



*(Eighth Parliament - First Session)*

No. 246. ]

## MINUTES OF PARLIAMENT

Tuesday, March 20, 2018 at 1.00 p.m.

### PRESENT :

**Hon. Karu Jayasuriya**, Speaker

**Hon. Thilanga Sumathipala**, Deputy Speaker and Chairman of Committees

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**Hon. Ranil Wickremesinghe**, Prime Minister and Minister of National Policies and Economic Affairs

**Hon. (Mrs.) Thalatha Atukorale**, Minister of Justice

**Hon. Wajira Abeywardana**, Minister of Home Affairs

**Hon. John Amaratunga**, Minister of Tourism Development and Christian Religious Affairs

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

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

**Hon. Dayasiri Jayasekara**, Minister of Sports

**Hon. Navin Dissanayake**, Minister of Plantation Industries

**Hon. S. B. Dissanayake**, Minister of Social Empowerment, Welfare and Kandyan Heritage

**Hon. S. B. Nawinne**, Minister of Internal Affairs, Wayamba Development and Cultural Affairs

**Hon. Gamini Jayawickrama Perera**, Minister of Buddhasasana

**Hon. A. D. Susil Premajyantha**, Minister of Science, Technology and Research

**Hon. Sagala Ratnayaka**, Minister of Project Management, Youth Affairs and Southern Development

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

**Hon. Chandima Weerakkody**, Minister of Skills Development and Vocational Training

**Hon. Ravindra Samaraweera**, Minister of Sustainable Development and Wildlife

**Hon. W. D. J. Senewiratne**, Minister of Labour, Trade Union Relations and

## Sabaragamu Development

**Hon. D. M. Swaminathan**, Minister of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs

**Hon. Rauff Hakeem**, Minister of City Planning and Water Supply

**Hon. Abdul Haleem**, Minister of Post, Postal Services and Muslim Religious Affairs

**Hon. Field Marshal Sarath Fonseka**, Minister of Regional Development

**Hon. Lakshman Yapa Abeywardena**, State Minister of Public Enterprise Development

**Hon. Wasantha Aluwihare**, State Minister of Agriculture

**Hon. T. B. Ekanayake**, State Minister of Lands

**Hon. Piyasena Gamage**, State Minister of Project Management, Youth Affairs and Southern Development

**Hon. Mohan Lal Grero**, State Minister of Higher Education

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

**Hon. A. D. Premadasa**, State Minister of Industry and Commerce Affairs

**Hon. Eran Wickramaratne**, State Minister of Finance

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

**Hon. Sujeewa Senasinghe**, State Minister of International Trade

**Hon. Lakshman Senewiratne**, State Minister of Science, Technology and Research

**Hon. Vasantha Senanayake**, State Minister of Foreign Affairs

**Hon. M. L. A. M. Hizbullah**, State Minister of Rehabilitation and Resettlement

**Hon. A. H. M. Fowzie**, State Minister of National Integration and Reconciliation

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

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

**Hon. J. C. Alawathuwala**, Deputy Minister of Home Affairs

**Hon. Anuradha Jayaratne**, Deputy Minister of Mahaweli Development and Environment

**Hon. Palitha Kumara Thewarapperuma**, Deputy Minister of Internal Affairs, Wayamba Development and Cultural Affairs

**Hon. H. R. Sarathie Dushmantha**, Deputy Minister of Justice and Deputy Minister of Buddhasasana

**Hon. Manusha Nanayakkara**, Deputy Minister of Foreign Employment

**Hon. Karunarathna Paranawithana**, Deputy Minister of Skills Development and Vocational Training

**Hon. Ranjan Ramanayake**, Deputy Minister of Social Empowerment, Welfare and Kandyan Heritage

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**Hon. Hector Appuhamy**

