



[Seventh Parliament -First Session]

No. 222.]

ORDER PAPER OF PARLIAMENT

FOR

Friday, November 09, 2012 at 9.30 a.m.

QUESTIONS FOR ORAL ANSWERS

1370/11

1.

Hon. Buddhika Pathirana,— To ask the Minister of Local Government and Provincial Councils,—(4)

(a) Is he aware that —

- (i) the Weligama Urban Council has taken over an extent of 18.235 perches from the land known as Thanigahawatta, at No 153/1, new Galle road, Kapparatota, Weligama belonging to Mr. S.T.K. Jayaweera and brothers at 'Darshana', kapparatota, Weligama in the Weligama Pradeshiya Sabha area;
- (ii) though it is now nearly a year since this taking over, no compensation has been paid so far; and
- (iii) the Weligama Urban Council has now put up buildings covering the adjoining lands belonging to Mr. S.T.K. Jayaweera and brothers in addition to the land taken over by way of a Gazette Notification?

(b) Will he state—

- (i) the reasons for not paying compensation against the land that was taken over;
- (ii) if compensation will be paid, the time it will take; and
- (iii) the amount that will be paid as compensation?

(c) Will he inform this House—

- (i) whether a compensation will also be paid against those portions of lands which were used to put up the buildings mentioned in (iii) above;
- (ii) if so, the amount to be paid as compensation?

(d) If not, why?

1543/'11

2.

Hon. Ravi Karunanayake,— To ask the Prime Minister and Minister of Buddha Sasana and Religious Affairs,—(2)

- (a) Will he inform this House—
 - (i) of the monthly salary payable to a Cabinet Minister from 1st June 2011;
 - (ii) of the other perks that a Minister and the staff assigned to a Minister enjoy per month;
 - (iii) of the monthly salary payable to Deputy Ministers from 1st June 2011 ; and
 - (iv) of the other perks that a Deputy Minister and his staff enjoy per month?
- (b) Will he also state —
 - (i) the monthly salary drawn by a Minister or a Deputy Minister if he or she is paid the monthly salary entitled to a Member of Parliament;
 - (ii) whether the Ministers/Deputy Ministers enjoy the benefits referred to in part (a) as a Member of Parliament;
 - (iii) whether the Ministers/ Deputy Ministers are paid a sufficient salary; and
 - (iv) if so, as to how the matter is rectified?
- (c) If not, why?

1903/'11

3.

Hon. Dayasiri Jayasekara,— To ask the Minister of Mass Media and Information,—(3)

- (a) Will he state—
 - (i) whether the ownership of Carlton Sports Network is with the government or an institution affiliated to the government;
 - (ii) if its ownership is with a private institution, the name/names and address/addresses of the owner/owners of that institution; and
 - (iii) the names and addresses of the Board of Directors of that institution?

(3)

- (b) Will he inform this House of—
- (i) the date on which telecasting of Carlton Sports Network was started or is due to be started;
 - (ii) the frequency range allocated for the purpose of starting that channel;
 - (iii) the period of time for which telecasting rights were granted to Carlton Sports Network; and
 - (iv) the documents that granted approval for starting that channel and the agreements relevant to the granting of broadcasting rights?
- (c) Will he state—
- (i) the amount paid for starting that channel; and
 - (ii) whether the documents relevant to the aforesaid payment will be submitted?
- (d) If not, why?

2028/11

4.

Hon. Sajith Premadasa,— To ask the Minister of Technology and Research,—(5)

- (a) Will she inform whether there is a methodology to obtain information on the new inventions, new discoveries and machinery produced by the talented craftsmen living in various parts of this country?
- (b) Will she admit the facts that—
- (i) most of the new inventors of this country are unable to improve their inventions and make progress for want of a strong economic footing ; and
 - (ii) those with necessary means in the society are reluctant to help this category of people financially?
- (c) Will she state whether she will take necessary steps to—
- (i) subject to a correct evaluation the benefits accrued to the economy and the people of this country through the products of the new inventors ; and
 - (ii) encourage the inventors who have produced useful new inventions and promote the production of such items as an industry?
- (d) If not, why ?

