - (i) of the number of persons living in Sri Lanka at present who do not possess a National Identity Card;
 - (ii) as to why action was not taken to issue them with a National Identity Card;
 - (iii) whether action will be taken to issue them with a National Identity Card;
 - (iv) if so, in what manner will it be done; and
 - (v) of the date on which Identity Cards will be issued to them?
- (b) Will he state—
 - (i) whether the government is making arrangements to issue a new Electronic Identity Card;
 - (ii) if so, whether it will be possible under the aforesaid system to issue an identity card to all the Sri Lankan Citizens who are over 18 years of age;
 - (iii) the plan that has been developed for the aforesaid purpose;
 - (iv) the amount of money that is expected to be spent on the aforesaid new project; and
 - (v) whether any fee will be charged from the persons who obtain the aforesaid new Identity Card?
- (c) If not, why?

288/'15

9.

Hon. S. M. Marikkar,— To ask the Minister of City Planning and Water Supply,—(1)

- (a) Will he inform this House—
 - (i) whether the workers recruited through man power agencies and serving at National Water Supply and Drainage Board would be confirmed in service;
 - (ii) whether new recruitments through man power agencies will be done;
 - (iii) if so, what the recruitment procedure will be; and
 - (iv) of the date on which recruitments will be done?
 - (b) If not, why?
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AT THE COMMENCEMENT OF PUBLIC BUSINESS

Notice of Motions

1.

Hon. K. Kader Masthan,— Leave to introduce Bill (No.1),— That leave be granted to introduce the following Bill:—

“ Bill to incorporate the Jam’iyyathus Sahwa Al-Khairriyya (JASKA).”

2.

Hon. K. Kader Masthan,— Leave to introduce Bill (No.2),— That leave be granted to introduce the following Bill:—

“ Bill to incorporate the Sri Lanka Sethsewa Foundation.”

NOTICE OF MOTIONS AND ORDERS OF THE DAY

*1.

Minister of Labour and Trade Unions Relations,— Regulation under the Wages Boards Ordinance,— That the Regulation made by the Minister of Labour and Trade Unions Relations under Section 63 of the Wages Boards Ordinance (Chapter 136), which was presented on 12.01.2016, be approved.

(Cabinet approval signified.)

*2.

Fisheries and Aquatic Resources (Amendment) Bill — Second Reading.

*3.

Microfinance Bill — Second Reading.

*4.

Theravadi Bhikku Kathikawath (Registration) Bill — Second Reading.

*5.

Buddhist Temporalities (Amendment) Bill — Second Reading.

*6.

The Minister of Justice and Minister of Buddhasasana,— Order under the Mutual Assistance in Criminal Matters Act,— That the Order made by the Minister of Justice under subsection (3) of Section 2 of the Mutual Assistance in Criminal Matters Act, No. 25 of 2002 and published in the Gazette Extraordinary No.1926/46 of 6th August 2015, which was presented on 21.11.2015, be approved.

(Cabinet approval signified.)

*7.

Minister of Sports,— Regulations under the Sports Law,— That the Regulations made by the Minister of Sports under Section 41 of the Sports Law No. 25 of 1973 read with Section 31 of that Law, amending the Sections 13 and 17 contained in the National Sports Association Regulations No. 01 of 2013 published in the Gazette Extraordinary No. 1793/3 of 15th January 2013, and published in the Gazette Extraordinary No. 1940/7 of 9th November 2015, which were presented on 26.01.2016, be approved.

(Cabinet approval signified.)

*8.

Resolution for the appointment of the Constitutional Assembly—Adjourned question (09th January 2016) — Motion made and question proposed that “ WHEREAS there is broad agreement among the People of Sri Lanka that it is necessary to enact a new Constitution for Sri Lanka;

AND WHEREAS the People have at the Presidential Election held on 08th January, 2015 given a clear mandate for establishing a political culture that respects the rule of law and strengthens democracy;

AND WHEREAS His Excellency Maithripala Sirisena, President of the Democratic Socialist Republic of Sri Lanka has clearly expressed his desire to give effect to the will of the People expressed at the aforesaid Presidential Election by enacting a new Constitution that, *inter alia*, abolishing the Executive Presidency;

AND WHEREAS it has become necessary to enact a new Constitution that, *inter alia*, abolishes the Executive Presidency, ensures a fair and representative Electoral System which eliminates preferential voting, strengthens the democratic rights of all citizens, provides a Constitutional Resolution of the national issue, promotes national reconciliation, establishes a political culture that respects the rule of law, guarantees to the People’s fundamental rights and freedom that assure human dignity and promotes responsible and accountable government.

