



[Seventh Parliament -First Session]

No. 224.]

ORDER PAPER OF PARLIAMENT

FOR

Monday, November 12, 2012 at 9.30 a.m.

QUESTIONS FOR ORAL ANSWERS

1406/11

1.

Hon. Ravi Karunanayake,— To ask the Minister of Finance and Planning,— (2)

- (a) Will he state separately on per year basis—
 - (i) the quantities and the values of 15 most important items drawing out the exchange from the country from 2005 to date; and
 - (ii) the countries from which those items were imported?
- (b) Will he inform this House—
 - (i) whether it is possible to reduce the import volume of those items by replacing them with locally produced good and services or with a cheaper alternatives; and
 - (ii) if so, the value of the difference between importation and local production?
- (c) Will he also state—
 - (i) whether the production of Sri Lankan based items has been encouraged through the Strategic Development Projects Act; and
 - (ii) if it is so, the corroborative evidence on per year basis; and
 - (iii) the possible exchange saving and the employment creation per year, consequent to the implementation of the aforesaid Act ?
- (d) If not, why?

1586/11

2.

Hon. Buddhika Pathirana,— To ask the Minister of Local Government and Provincial Councils,—(3)

- (a) Is he aware that—
 - (i) several years have elapsed since the construction work of the Heendeniyawela bridge which crosses Arawakoya at Sirisamanpura in the Ehaliyagoda Divisional Secretariat Division, was stopped halfway; and
 - (ii) as a result people in many villages are facing severe hardships?

(2)

- (b) Will he inform this House—
- (i) of the year in which the construction work of the aforesaid bridge was commenced;
 - (ii) the institution or institutions which provide allocation for the construction works;
 - (iii) whether tenders were called for the construction work of the Heendeniyawela bridge;
 - (iv) if so, the names of the institutions that submitted tenders;
 - (v) of the bids submitted by each institution; and
 - (vi) of the institutions to which the tenders were awarded and the values of those tenders ?
- (c) Will he also inform this House—
- (i) of the reasons for stopping the construction work of the bridge halfway;
 - (ii) whether necessary action will be taken to construct the bridge;
 - (iii) whether allocations have been made for it; and
 - (iv) if so, the amount of money that has been allocated?
- (d) If not, why?

1870/11

3.

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

- (a) Will he state—
- (i) the daily income and the monthly income of the Division of Sri Lanka Telecom which provides telephone facilities through Internet, Voice Over Internet Protocol (VOIP) ;
 - (ii) whether the aforesaid Division has been closed down by now ;
 - (iii) if so, the date on which it was closed down ;
 - (iv) the reasons for closing down the aforesaid Division ; and
 - (v) the profit earned or the loss incurred by the aforesaid Division at the time it was closed down?
- (b) If not, why?

2092/'11

4.

Hon. Sajith Premadasa,— To ask the Minister of Finance and Planning,—(2)

- (a) Is he aware that the Farmers' Pension Scheme has become completely inactive by now?
- (b) Will he inform this House—
 - (i) separately, of the amounts of money spent for implementing the Farmers' Pension Scheme in each year during the period from the year 2005 up to 2010 ; and
 - (ii) of the steps that will be taken to strengthen the Farmers' Pension Scheme?
- (c) If not, why?

2299/'12

5.

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

- (a) Will he state—
 - (i) the programmes implemented by the Ministry of Education of the Central Government and Provincial Ministries of Education for the development of the field of education in the plantation sector from the year 2005 upto 2011; and
 - (ii) separately, the amount of money allocated for each of those programmes ?
- (b) Will he also state—
 - (i) the various Non Governmental Organizations which have taken measures for the development of the field of education in the plantation sector; and
 - (ii) separately, the programmes implemented by each of those institutions and the value of the financial allocations made for those programmes ?
- (c) If not, why ?

2534/'12

6.

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

- (a) Will he state separately, on per year basis—
 - (i) the total number of Sri Lankan students who have gone abroad ;
 - (ii) the number of students who have gone to each country ; and
 - (iii) the number of the aforesaid students who have gone abroad as per each degree course ;
- in the years 2010 and 2011 to obtain the Bachelor's degree?

(4)

- (b) Will he inform this House separately, on per year basis—
 - (i) the number of Sri Lankan students who have gone abroad to obtain post graduate degrees in the years 2010 and 2011 ; and
 - (ii) the number of students who went abroad as per each country they have gone to?
- (c) Will he state separately, on per year basis, the amount of foreign exchange that got channeled into foreign countries for obtaining foreign degrees in the above years?
- (d) If not, why?

2854/12

7.