2106/'11

5. Hon. (Mrs.) Rosy Senanayake,— To ask the Minister of Education,—(3)

(a) Will he state—

- (i) separately on district basis the number of government schools in terms of their medium of instruction;
- (ii) separately the number of National schools, Provincial schools, Novodya schools and Isuru schools;
- (iii) the number of primary and secondary schools; and
- (iv) the number of schools that belong to the 1000 secondary schools project;

in relation to the schools operative in the plantation sector in Sri Lanka at present ?

(b) Will he inform this House—

- (i) separately, at district or zonal level, the results of Grade 5 Scholarship Examination, Ordinary Level Examination and Advanced Level Examination of the students in the plantation sector for the last 5 years; and
- (ii) of the measures taken to ensure that the students in the plantation sector can obtain better results ?

(c) If not, why?

2296/'12

6. Hon. Akila Viraj Kariyawasam,— To ask the Minister of Education,—(3)

(a) Will he state—

- (i) separately, the years in which the projects named “Isuru Schools” and “Navodya Schools” were commenced;
- (ii) the objectives of starting “ Isuru Schools” and “ Navodya Schools”; and
- (iii) whether the aforesaid projects are implemented even at present ?

(b) Will he also state—

- (i) the amount of local funds provided;
- (ii) the amount of foreign funds provided; and
- (iii) the institutions that have granted foreign funds, the amount of funds granted and the relevant years separately;

for “Isuru Schools” and “Navodya Schools” projects ?

(5)

(c) Will he also state—

- (i) at district level, the number of schools developed under the aforesaid projects from the year of commencement upto now;
- (ii) separately, the number of “Isuru Schools” and “Navodya Schools” expected to be developed in the next 10 years under the aforesaid projects; and
- (iii) the number of “Isuru Schools” and “Navodya Schools” which are included in the project of 1000 secondary schools implemented at district level ?

(d) If not, why?

2378/12

7.

Hon. (Mrs.) Anoma Gamage,— To ask the Minister of External Affairs,—(2)

(a) Will he state—

- (i) the number of foreign tours undertaken by the government in the year 2011 with the objective of strengthening friendly diplomatic relationships for the development of Sri Lanka and soliciting international support required to minimize foreign influence tarnishing the image of Sri Lanka;
- (ii) the names of those who participated in the aforesaid foreign tours;
- (iii) the amount of money spent on them; and
- (iv) the benefits accrued to the country as a result of the aforesaid foreign tours ?

(b) If not, why ?

2503/12

8.

Hon. (Mrs.) Thalatha Atukorale,— To ask the Minister of Mass Media and Information,— (2)

(a) Will he state separately—

- (i) the number of media personnel who had registered with the government in each of the years during the period from the year 2005; and
- (ii) the number of media personnel who disappeared and the number of media personnel who were killed during the aforesaid period ?

(6)

- (b) Will he inform this House—
- (i) separately, of the number of registered newspapers, radio channels, television channels and websites as at 2011;
 - (ii) of the number of media institutions which were banned during the period from the year 2005 up to now; and
 - (iii) of the reasons for banning each of the aforesaid media institutions ?
- (c) If not, why ?

2530/12

9.

Hon. Anura Dissanayaka,— To ask the Minister of Higher Education,—(1)

- (a) Will he inform this House—
- (i) of the date on which the decision to conduct leadership training courses for university students was taken;
 - (ii) of the number of batches of students to whom the aforesaid training has been provided by now;
 - (iii) separately, of the number of children included in each batch that participated in the aforesaid training course;
 - (iv) of the places at which the leadership training was provided to students;
 - (v) of the number of military camps which were used as training centres out of the aforesaid places;
 - (vi) separately, of the number of students who received training at each of the aforesaid places;
 - (vii) separately, of the amount of money spent for the aforesaid training in each year; and
 - (viii) the expenditure head from which the aforesaid money was spent ?
- (b) If not, why?

2549/12

10.

