



[Seventh Parliament -First Session]

No. 226.]

ORDER PAPER OF PARLIAMENT

FOR

Thursday, November 15, 2012 at 9.30 a.m.

QUESTIONS FOR ORAL ANSWERS

1893/11

1.

Hon. Buddhika Pathirana,— To ask the Minister of Irrigation and Water Resources Management,—(1)

(a) Is he aware that—

- (i) people living in the adjoining villages of Kekanadura are faced with a number of problems as water has started to leak from number of places in the bund of the Ellakanda tank in Kekanadura in Matara District ;
- (ii) farmers complain that this situation has arisen as a result of the irregularities committed by the relevant officers at the rehabilitation of the tank ; and
- (iii) although the residents of the area have informed the relevant officers about the aforesaid situation, action has not been taken to remedy it?

(b) Will he inform this House—

- (i) whether a formal inquiry has been conducted in relation to the irregularities that have taken place at the rehabilitation of Kekanadura Ellakanda tank ;
- (ii) whether arrangements will be made to rehabilitate the tank again to stop the leakages ; and
- (iii) if so, the time taken for it?

(c) If not, why?

2158/11

2.

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

- (a) Will he state—
- (i) whether a three-storey, multi-purpose building is being constructed at Hettipola Model Primary School in Paduwasnuwara Education Division of Kuliyaipitiya Education Zone;
 - (ii) the estimated cost for the aforesaid construction;
 - (iii) the manner in which the provisions required for the aforesaid construction were obtained;
 - (iv) the name and address of the person who provided funds, if the aforesaid construction is not carried out using the allocations made by the government;
 - (v) the date of commencement of the aforesaid construction work;
 - (vi) the date by which the construction work should be completed as per the agreement;
 - (vii) whether the aforesaid construction has been completed by now; and
 - (viii) the reasons for not completing the construction work, if the construction work has not been completed ?
- (b) If not, why?

2205/11

3.

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

- (a) Will he state in relation to the State Timber 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 granted to the State Timber 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?

(3)

- (c) Will he inform this House—
 - (i) whether the State Timber 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?

2325/12

4.

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

- (a) Is he aware that the teachers engaged in volunteer service have been employed under the Ministry of Education as teacher assistants?
- (b) Will he inform this House—
 - (i) of the year in which the volunteer teachers were recruited as teacher assistants;
 - (ii) of the number of teacher assistants employed at present;
 - (iii) of the number of teacher assistants absorbed into Grade 3-II of the Teacher Service;
 - (iv) the monthly salary paid to a teacher of the aforesaid Service; and
 - (v) whether action will be taken to change the designation of the teacher assistants ?
- (c) Will he also inform this House whether action will be taken —
 - (i) to confirm all those who were recruited as teacher assistants in service under the recruitment procedure pertaining to the Teacher Service and place them on the relevant salary step; and
 - (ii) to confirm them in service with effect from the date on which they were recruited as teacher assistants ?
- (d) If not, why?

2381/12

5.

Hon. (Mrs.) Anoma Gamage,— To ask the Minister of External Affairs,—(1)

- (a) Will he state separately on per grade basis, the number of approved cadre positions in the Sri Lanka Foreign Service ?
- (b) Will he also state—
 - (i) the number of officers in the Sri Lanka Foreign Service who have entered into the Service after having succeeded at the competitive examinations;
 - (ii) the number of government officers who have been recruited for the embassies external to the Sri Lanka Foreign Service; and
 - (iii) the number of other officers who are not in permanent Public Service, serving in the Sri Lankan embassies;
 by now ?
- (c) Will he inform this House—
 - (i) separately of the names, designations and the years of recruitment of the officers enquired about in (b) (ii) and (iii) above; and
 - (ii) of the procedure adopted when recruiting officers for the embassy service, external to the Sri Lanka Foreign Service ?
- (d) If not, why ?

2541/12

6.

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

- (a) Will he state—
 - (i) whether there is a project to construct a railway line from Matara to Beliatta;
 - (ii) if so, the total length of that railway;
 - (iii) the institution to which the tender relevant to the aforesaid construction has been awarded ; and
 - (iv) the basis on which the aforesaid company was selected ?
- (b) Will he inform this House—
 - (i) of the total amount expected to be spent on the project to construct Matara-Beliatta railway;
 - (ii) whether an agreement has been signed with the government of China to obtain a loan for the aforesaid project; and
 - (iii) if so, of the interest rate, pay back period and the number of installments of the aforesaid loan ?
- (c) If not, why ?

7.

