



[ Seventh Parliament -First Session]

No. 223.]

## ORDER PAPER OF PARLIAMENT

FOR

Saturday, November 10, 2012 at 9.30 a.m.

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### QUESTIONS FOR ORAL ANSWERS

1380/'11

1.

Hon. Ravi Karunanayake,— To ask the Minister of Sports,— (3)

(a) Will he inform this House—

- (i) as to when Sri Lanka was informed by the Cricket World Cup Council that Sri Lanka will be co-hosting the World Cup for year 2011 ;
- (ii) the amount of money spent on upgrading the prevailing cricket grounds for the World Cup matches ;
- (iii) names of the persons authorized to approve expenditure on upgrading of prevailing cricket grounds and construction of new cricket grounds; and
- (iv) whether the constructions of grounds were complied with the approved expenditure?

(b) If not, why ?

1579/'11

2.

Hon. Buddhika Pathirana,— To ask the Minister of Postal Services,—(3)

(a) Is he aware that the Officers' Hostel located at the Kalutara Main Post Office in Kalutara District is in a dilapidated condition?

(b) Will he inform this House —

- (i) whether he would take steps to renovate this building expeditiously;
- (ii) whether allocations have been made for that purpose;
- (iii) if so, the amount of money so allocated; and
- (iv) the date on which the renovation work will be commenced?

(c) If not, why?

1868/11

3.

Hon. Dayasiri Jayasekara,— To ask the Minister of Telecommunication and Information Technology,—(4)

- (a) Will he state the number of—
  - (i) permanent employees serving at Sri Lanka Telecom;
  - (ii) regional offices of Sri Lanka Telecom situated island wide; and
  - (iii) permanent employees serving at each of those offices separately?
- (b) Will he inform this House separately, of—
  - (i) the monthly salary, allowances and other privileges received by the Chief Executive Officer of Sri Lanka Telecom; and
  - (ii) the monthly salary, allowances and other privileges received by the other executive officers of that institution?
- (c) If not, why?

2090/11

4.

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 taken by the government for the protection of the Muslim shrines in our country ;
  - (ii) separately of the amounts of money spent for the aforesaid purpose in each year during the period from the year 2005 up to 2010 ; and
  - (iii) whether the amount allocated for the above purpose was adequate?
- (b) If not, why?

2298/12

5.

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

- (a) Will he state, separately of—
  - (i) the educational reforms that were effected in the system of education in Sri Lanka after the Independence and the main objectives of introducing each of those reforms; and
  - (ii) the changes that have been made to the school syllabuses under each of the above mentioned reforms ?
- (b) If not, why?

6.

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

- (a) Will he state—
- (i) the hospitals attached to the Medical faculties in Sri Lanka with Professor Units for clinical training;
  - (ii) separately, the number of Professors, Medical Specialists, Doctors reading for post graduate studies (Senior Registrars and Registrars) and Senior Medical Officers attached to each Professor Unit as at 31<sup>st</sup> March 2012; and
  - (iii) separately, the operating theatres available for the relevant activities in each Professor Unit?
- (b) Will he inform this House—
- (i) the date on which the Professor Unit of the Anuradhapura General Hospital assigned for clinical training of the Rajarata University, was opened ;
  - (ii) the number of medical students who are undergoing training at that Professor Unit at present;
  - (iii) whether sufficient doctors, operating theatres, wards and equipment and staff required to maintain them are available at the above mentioned unit for the purpose of providing training to the undergraduates who are undergoing training there; and
  - (iv) if not, the time to be taken to fulfill those basic necessities ?
- (c) If not, why?

2552/12

7.

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 tenders were called to purchase tear gas, ammunition and equipment, masks, helmets, shields, rubber bullets and battons for the riot squad of the Sri Lanka Police in 2012;
  - (ii) separately, of the quantity of each of the items for which tenders were called, if tenders were called for purchasing them;
  - (iii) separately, the bids forwarded in relation to each item;
  - (iv) the amount of money allocated to make all the purchases mentioned above; and
  - (v) whether there is an urgent need to purchase those items ?
- (b) If not, why?

2778/'12

8.

Hon. Ajith P. Perera,— To ask the Minister of Technology and Research,—(2)

- (a) Will she inform this House—
  - (i) whether arrangements have been made to commence a project of installing a satellite in the sky above Sri Lanka for communication activities;
  - (ii) if so, the objectives that are expected to be achieved through the aforesaid project; and
  - (iii) of the estimated cost of the aforesaid project ?
- (b) If not, why ?

2849/'12

9.

Hon. Wasantha Aluwihare,— To ask the Minister of Co-operatives and Internal Trade,—(2)

- (a) Will he state—
  - (i) whether tenders were called through a paper advertisement published on 19<sup>th</sup> December 2011 to lease out a two-storey building that belongs to the Nuwara Eliya Multipurpose Co-operative Society;
  - (ii) if so, the values of the bids that have been submitted; and
  - (iii) the facts that are taken into consideration and given priority when tenders are called according to the accepted tender procedure ?
- (b) Will he admit that—
  - (i) bids with the values of Rs. 320,000/- and Rs. 355,000/- had been submitted to obtain the lease of the aforesaid building;
  - (ii) the aforesaid building has been given to a person who has not even submitted a tender application;
  - (iii) an irregularity has taken place when the aforesaid building was leased out; and
  - (iv) as a result of the aforesaid building being given in an irregular manner the applicants have been caused an injustice and the relevant Co-operative Society has incurred a loss?
- (c) Will he also state—
  - (i) the reason for not giving the building for the highest bid;
  - (ii) the amount of money charged by the Co-operative Society from the person who have been given the building at present;
  - (iii) whether action will be taken to conduct a proper investigation into the aforesaid irregularity and cause justice to the tenderers; and
  - (iv) if so, the period of time that will be taken for that ?
- (d) If not, why ?