Hon. Sunil Handunnetti,— To ask the Prime Minister and Minister of Buddha Sasana and Religious Affairs,—(1)

- (a) Will he inform this House—
- (i) whether complaints have been received by the Sri Lanka Police, regarding incidents of a extortion in the fish market at Peliyagoda ;
 - (ii) of the steps that have been taken so far upon the investigations conducted on these complaints;
 - (iii) of the number of persons taken into custody upon these complaints ; and
 - (iv) whether a list of names of the persons so apprehended will be submitted to this House ?
- (b) If not, why ?

2776/12

11.

Hon. Ajith P. Perera,— To ask the Minister of Local Government and Provincial Councils,—(2)

- (a) Will he state whether a building has been constructed by the Bandaragama Pradeshiya Sabha at Niwdawa in Bandaragama for the use of a project under which food stuffs are dried and made available in packets by using machines?
- (b) If so, will he inform this House in relation to the aforesaid project—
- (i) of the year of commencement;
 - (ii) of the amount of money invested;
 - (iii) of the number of jobs that have been provided by now; and
 - (iv) of the income generated from the date of commencement?
- (c) If not, why?

1889/11

12.

Hon. Buddhika Pathirana,— To ask the Minister of Health,—(1)

- (a) Is he aware that—
- (i) the mortuary of the Mawarala Divisional Hospital situated at Hakmana area in Matara District is in a very dilapidated condition ; and
 - (ii) the people of the area are faced with severe difficulties as a result of the aforesaid shortcoming prevailing at this Hospital, which is situated in a very difficult area?

(8)

- (b) Will he inform this House—
- (i) whether action will be taken to renovate the aforesaid building soon ;
 - (ii) whether allocations have been made for this purpose by now ; and
 - (iii) if so, the date on which the renovation work will be commenced?
- (c) If not, why?

1907/11

13.

Hon. Dayasiri Jayasekara,— To ask the Minister of Mass Media and Information,—(3)

- (a) Will he inform this House—
- (i) whether arrangements have been made to provide the Carlton Sports Channel (CSN) with cassettes or hard discs belonging to the National Television, which contain recordings of sports events;
 - (ii) if so, the reasons for providing, them as mentioned above;
 - (iii) of the basis on which such cassettes or hard discs were provided; and
 - (iv) of the amount of money paid by the Carlton Sports Channel to the National Television for obtaining those cassettes?
- (b) Will he submit to this House—
- (i) if the Carlton Sports Channel has made a request to obtain those cassettes or hard discs, the details of persons who made that request;
 - (ii) the letter relevant to the aforesaid request; and
 - (iii) the name and the designation of the officer who gave permission for the aforesaid cassettes and hard discs to be released by the National Television?
- (c) If not, why?

2089/'11

14.

Hon. Sajith Premadasa,— To ask the Prime Minister and Minister of Buddha Sasana and Religious Affairs,—(2)

- (a) Will he inform this House—
 - (i) of the steps that have been taken by the government for the protection of the Hindu shrines in our country ;
 - (ii) separately, the amount of money spent for the aforesaid purpose in each year 2005-year 2010 ; and
 - (iii) whether the amount allocated for the above purpose was adequate?
- (b) If not, why?

2201/'11

15.

Hon. Ravi Karunanayake,— To ask the Minister of Construction, Engineering Services, Housing and Common Amenities,—(1)

- (a) Will he state—
 - (i) the number of houses built in Kalutara District by the Ministry in the year 2011;
 - (ii) the number of houses expected to be constructed in the years 2012, 2013 and 2014; and
 - (iii) the amount of money allocated for the aforesaid constructions of houses?
- (b) Will he also state—
 - (i) whether the newly built houses are given free;
 - (ii) if not, the price at which those houses are sold or rented; and
 - (iii) the basis on which those houses are allocated?
- (c) If not, why?

AT THE COMMENCEMENT OF PUBLIC BUSINESS

Notice of Motions

1.

Hon M.B. Farook,— Leave to introduce a Bill,— That leave be granted to introduce the following Bill:—

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

NOTICE OF MOTIONS AND ORDERS OF THE DAY

*1.

Appropriation Bill (2013)— (First Allotted Day)—Adjourned Debate on question (8th November 2012)[1].

*2.