**Hon. Mahinda Yapa Abeywardena**

**Hon. Thushara Indunil Amarasena**

**Hon. Dullas Alahapperuma**

**Hon. Ananda Aluthgamage**

**Hon. Mahindananda Aluthgamage**

**Hon. Ranjith Aluvihare**

**Hon. Ravi Karunanayake**

**Hon. A. Aravindh Kumar**

**Hon. J. M. Ananda Kumarasiri**

**Hon. Velu Kumar**

**Hon. Chandrasiri Gajadeera**

**Hon. Chandima Gamage**

**Hon. Udaya Prabhath Gammanpila**

**Hon. Nihal Galappaththi**

**Hon. Dinesh Gunawardena**

**Hon. Bandula Gunawardane**

**Hon. Edward Gunasekera**

**Hon. Padma Udayashantha Gunasekera**

**Hon. S. M. Chandrasena**

**Hon. D. V. Chanaka**

**Hon. Sisira Jayakody**

**Hon. Malith Jayathilake**

**Hon. (Dr.) Nalinda Jayathissa**

**Hon. Anura Sidney Jayarathne**

**Hon. Piyankara Jayaratne**

**Hon. Lucky Jayawardana**

**Hon. Mylvaganam Thilakarajah**

**Hon. Janaka Bandara Tennakoon**

**Hon. Sirinal de Mel**

**Hon. Piyal Nishantha De Silva**

**Hon. Mohan Priyadarshana De Silva**

**Hon. T. Ranjith De Zoysa**  
**Hon. Anura Dissanayaka**  
**Hon. Mayantha Dissanayake**  
**Hon. Salinda Dissanayake**  
**Hon. Douglas Devananda**  
**Hon. Mohamed Navavi**  
**Hon. Mohamadu Nazeer**  
**Hon. Vasudeva Nanayakkara**  
**Hon. I. Charles Nirmalanathan**  
**Hon. (Dr.) Ramesh Pathirana**  
**Hon. K. K. Piyadasa**  
**Hon. Sujith Sanjaya Perera**  
**Hon. Johnston Fernando**  
**Hon. Ashoka Priyantha**  
**Hon. (Mrs.) Hirunika Premachandra**  
**Hon. Bandula Lal Bandarigoda**  
**Hon. Tharaka Balasuriya**  
**Hon. Vijitha Berugoda**  
**Hon. S. M. Marikkar**  
**Hon. Seyed Ali Zahir Moulana**  
**Hon. K. Kader Masthan**  
**Hon. Imran Maharroof**  
**Hon. Ajith Mannapperuma**  
**Hon. (Prof.) Ashu Marasinghe**  
**Hon. S. C. Mutukumarana**  
**Hon. Bimal Rathnayake**  
**Hon. Lohan Ratwatte**  
**Hon. Prasanna Ranatunga**  
**Hon. Keheliya Rambukwella**  
**Hon. Ishak Rahuman**  
**Hon. Mujibur Rahuman**  
**Hon. Chamal Rajapaksa**  
**Hon. Angajan Ramanathan**  
**Hon. Nimal Lanza**  
**Hon. Gamini Lokuge**  
**Hon. Janaka Wakkumbura**  
**Hon. Vidura Wickramanayaka**

**Hon. (Dr.) Jayampathy Wickramaratne**  
**Hon. A. A. Wijethunga**  
**Hon. (Dr.) (Mrs.) Thusitha Wijemanna**  
**Hon. Lakshman Ananda Wijemanne**  
**Hon. (Mrs.) Rohini Kumari Wijerathna**  
**Hon. Chaminda Wijesiri**  
**Hon. Duleep Wijesekera**  
**Hon. Kanchana Wijesekera**  
**Hon. Heshan Withanage**  
**Hon. Thenuka Vidanagamage**  
**Hon. Wimal Weerawansa**  
**Hon. Kumara Welgama**  
**Hon. Jayantha Samaraweera**  
**Hon. Sandith Samarasinghe**  
**Hon. Vadivel Suresh**  
**Hon. Shehan Semasinghe**  
**Hon. Sunil Handunnetti**  
**Hon. Wijepala Hettiarachchi**  
**Hon. Indika Anuruddha Herath**  
**Hon. Kanaka 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 announcements:

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“ I wish to inform the determination of the Supreme Court on the Bill entitled “Active Liability Management” in respect of which petitions have been filed in the Supreme Court in terms of Article 121(1) of the Constitution.