That this Parliament Resolves that —

1. There shall be a Committee of Parliament hereinafter referred to as the 'Constitutional Assembly' which shall consist of all Members of Parliament, for the purpose of deliberating, and seeking the views and advice of the People, on a new Constitution for Sri Lanka, and preparing a draft of a Constitution Bill for the consideration of Parliament in the exercise of its powers under Article 75 of the Constitution.
2. The Hon. Speaker of Parliament shall be the Chairman of the Constitutional Assembly. There shall be seven (7) Deputy Chairmen of the Constitutional Assembly, who shall be elected by the Constitutional Assembly.

In the absence of the Hon. Speaker, the Constitutional Assembly shall elect one of the Deputy Chairmen to chair the sittings of the Assembly.

3. The quorum for meetings of the Constitutional Assembly shall be twenty (20).
4. There shall be—
 - (a) Constitutional Advisors to the Constitutional Assembly;
 - (b) A Legal Secretary to the Constitutional Assembly and assistants to such Legal Secretary;
 - (c) Staff for the purpose of recording the proceedings of the Constitutional Assembly and the Committees referred to in Clause 5; and

(d) Media (including Social Media) Staff of the Constitutional Assembly.

The Media Staff shall set up and maintain a website and use other appropriate media, towards giving due publicity to the process for the adoption of a new Constitution for Sri Lanka.

The Media Staff shall ensure that the proceedings of the Constitutional Assembly and its Committees, as well as public representations / submissions are documented and published on such website along with such other relevant expert or technical opinions.

5. There shall be the following Sub-Committees of the Constitutional Assembly:—

- (a) A Steering Committee consisting of the Prime Minister (Chairman), Leader of the House of Parliament, Leader of the Opposition, the Minister of Justice, and not more than seventeen (17) other Members of the Constitutional Assembly to be appointed by the Constitutional Assembly.

The Steering Committee shall be responsible for the business of the Constitutional Assembly and for preparing a Draft of a new Constitution for Sri Lanka.

- (b) Such other Sub-Committees, consisting of Members of the Constitutional Assembly, which may be appointed by the Constitutional Assembly.

Provided that each such Sub-Committee shall comprise of not more than eleven (11) Members.

The Chairman of each Sub-Committee shall be appointed by the Steering Committee.

6. The Constitutional Assembly shall at its first sitting—

- (a) elect the Deputy Chairmen;
(b) determine the Sub-Committees referred to in Clause 5(b); and
(c) elect Members to the Sub-Committees referred to in Clause 5.

7. The Prime Minister shall, at the first meeting of the Constitutional Assembly, present a Resolution for adoption by the Constitutional Assembly, calling upon the Steering Committee to present a Resolution proposing a Draft Constitution for the consideration of the Constitutional Assembly, prior to its submission to the Cabinet of Ministers and Parliament.

8. The Constitutional Assembly is hereby authorised to conduct its sittings in the Chamber of Parliament,

Provided that the Constitutional Assembly may resolve to sit at any other specified location outside the Western Province.

Provided further that the presentation of papers, moving of resolutions and voting on any matter shall only take place in the Chamber of Parliament.

9. The Steering Committee may seek the services of any institution which services are necessary for the carrying out of the objects of the Constitutional Assembly or any Committee thereof.

10. The Steering Committee may appoint other experts to aid and advise the Constitutional Assembly and / or its various Sub-Committees.
11. The proceedings of the Constitutional Assembly shall be open to the public. The proceedings of the Constitutional Assembly and its Sub-Committees shall be documented and published forthwith. Where appropriate, the Constitutional Assembly shall take steps to ensure the broadcast of the proceedings of the Constitutional Assembly and / or its Sub-Committees.