Divineguma Bill—Adjourned debate on question (06th November, 2012) [1].

*3.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Determination under the Constitution,— That this Parliament determines that the salary of Mr. H.A.S. Samaraweera, the incumbent Auditor - General appointed with effect from 15.08.2011 shall be as follows in terms of Article 153(2) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

That this Parliament further determines that Mr. H.A.S. Samaraweera, Auditor - General shall be placed on the salary point of Rs.48,940/- which is the 2nd step in the salary scale of SL-4-2006, with effect from 15.08.2011 when he was appointed to the said post and that he be paid the other allowances relevant to the post and such annual salary increments as specified in the salary scale.

(Cabinet approval signified.)

*4.

Code of Criminal Procedure (Special Provisions) Bill— Second Reading.

*5.

The Minister of External Affairs,— Resolution under the Constitution of the Democratic Socialist Republic of Sri Lanka (No.1)— That this Parliament resolves under Article 157 of the Constitution of the Democratic Socialist Republic of Sri Lanka, that the Agreement between the Government of the Democratic Socialist Republic of Sri Lanka and the Government of the State of Kuwait for the Reciprocal Promotion and Protection of Investments, signed on 05th November 2009, being an Agreement for the Promotion and Protection of Investments in Sri Lanka of such foreign State, its nationals or corporations, companies and other associations incorporated or constituted under its Laws, which was presented on 07.09.2011 be approved, as being essential for the development of the national economy.

(Cabinet approval signified.)

*6.

The Minister of External Affairs,— Resolution under the Constitution of the Democratic Socialist Republic of Sri Lanka (No.2),— That this Parliament resolves under Article 157 of the Constitution of the Democratic Socialist Republic of Sri Lanka, that the Agreement between the Government of the Democratic Socialist Republic of Sri Lanka and the Government of the Socialist Republic of Vietnam for the Promotion and Protection of Investments, signed on 22nd October 2009, being an Agreement for the Promotion and Protection of Investments in Sri Lanka of such foreign State, its nationals or of corporations, companies and other associations incorporated or constituted under its Laws, which was presented on 07.09.2011 be approved, as being essential for the development of the national economy.

(Cabinet approval signified.)

*7.

The Minister of Health,— Annual Report and Accounts of the Sri Jayawardenepura General Hospital 2009,— That the Annual Report and Accounts of the Sri Jayawardenepura General Hospital together with the Auditor-General's observations prepared for the year ended 31.12.2009 under Section 30(2) of the State Industrial Corporation Act, No. 49 of 1957 and Section 14(3) of the Finance Act, No. 38 of 1971, which was presented on 19.10.2011 be approved.

(Considered by the Consultative Committee on Health on 03.11.2011)

*8.

The Minister of Health,— Annual Report and Accounts of the Vijaya Kumaratunga, Memorial Hospital, Seeduwa 2008,— That the Annual Report and Accounts of the Vijaya Kumaratunga, Memorial Hospital, Seeduwa together with the Auditor-General's observations prepared for the year ended 31.12.2008 under Section 30(2) of the State Industrial Corporation Act, No. 49 of 1957 and Section 14(3) of the Finance Act, No. 38 of 1971, which was presented on 24.02.2011 be approved.

(Considered by the Consultative Committee on Health on 05.04.2011.)

*9.

The Minister of Health,— Annual Report and Accounts of the Vijaya Kumaratunga, Memorial Hospital 2009,— That the Annual Report and Accounts of the Vijaya Kumaratunga, Memorial Hospital together with the Auditor-General's observations prepared for the year ended 31.12.2009 under Section 30(2) of the State Industrial Corporation Act, No. 49 of 1957 and Section 14(3) of the Finance Act, No. 38 of 1971, which was presented on 11.11.2011 be approved.

(Considered by the Consultative Committee on Health on 19.06.2012.)

*10.

The Minister of Health,— Annual Report and Accounts of the State Pharmaceuticals Corporation 2009,— That the Annual Report and Accounts of the State Pharmaceuticals Corporation together with the Auditor-General's observations prepared for the year ended 31.12.2009 under Section 30(2) of the State Industrial Corporation Act, No. 49 of 1957 and Section 14(3) of the Finance Act, No. 38 of 1971, which was presented on 19.10.2011 be approved.