The Supreme Court has determined that the provisions of the Bill are not inconsistent with 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 the Parliament that I have received copies of Seven petitions filed at the Supreme Court under Article 121(1) of the Constitution in respect of the Bill entitled “Judicature (Amendment)”.

## III

“ I wish to inform that I have endorsed the certificate on the Bills entitled “Anti-Dumping and Countervailing Duties”, “Safeguard Measures” and “Excise (Amendment)” on 19<sup>th</sup> of March 2018 in terms of the Provisions of Article 79 of the Constitution of the Democratic Socialist Republic of Sri Lanka.”

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

- (i) The Second Instalment – Part XXV of the Report of the Auditor–General for the Financial Year 2014; and
- (ii) The Second Instalment – Part XII and XIII and Third Instalment – Part V of the Report of the Auditor–General for the Financial Year 2016

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 Minister of Lands and Parliamentary Reforms presented the Annual Report of the Ranaviru Seva Authority for the year 2014 and moved that this Report be referred to the Sectoral Oversight Committee on National Security.

Question put, and agreed to.

(3) The Minister of Lands and Parliamentary Reforms presented the —

- (i) Annual Report of the National Transport Commission for the year 2015;
- (ii) Regulations made by the Minister of Transport and Civil Aviation under Section 237 of the Motor Traffic Act (Chapter 203) read with Sections 8, 14 and 30 of the aforesaid Act relating to Motor Traffic (Fees) Regulations and published in the Gazette Extraordinary No. 2054/6 of 15<sup>th</sup> January 2018;
- (iii) Regulations made by the Minister of Transport and Civil Aviation under Section 237 of the Motor Traffic Act (Chapter 203) read with Section 143 of the aforesaid Act relating to Motor Traffic (Expressway) Regulations and published in the Gazette Extraordinary No. 2054/8 of 15<sup>th</sup> January 2018; and
- (iv) Regulations made by the Minister of Transport and Civil Aviation under Section 237 of the Motor Traffic Act (Chapter 203) read with Section 215A of the aforesaid Act relating to spot fine Regulations and published in the Gazette Extraordinary No. 2054/9 of 15<sup>th</sup> January 2018.

and moved that this Report and Regulations be referred to the Sectoral Oversight Committee on Transport and Communication.

Question put, and agreed to.

(4) The Minister of Lands and Parliamentary Reforms presented the Notification made by the Minister of Finance and Mass Media, under Section 25 read with Section 32 of the Excise Ordinance (Chapter 52) relating to Annual Liquor License Fees and published in the Gazette Extraordinary No. 2049/4 of 11<sup>th</sup> December 2017 and moved that this Notification be referred to the Committee on Public Finance.

(Excise Notification No. 1004)

Question put, and agreed to.

(5) The Minister of Lands and Parliamentary Reforms presented the —

- (i) Order made by the Minister of Higher Education and Highways under Section 27(1) of the Universities Act, No. 16 of 1978 on the recommendation of the University Grants Commission with regard to the establishment of a Department of Philosophy and Value Studies in the Faculty of Arts and Culture of the Eastern University and published in the Gazette Extraordinary No. 1995/27 of 01<sup>st</sup> December 2016; and
- (ii) Order made by the Minister of Higher Education and Highways under Section 27(1) of the Universities Act, No. 16 of 1978 on the recommendation of the University Grants Commission with regard to the establishment of a Department of Philosophy and Psychology in the Faculty of Humanities and Social Sciences and a Department of Sports of Science in the Faculty of Applied Sciences of the University of Sri Jayewardenapura and published in the Gazette Extraordinary No. 2045/17 of 15<sup>th</sup> November 2017.

and moved that these Orders be referred to the Sectoral Oversight Committee on Education and Human Resources Development.

