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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Proclamations &c., by the President

P. O. No. CSA/10/3/04.

A PROCLAMATION BY HIS EXCELLENCY THE PRESIDENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA



MAHINDA RAJAPAKSA.

To:

1. M. P. Paranagama Esquire
2. S. M. J. Senaratne Esquire
3. D. D. M. Widyasekera Esquire

Greetings!

WHEREAS it appears to me to be necessary to establish a Commission of Inquiry for the purpose of inquiring into matters hereinafter mentioned, being matters in respect of which an inquiry will, in my opinion, be in the public interest.

Now therefore, I, Mahinda Rajapaksa, President of the Democratic Socialist Republic of Sri Lanka, reposing great trust and confidence in your prudence, ability and fidelity, do, in pursuance of Section 2 (c) of the Commissions of Inquiry Act (Chapter 393), by these presents appoint you;

1. M. P. Paranagama Esquire (Chairman)
2. S. M. J. Senaratne Esquire
3. D. D. M. Widyasekera Esquire

to be the Commissioners to inquire and report on the following matters in the light of the VAT fraud that is alleged to have taken place at the Inland Revenue Department in the process of making VAT refund in terms of Value Added Tax Act No. 14 of 2002 (as amended), especially during the period 01.10.2002 to 25.08.2004.

1. Whether VAT refunds have in fact been made to any companies, not entitled to VAT refunds;
2. If such VAT refunds have in fact been made, have they been made in contravention of any applicable statute and/or guidelines of the Inland Revenue Department.

3. Whether the companies, who have received VAT refunds while being not entitled, were legally in existence during the period within which such VAT refunds have been made;
4. If any irregularities have in fact taken place in relation to such VAT refunds, identify the officers and other persons who are responsible for the same;
5. Whether the officers so responsible have followed proper systems and procedures to ensure that their supervisory responsibilities have been duly fulfilled;
6. Based on the findings of the inquiry, make recommendations on measures that could be taken to prevent the possible occurrence of similar incidents in the future.

AND I do hereby authorize and empower you the said Commissioners to hold all such inquiries and make all such other investigations into the aforesaid matters as may be necessary and avail the assistance of technically competent persons whose assistance you may need to arrive at findings and remunerate them suitably, and also require you to submit to me within 6 (six) months from the date hereof a report thereon, under your hands, setting out the findings of your inquiries and your recommendations thereto.

AND I do hereby direct that such part of any inquiry relating to the aforesaid matters as you may in your discretion determine shall not be held in public;

AND I do hereby require and direct all public officers and other persons to whom you may apply for assistance or information for the purposes of your inquiries and investigations to render all such assistance and furnish all such information as may be properly rendered and furnished, in that behalf;

AND I do hereby declare that the provisions of section 14 of the aforesaid Commissions of Inquiry Act shall apply to this Commission;

Given at Colombo, under the seal of the Democratic Socialist Republic of Sri Lanka, on this 21st day of September, Two Thousand and Seven.

By His Excellency's command,

LALITH WEERATUNGA,
Secretary to the President.