10.

Hon. M. T. Hasen Ali,— To ask the Minister of Lands and Land Development,—(1)

- (a) Is he aware that eventhough a 39.38 perch land belonging to Mr. M.I.M. Anzar residing at No. 295 B, Osmond Road, Sayindamarudu-7, was taken over for development work of Oluvil harbour in Ampara District by the Gazette Extraordinary bearing No. 1552/12 and dated 04.06.2008, compensation for that has not been paid up to now?
- (b) Will he state whether action will be taken to pay the compensation to which Mr. Anzar is entitled for that land speedily, as per the letter bearing No. AM/LA/293,294,300,306 and dated 30.12.2011 that was referred to the Secretary to the Ministry of Land by the Chief Valuer ?
- (c) If not, why ?

1890/11

11.

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

- (a) Will he state—
  - (i) whether there is a plan to transfer the postal headquarters building situated at the D.R. Wijewardhena Mawatha to start a tourist hotel ;
  - (ii) if so, the name of the person to whom the aforesaid building is to be transferred or the name of the company to which it is to be transferred ;
  - (iii) the methodology followed when the aforesaid building is transferred ; and
  - (iv) the income expected by the government through it?
- (b) Will he inform this House—
  - (i) whether plans have been made to remove and relocate the offices that are currently housed at the postal headquarters building ;
  - (ii) of the location so planned ; and
  - (iii) if so, the date on which relocation activities will be commenced?
- (c) If not, why?

12.

Hon. Dayasiri Jayasekara,— To ask the Minister of Sports,—(1)

- (a) Will he state—
  - (i) the location where Sri Lanka Carrom Head Quarters is run at present;
  - (ii) whether it is run on the basis of rent or lease;
  - (iii) the place where carrom Head Quarters was located before it was shifted to the current location;
  - (iv) the reasons for shifting it from the aforesaid place; and
  - (v) the facilities available at the current location ?
- (b) Will he inform this House—
  - (i) whether action will be taken to give a permanent place to run the Sri Lanka Carrom Federation; and
  - (ii) of the measures that have already been taken and the measures that are to be taken in the future to safeguard the future of the game of Carrom ?
- (c) If not, why ?

2202/11

13.

Hon. Ravi Karunanayake,— To ask the Minister of Economic Development,—(1)

- (a) Will he inform this House for the last 2 years on per year basis—
  - (i) the total number of foreign tours made by the Minister and the Deputy Minister of Economic Development separately ;
  - (ii) the names of the countries visited; and
  - (iii) the necessity to achieve the objective set in regarding the visits?
- (b) Will he state—
  - (i) the number of officials accompanied by the Minister and the Deputy Minister and the cost incurred for each visit separately; and
  - (ii) whether the funds used for the aforesaid tours were public money or money granted by the governments of the countries visited?
- (c) If not, why?

2256/'12

14.

Hon. Sajith Premadasa,— To ask the Minister of Finance and Planning,—(1)

(a) Will he state—

- (i) the percentage of unemployment in the Northern Province;
- (ii) the steps taken to minimize unemployment in that Province; and
- (iii) whether action will be taken to take those steps with time frames and targets ?

(b) If not, why ?

2532/'12

15.

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

(a) Will he state—

- (i) whether the percentage of foreign students admitted to each of the universities in Sri Lanka has been increased up to 5 % for the academic year 2010-2011;
- (ii) if so, on the basis of the aforesaid percentage, the number of opportunities allocated for foreign students in each of the faculties for the above academic year separately;
- (iii) separately, the number of foreign students who have entered each of the aforesaid faculties by now;
- (iv) the existing number of vacancies for foreign students in each of the aforesaid faculties at present accordingly; and
- (v) the measures adopted to fill the aforesaid vacancies ?

(b) Will he inform this House—

- (i) whether action will be taken to award scholarships for the foreign students who have entered the universities for the academic year 2010-2011; and
- (ii) if so, the manner in which financial provisions are obtained for that purpose ?

(c) If not, why ?

NOTICE OF MOTIONS AND ORDERS OF THE DAY

\*1.

Appropriation Bill (2013)— (Second Allotted Day)—Adjourned Debate on question (8<sup>th</sup> November 2012)[1].

\*2.

Divineguma Bill—Adjourned debate on question (06<sup>th</sup> 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 22<sup>nd</sup> 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 24<sup>th</sup>, 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 21<sup>st</sup>, 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 30<sup>th</sup>, 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 06<sup>th</sup>, 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 Greero  
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. Nirmala 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 Thilakaratne 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.”