Question put, and agreed to.

(6) The Minister of Lands and Parliamentary Reforms presented the Annual Report of the University of Vocational Technology for the year 2014 and moved that this Report be referred to the Sectoral Oversight Committee on Education and Human Resources Development.

Question put, and agreed to.

(7) The Minister of Lands and Parliamentary Reforms presented the Order made by the Minister of Development Strategies and International Trade under Section 3(4) of the Strategic Development Projects Act, No. 14 of 2008 and published in the Gazette Extraordinary No. 2051/38 of 29<sup>th</sup> December 2017 amending the Order published in the Gazette Extraordinary No. 1867/5 of 16<sup>th</sup> June 2014 and moved that this Order be referred to the Sectoral Oversight Committee on Economic Development.

Question put, and agreed to.

**3. Presentation of Reports from Committees :** (1) Hon. Mohamed Navavi Member of the Committee on behalf of Hon. M. A. Sumanthiran, the Chairman of the Committee on Public Finance presented the Report of the said Committee on,

- (i) Orders under Section 3 of Excise (Special Provisions) Act, No. 13 of 1989;
- (ii) Note on the Supplementary Allocations given from the Budgetary Support Services and Contingent Liabilities provision made under the Department of National Budget as per the Introduction Note of the Annual Estimates; and
- (iii) Revision of Salaries and Allowances of the Hon. Chief Justice and the Judges of the Superior Courts

which were referred to the said Committee.

Ordered that the said Report do lie upon the Table.

(2) Hon. Ashok Abeysinghe, Member of the Committee on behalf of Hon. J. M. Ananda Kumarasiri, the Chairman of the Sectoral Oversight Committee on Economic Development presented the Report of the said Committee on,

- (i) Demutualization of the Colombo Stock Exchange (CSE) Bill;
- (ii) Annual Report and Accounts of the Institute of Policy Studies of Sri Lanka for the year 2013;
- (iii) Annual Report of the Sri Lanka Export Development Board for the year 2015;
- (iv) Annual Reports of the Board of Investment of Sri Lanka for the years 2013 and 2014; and
- (v) Performance Report of the Department of National Physical Planning for the year 2015

which were referred to the said Committee.

Ordered that the said Report do lie upon the Table.

**4. Petitions :**

- (1) Hon. Mahindananda Aluthgamage presented a petition dated 20.06.2016 from Mr. S.S. Fernando of "Sethsiri", Wendesiwaththa, Weediyaawaththa, Udugampola.
- (2) Hon. Lucky Jayawardana presented a petition dated 20.01.2018 from Mr. B.G. Jayasena Bogahalanda of No. 103, Bogahalanda, Godompitiya, Thalathuoya.

The Petitions stood referred under Standing Order No. 25A of the Parliament, to the Committee on Public Petitions.

**5. Trusts (Amendment) Bill :** Order for Second Reading read.

The Minister of Public Enterprise and Kandy Development on behalf of the Minister of Justice moved,— That the Bill be now read a second time.

The Minister of Tourism Development and Christian Religious Affairs moved,— That Hon. Lucky Jayawardana do take the Chair.

Question put, and agreed to.

(At 2.24 p.m. Hon. Lucky Jayawardana took the Chair.)



The Minister of Labour, Trade Union Relations and Sabaragamu Development moved,—That Hon. Edward Gunasekara do take the Chair.

Question put, and agreed to.

(At 3.30 p.m. Hon. Edward Gunasekara took the Chair.)

The Minister of Social Empowerment, Welfare and Kandyan Heritage moved,—That Hon. Lucky Jayawardana do take the Chair.

Question put, and agreed to.

(At 5.09 p.m. Hon. Lucky Jayawardana took the Chair.)

Question put, and agreed to.

Bill accordingly read a second time.

The Minister of Justice 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.

Clause 1 was agreed to.