(Considered by the Consultative Committee on Health on 03.11.2011.)

*11.

The Minister of Health,— Annual Report and Accounts of the State Pharmaceuticals Manufacturing Corporation of Sri Lanka 2010,— That the Annual Report and Accounts of the State Pharmaceuticals Manufacturing Corporation of Sri Lanka together with the Auditor-General's observations prepared for the year ended 31.12.2009 under Section 30(2) of the State Industrial Corporation Act, No. 49 of 1957 and Section 14(3) of the Finance Act, No. 38 of 1971, which was presented on 07.06.2012 be approved.

(Considered by the Consultative Committee on Health on 19.06.2012.)

*12.

The Minister of Lands and Land Development,— Regulations under the Registration of Title Act,— That the Regulations made by the Minister of Lands and Land Development under Section 67 of the Registration of Title Act, No. 21 of 1998 read with Section 60 and 62 of that Act and published in the Gazette Extraordinary No. 1616/23 of August 24th, 2009, which were presented on 06.05.2010, be approved.

(Cabinet approval signified.)

*13.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Excise Ordinance,— That the Order made by the Minister of Finance and Planning, under Section 25 of the Excise Ordinance (Chapter 52), related to Serving of Standard Liquor in Hotels approved by the Sri Lanka Tourism Development Authority, and published in the Gazette Extraordinary No. 1689/20 of January 21st, 2011, which was presented on 10.02.2011, be approved.

(Excise Notification No. 935.)

(Cabinet approval signified.)

*14.

Order under the Code of Criminal Procedure (Special Provisions) Act,—Adjourned Debate on Question (08th September, 2011) Motion made and question proposed,— “ Order made by the Minister of Justice under subsection (2) of Section 7 of the Code of Criminal Procedure (Special Provisions) Act, No.42 of 2007, and published in the Gazette Extraordinary No. 1708/5 of May 30th, 2011, which was presented on 23.08.2011, be approved.”

*15.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Fauna and Flora Protection Ordinance,— That the Order made by the Minister of Agrarian Services and Wildlife under subsection (1) of Section 2 of the Fauna and Flora Protection Ordinance (Chapter 469) and published in the Gazette Extraordinary No. 1735/21 of December 06th, 2011, which was presented on 13.12.2011, be approved.

16.

Sri Lanka Women’s Conference (Incorporation) Bill — Consideration.

17.

State Employees’ Development Finance Corporation (Incorporation) Bill— Consideration.

18.

Institute of Martial Arts (Incorporation) Bill — Consideration.

P. 167/’12

19.

Hon. T. Ranjith De Zoysa

Hon. Palany Thigambaram

Hon. Douglas Devananda

Hon. Mohan Lal Gero

Hon. V. S. Radhakrishnan

Hon. S. B. Dissanayake

Hon. Reginold Cooray

Hon. Nandimithra Ekanayake

Hon. Weerakumara Dissanayake

Hon. Gitanjana Gunawardena

Hon. Mahinda Amaraweera

Hon. Muthu Sivalingam

Hon. Lasantha Alagiyawanna

Hon. Sanath Jayasuriya

Hon. Lakshman Wasantha Perera

Hon. Jagath Balasuriya
Hon. (Al-Haj) A. H. M. Azwer
Hon. Dullas Alahapperuma
Hon. Mahindananda Aluthgamage
Hon. (Mrs.) Pavithradevi Wanniarachchi
Hon. Duleep Wijesekera
Hon. (Mrs) Sriyani Wijewickrama
Hon. (Mrs) Malani Fonseka
Hon. Dayasritha Thissera
Hon. Vinayagamoorthi Muralidaran
Hon. M. L. A. M. Hizbullah
Hon. A. L. M. Athaulla
Hon. M. K. A. D. S. Gunawardana
Hon. Bandula Gunawardane
Hon. Nirmla Kotalawala
Hon. Vijitha Berugoda
Hon. Janaka Wakkumbura
Hon. H.R. Mithrapala
Hon. Lalith Dissanayake
Hon. Wijaya Dahanayake
Hon. Sarana Gunawardena
Hon. Lakshman Senewiratne
Hon. Achala Jagodage
Hon. Salinda Dissanayake
Hon. Rohitha Abeygunawardana
Hon. (Miss) Kamala Ranathunga
Hon. Jayarathne Herath
Hon. Rohana Dissanayake
Hon. Lakshman Yapa Abeywardena
Hon. A. P. Jagath Pushpakumara
Hon. Arundika Fernando
Hon. Shantha Bandara
Hon. (Dr.) Ramesh Pathirana
Hon. Victor Antony
Hon. Sarath Kumara Gunaratne
Hon. S. M. Chandrasena

