



[ *Seventh Parliament -First Session* ]

No. 225.]

## ORDER PAPER OF PARLIAMENT

FOR

Wednesday, November 14, 2012 at 9.30 a.m.

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### QUESTIONS FOR ORAL ANSWERS

1407/11

1.

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

- (a) Will he inform this House—
  - (i) as to when the Auditor General's Department was brought into existence;
  - (ii) the number of staff members in the approved cadre of the Auditor General's Department;
  - (iii) the current strength of the Department;
  - (iv) the number of vacancies in the cadre to be filled; and
  - (v) the salaries and other emoluments that the staff is entitled to?
- (b) Will he state whether the UN Report has referred to the politicisation of the Auditor General's Department?
- (c) If not, why?

1636/11

2.

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

- (a) Is he aware that—
  - (i) more than five years have lapsed since the receipt of a foreign grant of Rs. 3000 million for the reconstruction of the Mahamodara hospital in Galle which was destroyed by the Tsunami; and
  - (ii) the construction activities of the aforesaid hospital have been limited to the foundation up to now?

(2)

- (b) Will he inform this House whether tax concessions of the government have been granted to the contractor for the construction of this hospital ?
- (c) Will he state—
  - (i) the country which granted Rs. 3000 million for the construction of the hospital;
  - (ii) whether the Ministry of Health has conducted an inquiry to look into the non-construction of the hospital building by the contractor after having taken the aforesaid amount;
  - (iii) if so, the outcome of that inquiry; and
  - (iv) if an inquiry was not conducted, the reasons for the same?
- (d) Will he also inform this House—
  - (i) whether there is a plan to seek a foreign loan again and resume this construction;
  - (ii) if so, the amount of that foreign loan; and
  - (iii) the name of the agency and the country from which the loan is obtained ?
- (e) If not, why?

1871/11

3.

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

- (a) Will he state—
  - (i) the amount estimated for the renovation of Jaffna Telecom building;
  - (ii) the names and addresses of those who submitted applications, if tenders were called for the renovation of that building;
  - (iii) the names and addresses of the persons who offered the lowest bid in their applications according to the tender procedure; and
  - (iv) the name of the person or the institution that was awarded the tender and the amount of the bid?
- (b) Will he inform this House—
  - (i) whether renovation work of the aforesaid building has been completed by now; and
  - (ii) if so, the total amount of money spent on it?
- (c) If not, why?

2097/'11

4.

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

(a) Will he inform this House—

- (i) of the number of graduates recruited to the public service under the implementation of priority matters of the government in the year 1999 and the programme implemented in the year 2005 to provide employment for unemployed graduates ;
- (ii) whether their recruitment was done under a specific recruitment procedure with a promotion scheme ;
- (iii) of the number of graduates who were able to get promotions on a proper procedure, out of the total number of graduates recruited in the aforesaid manner ;
- (iv) whether arrangements will be made to grant promotions according to a specific procedure to the graduates who were recruited to the public service where a promotion procedure that enables even a Karyala Karya Sahayaka who joins public service to retire as a staff grade officer, exists ; and
- (v) if so, the time frame required for that?

(b) If not, why?

2350/'12

5.

Hon. Akila Viraj Kariyawasam,— To ask the Minister of Child Development and Women's Affairs,—(2)

(a) Will he state—

- (i) the pre-school teacher training courses registered under the Ministry of Child Development and Women's Affairs as at 2011; and
  - (ii) the names and addresses of the institutions that conduct those courses ?
- (b) Will he also state the number of pre-school teachers who have followed a pre-school teacher training course registered under the Ministry of Child Development and Women's Affairs, separately in terms of each province or district ?
- (c) If not, why?

2539/12

6.

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

- (a) Will he inform this House separately of—
- (i) the number of foreign tours made by each member of the Board of Directors and the Chairman of the Sri Lankan Airlines from the year 2009 up to now;
  - (ii) the countries visited in each of the aforesaid tours and the objectives and the outcome of each of them; and
  - (iii) the amounts of money spent on each of the persons who took part in each of those tours ?
- (b) If not, why?

2557/12

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) separately, the number of soldiers who deserted the Army, Navy and Air Force in each year from the year 2006 up to now;
  - (ii) of the authorities who have the legal power to take those deserters into custody;
  - (iii) separately, the number of deserters of the three forces who were taken into custody in each year from the year 2006 to 31<sup>st</sup> December 2011;
  - (iv) the areas where the operations were carried out from 01<sup>st</sup> January 2012 to 31<sup>st</sup> March 2012 to take the deserters of the three forces into custody; and
  - (v) whether he will submit the list of names of the deserters who were taken into custody in those operations ?
- (b) If not, why ?

2855/'12

8.

Hon. Ajith P. Perera,— To ask the Prime Minister and Minister of Buddha Sasana and Religious Affairs,—(1)

(a) Will he state—

- (i) the number of soldiers and officers presently serving in the Sri Lanka Army who became disabled in military operations; and
- (ii) the minimum period of service that the soldiers and the officers of the Sri Lanka Army have to complete in order to retire ?

(b) Will he inform this House—

- (i) whether the disabled soldiers and officers in service can retire prior to the completion of the minimum period specified for retirement;
- (ii) if so, the manner in which they can go on retirement; and
- (iii) if not, whether he admits the fact that it is opportune to formulate a policy which allows the disabled soldiers and officers to retire on their consent ?

(c) If not, why?

1892/'11

9.

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

(a) Is he aware that—

- (i) a racket of blocking out and selling of lands in the reservations of the railway track from Manampitiya to Welikanda is underway ; and
- (ii) there is a tendency for railway accidents to increase as a result of providing lands in the aforesaid unauthorized manner and allowing constructions to be carried out on them?