Clause 2

The Minister of Justice proposed an amendment to leave out lines 7 and 8 in page 1 and substitute the following:—

“amended as follows:-

- (1) by the repeal of paragraph (e) of that section and the substitution therefor of the following paragraph:-”

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

The Minister of Justice proposed another amendment to leave out line 12 in page 1 and substitute the following:—

“(2) by the addition immediately after paragraph (o) of that section, of the following paragraphs:-

“(p) “express trust” means a trust that is created by the author of the trust generally in the form of an instrument in writing with certainty indicating the intention of the trust, but does not include a constructive trust or a de facto trust whether charitable or not ”

“(q) “prescribed” means prescribed by regulations made”;

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.

Clause 3

The Minister of Justice proposed an amendment to leave out line 19 in page 1 and substitute the following:—

“information as may be prescribed in respect of every express trust,”;

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

The Minister of Justice proposed another amendment to leave out line 22 in page 1 and substitute the following:—

“movable property in respect of an express trust shall forward to the Registrar-”;

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

The Minister of Justice proposed another amendment to leave out line 7 in page 2 and substitute the following:—

“to any express trust, kept in the register maintained”;

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.

Clause 4

The Minister of Justice proposed an amendment to leave out line 21 in page 2 and substitute the following:—

“creation of an express trust under section 6:-”;

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

The Minister of Justice proposed another amendment to leave out line 4 in page 3 and substitute the following:—

“(3) Where an express trust has been created for the”;

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

The Minister of Justice proposed another amendment to leave out line 10 in page 3 and substitute the following:—

“(4) Where an express trust has been created for the”;

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

The Minister of Justice proposed another amendment to leave out line 23 in page 3 and substitute the following:—

“persons who ultimately own the benefits of an express”;

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

The Minister of Justice proposed another amendment to leave out line 25 in page 3 and substitute the following:—

“or persons on whose behalf an express trust is being”;

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

The Minister of Justice proposed another amendment to leave out line 30 in page 3 and substitute the following:—

“19B. (1) (a) A trustee and a co-trustee, if any, of an express trust”;

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

The Minister of Justice proposed another amendment to leave out line 14 in page 4 and substitute the following:—

“(2) (a) A trustee of an express trust shall, when entering into a”.

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 5 to 8 were agreed to.

Enacting Clause and Title

Question that the Enacting Clause and Title stand part of the Bill, put, and agreed to.

Question put, and agreed to.

Bill reported with Amendments.

The Minister of Justice 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. Regulations under the Judicature Act :** The Minister of Justice moved,— That the Regulations made by the Minister of Justice with the concurrence of the Chief Justice, under Section 61 read with Section 60 of the Judicature Act, No.2 of 1978 and published in the Gazette Extraordinary No. 2050/34 of 21<sup>st</sup> December 2017, which were presented on 20.02.2018, be approved.

Question put, and agreed to.

**7. Rules under the Council of Legal Education Ordinance :** The Minister of Justice moved,— That the Rules made by the Incorporated Council of Legal Education with the concurrence of the Minister of Justice, under Section 7 of the Council of Legal Education Ordinance (Chapter 276) and published in the Gazette Extraordinary No. 2047/27 of 28<sup>th</sup> November 2017, which were presented on 20.02.2018, be approved.

Question put, and agreed to.

**8. Order under the Sri Lanka Export Development Act:** The Minister of Justice on behalf of the Minister of Development Strategies and International Trade moved,— That the Order made by the Minister of Development Strategies and International Trade under Section 14 of the Sri Lanka Export Development Act, No. 40 of 1979 relating to Cess and Published in the Gazette Extraordinary No. 2047/2 of 27<sup>th</sup> November 2017, which was presented on 23.01.2018, be approved.

Question put, and agreed to.

**9. Adjournment (Implementation of Samurdhi Programme in 23 Grama Niladhari Divisions of Mullaitivu District) :** 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 6.41 p.m. adjourned until 1.00 p.m. on Wednesday, March 21, 2018.