Hon. Manusha Nanayakkara
Hon. Janaka Bandara Tennakoon
Hon. Milroy Fernando
Hon. Lohan Ratwatte
Hon. Hunais Farook
Hon. (Mrs) Upeksha Swarnamali
Hon. (Mrs.) Sumedha G. Jayasena
Hon. Piyankara Jayaratne
Hon. Hemal Gunasekera
Hon. Thenuka Vidanagamage
Hon. Kumara Welgama
Hon. Janaka Bandara
Hon. Vidura Wickramanayaka
Hon. A. R. M. Abdul Cader
Hon. Ruwan Ranatunga
Hon. Felix Perera
Hon. Tharanath Basnayaka
Hon. (Dr.) Rohana Pushpa Kumara
Hon. Premalal Jayasekara
Hon. Sanee Rohana Kodithuvakku
Hon. Neranjan Wickremasinghe
Hon. C. B. Rathnayake
Hon. Duminda Dissanayake
Hon. Mahinda Yapa Abeywardena
Hon. Gamini Wijith Wijithamuni De Zoysa
Hon. P. Dayaratna
Hon. Thilanga Sumathipala
Hon. Gamini Lokuge
Hon. Earl Gunasekara
Hon. C. A. Suriyaarachchi
Hon. Udith Lokubandara
Hon. V. K. Indika
Hon. T. B. Ekanayake
Hon. P. Piyasena
Hon. Gunaratne Weerakoon
Hon. A. M. Chamika Buddhadasa

Hon. Siripala Gamalath
Hon. Indika Bandaranayake
Hon. Tissa Karalliyadda
Hon. Praba Ganesan
Hon. Susantha Punchinilame
Hon. (Dr.) (Mrs.) Sudarshini Fernandopulle
Hon. Jeewan Kumaranatunga
Hon. Ranjith Siyambalapitiya
Hon. S. B. Nawinne
Hon. (Dr.) Sarath Weerasekara
Hon. Sajin De Vass Gunawardena
Hon. J. R. P. Suriyapperuma
Hon. Shehan Semasinghe
Hon. Keheliya Rambukwella
Hon. Dilum Amunugama
Hon. Eric Prasanna Weerawardhana
Hon. W. B. Ekanayake
Hon. Roshan Ranasinghe
Hon. Nimal Wijesinghe
Hon. S.C. Mutukumarana
Hon. Nishantha Muthuhettigamage
Hon. (Ven.) Ellawala Medhananda Thero
Hon. Perumal Rajathurai
Hon. Silvastrie Alantin
Hon. (Mrs.) Nirupama Rajapaksa
Hon. Y. G. Padmasiri
Hon. Navin Dissanayake
Hon. Chandrasiri Gajadeera
Hon. Basheer Segu Dawood

Hon. H. M. M. Harees,—Resolution as per Article 107(2) of the Constitution for a motion of Parliament to be presented to His Excellency the President for the removal of the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake from the office of the Chief Justice of the Supreme Court of the Democratic Socialist Republic of Sri Lanka,—