Hon. Sunil Handunnetti,— To ask the Minister of Finance and Planning,—(2)

- (a) Is he aware that —
- (i) the provisions of the Public Administration Circular No. 44/90 dated 18th October 1990 have been made applicable to the employees of the People's Bank with effect from 7th June 1996;
 - (ii) Bank of Ceylon and National Savings Bank have not made that Circular applicable to their employees;
 - (iii) the Public Administration Circular No.44/90 implemented for a special requirement of the Public Service, was cancelled on 23rd December 1996; and
 - (iv) despite the fact mentioned in (iii) above, the pension scheme implemented by the People's Bank based on the Public Administration Circular No. 44/90, is maintained by that Bank up to now?
- (b) Will he state whether the pension scheme that existed prior to 7th June 1996 will be implemented again for the employees of the People's Bank, with effect from the date on which the Public Administration Circular No. 44/90 was cancelled ?
- (c) If not, why?

2912/12

8.

Hon. Wasantha Aluwihare,— To ask the Minister of Education,—(1)

- (a) Will he state separately as per provinces, the number recruited as graduate teacher trainees in the year 1999 ?
- (b) Is he aware that—
- (i) the above mentioned graduate teacher trainees were appointed as Management Assistants in the year 2000;
 - (ii) they were absorbed again to the Teacher Service in the year 2006;
 - (iii) a circular has been issued to grant approval to promote them to Grade 2-II of the Teacher Service, having computed the period of service of these teachers from the date they were appointed to the post of Management Assistant;
 - (iv) as per the above circular, teachers of several provinces have been granted promotions to Grade 2-II of the Teacher Service and placed on the relevant salary scale; and
 - (v) the teachers of the Central Province have been deprived of the aforesaid promotions ?

(6)

- (c) Will he inform this House whether action will be taken to grant promotions to Grade 2-II to the teachers of the Central Province too, who were recruited to the Teacher Service as per the (b) (ii) above ?
- (d) If not, why ?

2948/12

9.

Hon. A. Vinayagamoorthy,— To ask the Minister of Health,—(1)

- (a) Will he state the number of persons waiting for the heart surgery to be done in the National Hospital in Colombo to date?
- (b) Will he also state whether the number of heart surgeries done in the aforesaid hospital for a day can be increased if an additional Intensive Care Unit is provided ?
- (c) Will he take steps to have an additional Intensive Care Unit in the aforesaid hospital?
- (d) If not, why?

2950/12

10.

Hon. Ajith Kumara,— To ask the Minister of Economic Development,—(1)

- (a) Will he state—
 - (i) the date on which the Samurdhi Officers' Welfare Fund of the Sri Lanka Samurdhi Authority was established;
 - (ii) the total amount credited to that Fund from its inception up to now; and
 - (iii) the number of officers who have been paid by the aforesaid Fund, the total amount paid to them and the balance in the Fund separately, as at 30th June 2012 ?
- (b) Will he inform this House of—
 - (i) the purposes for which the money of that Fund can be used;
 - (ii) the Acts and Regulations that construe the legal status of that Fund;
 - (iii) the time taken to make the payments relevant to a members' welfare request; and
 - (iv) the reasons for delays in making payment for a member's request, if such delays take place ?

(7)

- (c) Will he also state—
 - (i) whether any other investment has been made using the money of the Samurdhi Officers' Welfare Fund;
 - (ii) if so, the profit made through such investment from its inception up to now;
 - (iii) the parties among whom that profit would be divided; and
 - (iv) the amount that goes to each party, separately ?
- (d) If not, why ?

1894/'11

11.

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

- (a) Is he aware that eventhough construction of a green city and a green sports complex was started under the Makandura town development plan implemented by the Pannala Pradeshiya Sabha of Kurunegala District, its construction work has been stopped halfway at present?
- (b) Will he state—
 - (i) the reasons for stopping the construction work; and
 - (ii) the institution or institutions which provided funds for the aforesaid construction; and
 - (iii) the amount of money allocated for that purpose?
- (c) Will he inform this House—
 - (i) whether construction work of the green city and the green sports complex will be recommenced; and
 - (ii) if so, the date on which it will be done ?
- (d) If not, why?

2159/'11

12.

Hon. Dayasiri Jayasekara,— To ask the Minister of State Resources and Enterprise Development,—(1)

- (a) Will he state—
 - (i) the number of estates managed by the Sri Lanka State Plantation Corporation; and
 - (ii) separately, the number of employees working in each of the aforesaid estates?

- (b) Will he inform this House—
- (i) of the amount of money that should be credited to the Employees Provident Fund per month on behalf of the aforesaid employees;
 - (ii) of the amount of money that has hitherto been credited to the Employees Provident Fund accordingly;
 - (iii) separately, of the amount of money in arrears that should be paid on behalf of each of the aforesaid estates, if money has not been credited to the aforesaid Provident Fund regularly;
 - (iv) of the total amount of money in arrears;
 - (v) of the purpose for which the aforesaid amount of money that has fallen into arrears has been utilized; and
 - (vi) of the date on which the arrears will be settled ?
- (c) If not, why?

2206/'11

13.