For the avoidance of doubt it is hereby specifically resolved that the special leave of Parliament is specifically granted in terms of Section 17 of Parliament (Powers and Privileges) Act for the publication of the aforesaid matters.

For the avoidance of doubt it is further resolved that the proceedings of the Constitutional Assembly and the Sub-Committees referred to in Clause 5 shall be deemed to have been reported to Parliament simultaneously, and that the publication of any such proceedings, which publication is hereby specifically authorized, shall not constitute an offence in terms of Parliament (Powers and Privileges) Act.

12. The Constitutional Assembly shall have the power to invite any person for consultation and / or to make submissions before the Constitutional Assembly.
13. The Constitutional Assembly shall also have the power to invite any member of the Public Representations Committee for consultation and / or to make submissions and / or to report on the findings of the Public Representations Committee.
14. Subject to the provisions hereof, the Constitutional Assembly is hereby authorized to determine the procedure and mechanisms to be adopted in the conduct of its business:

Provided that such determination shall be made pursuant to a Resolution moved by the Prime Minister with the concurrence of the Steering Committee.

Notwithstanding anything to the contrary in the Standing Orders of Parliament, the rules of procedure of the Constitutional Assembly and its Sub-Committees shall be as set out in this Resolution.

15. Notice of the business of the Constitutional Assembly shall be given by the Prime Minister, such other Minister of the Cabinet nominated from time to time for such purpose by the Prime Minister, upon approval thereof by the Steering Committee.
16. The Sub-Committees referred to in Clause 5(b) shall submit their reports to the Steering Committee within ten (10) weeks of the appointment of each such Sub-Committee.
17. Upon the consideration of the Reports of the Sub-Committees appointed under Clause 5(b), and the report of the Public Representations Committee, the Steering Committee shall submit a Report to the Constitutional Assembly. Such Report may be accompanied by a Draft Constitution.

18. The Constitutional Assembly shall thereafter debate the general merits and principles of the Report and the Draft Constitution (if applicable), and may also debate proposed amendments. At the end of such debate the question that “the Steering Committee be required to submit a final report and a Resolution on a Draft Constitution” shall be put to the Constitutional Assembly by the Chair.
19. The Steering Committee shall thereafter, considering the amendments, if any, proposed during the debate, submit a Final Report and a Resolution containing a Draft Constitution for the consideration of the Constitutional Assembly. The Prime Minister shall move that such Final Report and the Resolution containing the Draft Constitution be approved by the Constitutional Assembly.
20. The following procedure shall be adopted during the debate referred to in Clause 18:—

The Chairman or in his absence one of the Deputy Chairmen shall read the number of each Clause in succession.

 - (i) Any amendment may be made to a Clause, or Clauses may be deleted or new Clauses may be added.
 - (ii) The principle of the Draft Constitution shall not be discussed during this stage of the debate but only its details.
 - (iii) No amendment can be proposed inconsistent with any decision come to upon any previous part of the Draft Constitution.
 - (iv) After a Draft Constitution has been read through, and prior to the conclusion of the debate on the Draft, any Member may, with leave of the Chairman, move an amendment of any Clause already passed.
 - (v) A Clause may be postponed, unless upon an amendment thereto a question shall have been fully put from the Chair.
 - (vi) Postponed Clauses shall be considered after the remaining Clauses of the Draft Constitution have been considered and before new Clauses are brought in.
 - (vii) New Clauses may be offered before the Schedules to the Draft Constitution are considered and shall be deemed to have been read the first time. The questions which follow thereupon shall be “That the Clause be read a second time” and “That the Clause (or the Clause as amended) be added to the Draft”.
 - (viii) New Schedules may be offered after the Schedules to the Draft Constitution have been disposed of and shall be treated in the same manner as new Clauses.
 - (ix) When every Clause and Schedule and proposed new Clause or Schedule have been dealt with, the Preamble, if there be one, shall be considered and a question put “That this be the Preamble of the Draft ”.
 - (x) If any amendment be necessary to the title of the Draft Constitution, it shall be made at the conclusion of the proceedings detailed above.