(b) Will he inform this House—

- (i) whether he will take action to prevent this situation after holding a formal inquiry into this matter ; and
- (ii) if he takes action, the period of time taken for it?

(c) If not, why?

2155/11

10.

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

- (a) Will he state—
  - (i) the extent of lands provided or decided to be provided to local or foreign investors in the year 2011;
  - (ii) separately, the location of the aforesaid lands and the extent of each land;
  - (iii) the reasons for providing each of the aforesaid land to investors;
  - (iv) the period of time for which the aforesaid lands will be provided and the basis on what it is done;
  - (v) the amount of money received or expected to be received on behalf of each land provided or to be provided; and
  - (vi) the purpose for which the money received from providing lands will be used ?
- (b) If not, why ?

2204/11

11.

Hon. Ravi Karunanayake,— To ask the Minister of Finance and Planning,—(1)

- (a) Will he state in relation to the Sri Lanka Export Credit Insurance Corporation for the last 5 years on per year basis—
  - (i) the total capital and reserves employed;
  - (ii) the profit or loss;
  - (iii) the total staff, cost and profit per employee; and
  - (iv) the deduction or levies paid to the government?
- (b) Will he also state—
  - (i) whether any money of the Sri Lanka Export Credit Insurance Corporation has been written off for the last 5 years;
  - (ii) if so, the amount written off;
  - (iii) for what reason it was done; and
  - (iv) as to when it was occurred?

(7)

- (c) Will he inform this House—
- (i) whether the Sri Lanka Export Credit Insurance Corporation could have efficiently used the money better than the way they were used for the last 5 years;
  - (ii) if so, as to how it is done; and
  - (iii) if not, as to why it is not so?
- (d) If not, why?

2260/12

12.

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

- (a) Will he state whether steps have been taken through the budget proposals of the year 2012, to increase the amounts of money provided to the university students as Mahapola Scholarships at present ?
- (b) If not, why?

2540/12

13.

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

- (a) Will he inform this House—
- (i) separately and in relation to each individual, the number of foreign trips made by the Chairman and the members of the Board of Directors of the Airport and Aviation Company of Sri Lanka from the year 2009 up to now;
  - (ii) separately and in relation to each trip, the names of the countries visited, the objectives and the outcome achieved; and
  - (iii) separately, the amount of money spent on each individual who took part in each of the above mentioned tours ?
- (b) If not, why ?

2624/12

14.

Hon. Sunil Handunnetti,— To ask the Minister of Petroleum Industries,—(2)

- (a) Will he state—
- (i) whether kerosene and diesel subsidies were granted to people when fuel prices went up in 2007;
  - (ii) if so, the value of the kerosene subsidy granted to one family;
  - (iii) the methodology adopted for selecting the recipients of kerosene subsidy;
  - (iv) separately, the amounts of money allocated in the years 2008,2009,2010 and 2011 in order to grant the aforesaid kerosene subsidy;
  - (v) the persons to whom the diesel subsidy was granted;
  - (vi) whether a pledge had been made to grant a diesel subsidy to the fishing community too; and
  - (vii) if so, the amounts of money allocated in the years 2008,2009,2010 and 2011 separately, in order to grant the diesel subsidy to the fishing community ?
- (b) If diesel and kerosene subsidies have not been granted as mentioned above, will he admit that the people have been deceived since 2007 up to now ?
- (c) If not, why?

2324/12

15.

Hon. Sajith Premadasa,— To ask the Minister of Health,—(1)

- (a) Will he state—
- (i) separately, the number of kidney patients reported from Anuradhapura and Polonnaruwa Districts in each of the years during the period from the year 2004 to 2011;
  - (ii) the methodology adopted to identify the specific cases of kidney disease which has rapidly spread in the North Central Province;
  - (iii) whether the spread of the aforesaid disease has been controlled through the measures taken so far; and
  - (iv) if not, the period of time that will be taken for the control of the aforesaid disease ?

- (b) Will he also state—
- (i) the number of hospitals with adequate facilities where kidney patients can be treated;
  - (ii) the number of wards in Colombo National Hospital and in Kandy General Hospital with facilities to conduct surgeries required for kidney patients;
  - (iii) the number of kidney patients who can be kept in government hospitals with required facilities after they have undergone surgeries; and
  - (iv) whether measures have been taken to provide the government hospitals with adequate amounts of drugs required for kidney patients, which are sold at exorbitant prices at present due to the shortage prevailing in the market ?
- (c) If not, why ?
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AT THE COMMENCEMENT OF PUBLIC BUSINESS

**Notice of Motions**

1.

The Leader of the House of Parliament,— Business of the Parliament,— That the proceedings on Item 2 of Public Business appearing on the Order Paper be exempted at this day's sitting from the provisions of the Standing Order No. 23.

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NOTICE OF MOTIONS AND ORDERS OF THE DAY

\*1.

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

\*2.

The Leader of the House of Parliament,— Select Committee of Parliament to discuss the Heads of Expenditure of the Ministries selected from the Budget Estimates of the year 2013,— That notwithstanding the provisions of the motion agreed to by Parliament on 06<sup>th</sup> November 2012 the “Select Committee of Parliament of discuss the Heads of Expenditure of the Ministries selected from the Budget Estimates of the year 2013” will meet and discuss during the period from 20.11.2012 to 26.11.2012.

\*3.

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

\*4.

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.)

\*5.

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

\*6.

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.)

\*7.

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.)

\*8.

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)

\*9.

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.)

\*10.

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.)

\*11.

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.)

\*12.

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.)

\*13.

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.)

\*14.

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.)

\*15.

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.”

\*16.

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.

17.

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

18.

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

19.

Institute of Martial Arts (Incorporation) Bill — Consideration.

20.

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 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 Thilakarathne, 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.”