1. Whereas by purchasing, in the names of two individuals, i.e. Renuka Niranjali Bandaranayake and Kapila Ranjan Karunaratne using special power of attorney licence bearing No. 823 of Public Notary K.B. Aroshi Perera that was given by Renuka Niranjali Bandaranayake and Kapila Ranjan Karunaratne residing at No. 127, Ejina Street, Mount Hawthorn, Western Australia, 6016, Australia, the house bearing No. 2C/F2/P4 and assessment No. 153/1-2/4 from the housing scheme located at No. 153, Elvitigala Mawatha, Colombo 08 belonging to the company that was known as Ceylinco Housing and Property Company and City Housing and Real Estate Company Limited and Ceylinco Condominium Limited and is currently known as Trillium Residencies which is referred in the list of property in the case of fundamental rights application No. 262/2009, having removed another bench of the Supreme Court which was hearing the fundamental rights application cases bearing Nos. 262/2009, 191/2009 and 317/2009 filed respectively in the Supreme Court against Ceylinco Sri Ram Capital Management, Golden Key Credit Card Company and Finance and Guarantee Company Limited belonging to the Ceylinco Group of Companies and taking up further hearing of the aforesaid cases under her court and serving as the presiding judge of the benches hearing the said cases;
2. Whereas, in making the payment for the purchase of the above property, by paying a sum of Rs 19,362,500 in cash, the manner in which such sum of money was earned had not been disclosed, to the companies of City Housing and Real Estate Company Limited and Trillium Residencies prior to the purchase of the said property;
3. Whereas, by not declaring in the annual declaration of assets and liabilities that should be submitted by a judicial officer, the details of approximately Rs. 34 million in foreign currency deposited at the branch of NDB Bank located at Dharmalpala Mawatha, Colombo 07 in accounts 106450013024, 101000046737, 100002001360 and 100001014772 during the period from 18 April 2011 to 27 March 2012;
4. Whereas, by not declaring in the annual declaration of assets and liabilities that should be submitted by a judicial officer the details of more than twenty bank accounts maintained in various banks including nine accounts bearing numbers 106450013024, 101000046737, 100002001360, 100001014772, 100002001967, 100101001275, 100110000338, 100121001797 and 100124000238 in the aforesaid branch of NDB Bank;

5. Whereas, Mr. Pradeep Gamini Suraj Kariyawasam, the lawful husband of the said Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake is a suspect in relation to legal action initiated at the Magistrate's Court of Colombo in connection with the offences regarding acts of bribery and/or corruption under the Commission to Investigate into Allegations of Bribery or Corruption Act, No 19 of 1994;

Whereas, the post of Chairperson of the Judicial Service Commission which is vested with powers to transfer, disciplinary control and removal of the Magistrate of the said court which is due to hear the aforesaid bribery or corruption case is held by the said Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake as per Article 111D (2) of the Constitution;

Whereas, the powers to examine the judicial records, registers and other documents maintained by the aforesaid court are vested with the said Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake under Article 111H (3) by virtue of being the Chairperson of the Judicial Service Commission;

Whereas, the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake becomes unsuitable to continue in the office of the Chief Justice due to the legal action relevant to the allegations of bribery and corruption levelled against Mr. Pradeep Gamini Suraj Kariyawasam, the lawful husband of the said Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake in the aforesaid manner, and as a result of her continuance in the office of the Chief Justice, administration of justice is hindered and the fundamentals of administration of justice are thereby violated and whereas not only administration of justice but visible administration of justice should take place;

6. Whereas, despite the provisions made by Article 111H of the Constitution that the Secretary of the Judicial Service Commission shall be appointed from among the senior judicial officers of the courts of first instance, the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake acting as the Chairperson of the Judicial Service Commission by virtue of being the Chief Justice, has violated Article 111H of the Constitution by disregarding the seniority of judicial officers in executing her duties as the Chairperson of the Judicial Service Commission through the appointment of Mr. Manjula Thilakarathne who is not a senior judicial officer of the courts of first instance, while there were such eligible officers;