Hon. Ajith P. Perera,— To ask the Minister of Local Government and Provincial Councils,—(1)

- (a) Is he aware that —
 - (i) the partly completed Panadura public market is in a dilapidated condition at present; and
 - (ii) the lives of traders and customers are at risk owing to this condition ?
- (b) Will he admit the facts that—
 - (i) a health threat has emerged owing to the existing state of the Panadura public market; and
 - (ii) Panadura town is in need of a spacious new market complex to provide a better service to its people ?
- (c) Will he state the date on which the construction work of a new market complex to provide facilities to the traders who engage in business activities at the Panadura market at present and the pavement hawkers of Panadura would be commenced ?
- (d) If not, why?

2555/12

8.

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

- (a) Will he inform this House—
 - (i) of the total amount of money received by the “Api Wenuwen Api” fund from July 2010 up to now;
 - (ii) of the procedures followed to raise money for the aforesaid fund;
 - (iii) separately, of the amounts of money spent out of the monies of the aforesaid fund during the period from the month of July to 31st of December 2010, in the year 2011 and upto now in the year 2012; and
 - (iv) the projects or purposes on which the aforesaid monies have been spent ?
- (b) If not, why ?

1891/11

9.

Hon. Buddhika Pathirana,— To ask the Minister of Local Government and Provincial Councils,—(1)

(a) Will he admit that—

- (i) several buildings belonging to the weekly fair of Nochchiyagama situated in the Nochchiyagama Pradeshiya Sabha area in Anuradhapura District have been left to decay without being used ; and
- (ii) leaving these buildings to decay is a serious crime?

(b) Will he inform this House—

- (i) whether there is a plan to use those buildings for some other useful purpose, if they are not being used ; and
- (ii) if so, what that plan is?

(c) If not, why?

2154/11

10.

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

(a) Will he state—

- (i) separately, the loss incurred or the profit earned annually by the Sri Lanka Tea Board, from the year 2005 to date;
- (ii) the number of employees attached to the Sri Lanka Tea Board, at present; and
- (iii) the amount of money spent monthly for the payment of their salaries ?

(b) Will he inform this House—

- (i) of the address of the place where the aforesaid institution is run;
- (ii) whether that place has been obtained on permanent, lease or rent basis; and
- (iii) if so, the amount of the rent paid monthly or yearly for the aforesaid place?

(c) Will he also state—

- (i) the assets owned by the Sri Lanka Tea Board;
- (ii) the reasons, if the aforesaid institution incurs losses at present; and
- (iii) whether action will be taken to lease out or sell the aforesaid institution ?

(d) If not, why?

2203/'11

11.

Hon. Ravi Karunanayake,— To ask the Minister of Finance and Planning—(2)

- (a) Will he state—
- (i) all the government owned companies established during the last 10 years which are not audited by the Auditor General's Department;
 - (ii) whether the aforesaid companies are monitored by the Public Enterprise Department; and
 - (iii) if not, by whom in the Ministry of Finance and Planning, the above companies are audited ?
- (b) Will he also state for the last 10 years pertaining to the companies mentioned in (a) (i) —
- (i) the number of entities that have been charged a levy, or paid dividends to the government;
 - (ii) the number of entities that have been paid by the government without receiving any finance back;
 - (iii) the amount that has been paid by the government to each entity separately ;
 - (iv) whether those entities are netting an overall profit or loss for each year;
 - (v) the number of employees in each entity; and
 - (vi) the total capital employed to each entity by the government?
- (c) If not, why?

2257/'12

12.

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

- (a) Will he state—
- (i) the percentage of unemployment in Eastern Province;
 - (ii) the steps taken to minimize unemployment in the aforesaid Province;
 - (iii) whether action will be taken to take those steps with time frames and targets ?
- (b) If not, why ?

2349/'12

13.

Hon. Akila Viraj Kariyawasam,— To ask the Minister of Local Government and Provincial Councils,—(2)

(a) Will he state—

- (i) separately, the number of pre-schools registered under each Provincial Council by the year 2010; and
- (ii) the number of Provincial Councils which have formulated statutes or laws pertaining to the registration of pre-schools and pre-school teachers and are acting according to them?

(b) If not, why?

2537/'12

14.

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

(a) Will he inform this House—

- (i) of the basis on which awarding the telecasting rights of international sports competitions to private channels in addition to the government television channels is done;
- (ii) of the television channel that telecasted Commonwealth Bank Championship Cricket Tournament which was held recently;
- (iii) of the basis on which that channel was selected for that purpose; and
- (iv) whether action will be taken to permit all the television channels to telecast international sports competitions?

(b) If not, why?

2556/'12

15.

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

(a) Will he state—

- (i) separately at district level, the number of houses constructed for the soldiers up to now using the funds of “Api Wenuven Api”;
- (ii) the number of houses handed over to the families of soldiers out of the houses so completed;
- (iii) the gross value of such a house;
- (iv) the basis on which the families of soldiers were selected for giving those houses; and
- (v) the monthly amount that should be paid by a soldier for a house obtained ?

(b) If not, why?

NOTICE OF MOTIONS AND ORDERS OF THE DAY

*1.

Appropriation Bill (2013)— (Third 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.

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 Dharmapala 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.”