21. The provisions of Standing Order Nos. 42, 43 and 44 of the Parliament shall *mutatis mutandis* apply to the proceedings of the Constitutional Assembly.
22. If two-thirds of the Constitutional Assembly does not approve the resolution on the Draft Constitution, the Constitutional Assembly and the Committees referred to in this Resolution shall stand dissolved.
23. If the Constitutional Assembly approves the Resolution on the Draft Constitution by a two-thirds majority, the Report and the Draft Constitution shall be submitted by the Steering Committee to the Cabinet of Ministers, and thereupon the Constitutional Assembly and the Sub-Committees referred to in this Resolution shall stand dissolved.
24. The Cabinet of Ministers shall certify the Bill contained in such Report as a Bill to repeal and replace the Constitution as a whole in terms of Article 75(b) and Article 120(b) of the Constitution and that such Bill is intended to be passed with the special majority required by Article 83 of the Constitution and submitted to the People by Referendum.
25. The Bill shall thereafter be published in the Gazette as required by Article 78(1) of the Constitution.
26. The President shall thereafter refer the Bill to every Provincial Council, for the expression of the views of every such Council, as required by Article 154G(2) of the Constitution.
27. The Prime Minister shall thereafter present such Bill to Parliament and such Bill shall be placed on the Order Paper of Parliament.
28. After the presentation of such Bill to Parliament as aforesaid the Prime Minister shall move that the Bill be passed by Parliament by a special majority required under Article 83 of the Constitution.

If not less than two-thirds of the whole number of the Members of Parliament vote in favour of the said Bill, the Speaker shall make an appropriate certification in terms of Article 79 of the Constitution, that the Bill has been duly passed by Parliament by a special majority, and that the Bill shall not become law until approved at a Referendum by the People in whom the sovereignty of Sri Lanka vests.
29. Thereafter the Bill shall be submitted by the President in terms of Article 85(1) of the Constitution, to the People by Referendum for their approval.
30. If the Bill is approved by the People at a Referendum, the Bill shall become law upon the President certifying the Bill in terms of Article 80(2) of the Constitution.
31. The expenses of the Constitutional Assembly, the Sub-Committees referred to in Clause 5, and the staff and advisors appointed in terms of this Resolution, shall be charged on the Consolidated Fund, and Parliament shall take appropriate steps in respect of same in terms of Article 150 of the Constitution.

32. For the avoidance of doubt, it is hereby declared that the adoption or rejection or adoption subject to amendment of such a Draft Constitution as proposed by the Constitutional Assembly, shall be the responsibility of Parliament.
33. For the avoidance of doubt, it is hereby further declared that a Constitution Bill shall only be enacted into law if it is passed in Parliament by a special majority of two-thirds of the whole number of the Members of Parliament, including those not present and subsequently approved by the people at a Referendum as required by Article 83 of the Constitution.”

*9.

The Minister of Development Strategies and International Trade,— Regulations under the Imports and Exports (Control) Act,— That the Regulations made by the Minister of Finance under Section 20 read with Sub-section (3) of Section 14 of the Imports and Exports (Control) Act, No. 1 of 1969 as amended by Act No. 48 of 1985 and Act, No. 28 of 1987 and published in the Gazette Extraordinary No. 1903/41 of 26th February 2015, which were presented on 23.09.2015, be approved.

(Cabinet approval signified.)

*10.

The Minister of Finance,— Order under the Stamp Duty (Special Provisions) Act,— That the Order made by the Minister of Finance and Planning under Section 3 of the Stamp Duty (Special Provisions) Act, No. 12 of 2006 read with Article 44(2) of the Constitution, relating to Stamp Duty and published in the Gazette Extraordinary No. 1882/17 of 30th September 2014, which was presented on 23.09.2015, be approved.

(Cabinet approval signified.)

*11.

The Minister of Finance,— Notification under the Excise Ordinance,— That the Notification made by the Minister of Finance, under Section 28(a) read with Section 16(c) of the Excise Ordinance (Chapter 52), as amended from time to time regarding Excise License Fee and published in the Gazette Extraordinary No. 1901/19 of 13th February 2015, which was presented on 23.09.2015, be approved.

(Excise Notification No. 973)

(Cabinet approval signified.)

* *Indicates Government Business*