7. Whereas, with respect to the Supreme Court special ruling Nos. 2/2012 and 3/2012 the said Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake has disregarded and /or violated Article 121 (1) of the Constitution by making a special ruling of the Supreme Court to the effect that the provisions set out in the Constitution are met by the handing over of a copy of the petition filed at the court to the Secretary General of Parliament despite the fact that it has been mentioned that a copy of a petition filed under Article 121 (1) of the Constitution shall at the same time be delivered to the Speaker of Parliament;
8. Whereas, Article 121(1) of the Constitution has been violated by the said Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake despite the fact that it had been decided that the mandatory procedure set out in the said Article of the Constitution must be followed in accordance of the interpretation given by the Supreme Court in the special decisions of the Supreme Court bearing Nos. 5/91, 6/91, 7/91 and 13/91;
9. Whereas, irrespective of the absolute ruling stated by the Supreme Court in the fundamental rights violation case, President's Counsel Edward Francis William Silva and three others versus Shirani Bandaranayake (1992 New Law Reports of Sri Lanka 92) challenging the appointment of the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake, when she was appointed as a Supreme Court judge, she has acted in contradiction to the said ruling subsequent to being appointed to the office of the Supreme Court judge;
10. Whereas, the Supreme Court special rulings petition No. 02/2012 filed by the institution called Centre for Policy Alternatives to which the Media Publication Section 'Groundview' that had published an article of the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake, while she was a lecturer of the Law Faculty of the University of Colombo prior to becoming a Supreme Court judge, has been heard and a ruling given;

11. Whereas, in the case, President's Counsel Edward Francis William Silva and three others versus Shirani Bandaranayake (1992 New Law Reports of Sri Lanka 92) that challenged the suitability of the appointment of the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake who holds the office of the Chief Justice and thereby holds the office of the ex-officio Chairperson of the Judicial Service Commission in terms of the Constitution, Attorney-at-Law L.C.M. Swarnadhipathi, the brother of the Magistrate Kuruppuge Beeta Anne Warnasuriya Swarnadhipathi filed a petition against the appointment of the said Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake owing to which the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake has harassed the said Magistrate Kuruppuge Beeta Anne Warnasuriya Swarnadhipathi;
12. Whereas, the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake who holds the office of the Chief Justice and thereby holds the office of the ex-officio Chairperson of the Judicial Service Commission in terms of Article 111D (2) of the Constitution has, by acting ultra vires the powers vested in her by the Article 111H of the Constitution ordered the Magistrate (Mrs.) Rangani Gamage's right to obtain legal protection for lodging a complaint in police against the harassment meted out to her by Mr. Manjula Thilakaratne, the Secretary of the Judicial Service Commission;
13. Whereas, the said Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake being the Chief Justice and thereby being the Chairperson of the Judicial Service Commission, in terms of Article 111D (2) of the Constitution, has abused her powers by ordering the Magistrate (Mrs.) Rangani Gamage to obtain permission of the Judicial Service Commission prior to seeking police protection thereby preventing her from exercising her legal right to obtain legal protection;
14. Whereas, the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake by performing her duties as the Chairperson of the Judicial Service Commission has referred a letter through the Secretary of the Judicial Service Commission to the Magistrate (Mrs.) Rangani Gamage, calling for explanation from her as to why a disciplinary inquiry should not be conducted against her for seeking protection from the Inspector General of Police by exercising her legal right;

By acting in the aforesaid manner,—

- (i) whereas it amounts to improper conduct or conduct unbecoming of a person holding the office of the Chief Justice;
- (ii) whereas she had been involved in matters that could amount to causes of action or controversial matters,
- (iii) whereas she had influenced the process of delivery of justice,
- (iv) whereas there can be reasons for litigants to raise accusations of partiality/ impartiality,

she has plunged the entire Supreme Court and specially the office of the Chief Justice into disrepute.

Therefore we, the aforementioned Members of Parliament resolve that a Select Committee of Parliament be appointed in terms of Article 107 (3) of the Constitution read with the provisions of Article 107 (2) and Standing Order 78 A of Parliament enabling the submission of a resolution to His Excellency the President for the removal of the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake from the office of the Chief Justice of the Democratic Socialist Republic of Sri Lanka in the event the Select Committee reports to Parliament that one or more of the charges that have been levelled have been proved after the aforesaid charges of misconduct have been investigated.

* *Indicates Government Business*

[1].

Motion made and question proposed “That the Bill be now read a Second time.”