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

- (a) Will he state—
- (i) the number of Cabinet Ministers at present and their names;
 - (ii) the total of budgetary allocations to the aforesaid Ministries for the year 2012;
 - (iii) the aforesaid allocation in terms of a percentage of the GDP;
 - (iv) the total number of people working in those Ministries ; and
 - (v) the total cost per Ministry per month?
- (b) Will he also state whether any of the aforesaid Ministries could be abolished or reduced ?
- (c) If not, why?

2326/'12

14.

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

- (a) Is he aware that the President has pledged that—
- (i) the Medical Faculty of Rajarata University, which started on 11-09-2006 would be developed; and
 - (ii) the students of the Medical Faculty of Rajarata University would also be granted internship opportunities along with the 2005-2006 batches of the other Medical Faculties?

(9)

- (b) Will he state—
- (i) whether facilities available at other Medical Faculties have adequately been provided to the Medical Faculty of the Rajarata University too;
 - (ii) whether all the facilities including the buildings required for Clinical Training conducted by Professors have been established in the Medical Faculty of the Rajarata University ;
 - (iii) the number of students that were to receive Clinical Training conducted by Professors in May 2011;
 - (iv) whether they have commenced the aforesaid training by now; and
 - (v) if not, the period of time required to provide the students with the aforesaid training ?
- (c) If not, why ?

2542/12

15.

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

- (a) Will he submit to this House—
- (i) the length of the railway line which is being renovated from Galle to Matara; and
 - (ii) the basis of selection of the company to which the project of renovating the aforesaid railway line has been assigned ?
- (b) Will he state—
- (i) the persons who are entitled to the ownership of the old rails which have been removed according to the agreements of the aforesaid project;
 - (ii) whether the removed rails were sold;
 - (iii) if so, the persons who purchased the aforesaid rails; and
 - (iv) the price at which the rails were sold and the total amount of money received from the sale ?
- (c) If not, why ?

AT THE COMMENCEMENT OF PUBLIC BUSINESS

Notice of Motions

1.

The Leader of the House of Parliament,— Business of the Parliament,— That November 19th Monday, 20th Tuesday, 21st Wednesday, 22nd Thursday, 23rd Friday, 24th Saturday, 26th Monday, 28th Wednesday, 29th Thursday, 30th Friday, December 3rd Monday, 04th Tuesday, 05th Wednesday, 06th Thursday, 07th Friday and 08th Saturday, 2012 be allotted days for the consideration of the “Appropriation Bill (2013)”.

2.

Leader of the House of Parliament,— Sittings of the Parliament (No. 1),— That notwithstanding the provisions of Standing Order 70(2) the hours of sitting on allotted days for the consideration of “Appropriation Bill (2013)” from 19th November to 07th December, 2012 shall be 9.30 a.m. to 12.30 p.m. and 1.00 p.m. to 6.30 p.m.. At 6.00 p.m. paragraph (5) and (6) of the Standing Order 7 shall operate.

3.

Leader of the House of Parliament,— Sittings of the Parliament (No. 2),— That notwithstanding the provisions of Standing Order 70(2) the hours of sitting on allotted days for the consideration of “Appropriation Bill (2013)” on Saturday 08th December, 2012 shall be 9.30 a.m. to 12.30 p.m. and 1.00 p.m. to 5.00 p.m.. At 5.00 p.m. Mr. Speaker shall adjourn the Parliament without question put.

4.

Hon. Janaka Bandara,— Leave to introduce a Bill,— That leave be granted to introduce the following Bill:—

“ Bill to incorporate the Sri Lanka Heritages Foundation.”

NOTICE OF MOTIONS AND ORDERS OF THE DAY

*1.

Appropriation Bill (2013)— (Fifth 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.

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19.

Hon. T. Ranjith De Zoysa
Hon. Palany Thigambaram
Hon. Douglas Devananda
Hon. Mohan Lal Grero
Hon. V. S. Radhakrishnan
Hon. S. B. Dissanayake
Hon. Reginold Cooray
Hon. Nandimithra Ekanayake
Hon. Weerakumara Dissanayake
Hon. Gitanjana Gunawardena
Hon. Mahinda Amaraweera
Hon. Muthu Sivalingam
Hon. Lasantha Alagiyawanna

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

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

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

Hon. Chandrasiri Gajadeera

Hon. Basheer Segu Dawood

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

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

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

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

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

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

6. Whereas, despite the provisions made by Article 111H of the Constitution that the Secretary of the Judicial Service Commission shall be appointed from among the senior judicial officers of the courts of first instance, the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake acting as the Chairperson of the Judicial Service Commission by virtue of being the Chief Justice, has violated Article 111H of the Constitution by disregarding the seniority of judicial officers in executing her duties as the Chairperson of the Judicial Service Commission through the appointment of Mr. Manjula 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."
