



[ Seventh Parliament -First Session]

No. 228.]

## ORDER PAPER OF PARLIAMENT

FOR

Saturday, November 17, 2012 at 9.30 a.m.

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### QUESTIONS FOR ORAL ANSWERS

1898/'11

1.

Hon. Buddhika Pathirana,— To ask the Minister of Agrarian Services and Wildlife,—(1)

- (a) Is he aware that eventhough nearly 26 years have lapsed since the dam of the Kadawana tank in Thambalagamuwa Divisional Secretariat Division in Trincomalee District was blown up by LTTE terrorists, the farmers are unable to start cultivation activities as it has not been renovated up to now ?
- (b) Will he inform this House—
  - (i) of the problems that have cropped up in relation to the renovation of the aforesaid tank;
  - (ii) whether action will be taken to solve those problems and renovate the tank expeditiously;
  - (iii) whether provisions for this purpose have been allocated by now; and
  - (iv) if so, the date on which the construction work will be commenced ?
- (c) If not, why?

2180/'11

2.

Hon. Dayasiri Jayasekara,— To ask the Minister of Finance and Planning,—(1)

- (a) Will he state—
  - (i) whether money was received from the World Bank for the project implemented for encouraging the small and medium scale local entrepreneurs which was proposed by the budget 2010/2011;
  - (ii) if so, the amount of money so received; and
  - (iii) whether the aforesaid amount of money was received as a loan or an aid ?

(2)

- (b) Will he also state—
- (i) the interest charged;
  - (ii) the value of the maximum amount of loan granted;
  - (iii) the institutions intervened;
  - (iv) the districts, individuals, and the institutions benefited;
  - (v) the relevant projects;
  - (vi) the number of Agro-production projects benefited;
  - (vii) the number of years stipulated to pay back the loan, and
  - (viii) the grace period given to pay back the loan, when loans were granted to the local entrepreneurs under the aforesaid project ?
- (c) If not, why ?

2209/'11

3.

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

- (a) Will he state pertaining to the National Savings Bank for the last 5 years—
- (i) the total capital and reserves employed;
  - (ii) the return on equity and return on assets separately;
  - (iii) the total number of staff and cost per employee;
  - (iv) a comparison of cost per employee with a private sector banking institution;
  - (v) the non-recurring cost as at today;
  - (vi) the amount paid as levies or duties to the government; and
  - (vii) the profit or loss ?
- (b) If not, why?

2329/12

4.

Hon. Sajith Premadasa,— To ask the Minister of Agrarian Services and Wildlife,—(1)

- (a) Is he aware that—
  - (i) Wekanda tank situated in Ikiriya Goda Grama Niladhari Division belonging to Ridimaliyadda Divisional Secretariat Division has been fed by Thorapala Oya from the time of King Saddhatissa reigned, up to now; and
  - (ii) 800 farmer families have been rendered helpless as 25 acres of unauthorized paddy fields have been allowed to be cultivated within this tank which has an area of 500 acres and a tank bund that is 50 feet high and 1 Km long ?
- (b) Will he inform this House—
  - (i) whether action will be taken to remove the unauthorized cultivations within the tank as mentioned above and restore the Wekanda tank; and
  - (ii) if so, the time it would take to complete such restoration work ?
- (c) If not, why?

2528/12

5.

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

- (a) Will he state separately, in relation to each year—
  - (i) the number of school children who got uniform material; and
  - (ii) the amount of money allocated to provide school uniform material; during the period from the year 2005 to 2010?
- (b) Will he also state separately, in relation to each year—
  - (i) the total quantity of material purchased locally to provide school uniforms; and
  - (ii) the total quantity of material imported for that purpose; during the period from the year 2005 to 2011?
- (c) Will he inform this House of the persons who tested the standard and the quality of the imported school uniform material ?
- (d) Will he state the date on which the distribution of school uniform material that has not been completed up to now, will be completed ?
- (e) If not, why ?

2782/12

6.

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

- (a) Will he inform this House—
  - (i) whether the soldiers and officers of the three forces are eligible for retirement after a service of 22 years ;
  - (ii) of the basis on which the pension of the aforesaid soldiers and officers is calculated ;
  - (iii) whether a special allowance is added to the pension of the soldiers and officers considering the disability of the aforesaid personnel who were injured and disabled during active duty in the North and the East and go on retirement after completing a service of 22 years ;
  - (iv) if so, as to how the aforesaid allowance given to disabled soldiers and officers is calculated ;
  - (v) whether the payment of the aforesaid special allowance has been stopped by now ; and
  - (vi) if so, the reason for that?
- (b) If not, why?

2994/12

7.

Hon. (Mrs.) Rosy Senanayake,— To ask the Minister of Public Administration and Home Affairs,—(1)

- (a) Will he state—
  - (i) the total number of vacancies that exist in public service at present ;
  - (ii) that number of vacancies in relation to designations, separately ;
  - (iii) the total number of graduates recruited as Development Assistants recently and attached to the Divisional Secretariats at present ; and
  - (iv) the number of graduates recruited in that manner, in relation to the provinces, separately?
- (b) If not, why ?

3002/12

8.

Hon. (Dr.) Harsha De Silva,— To ask the Minister of Finance and Planning,— (1)

- (a) Is he aware that Sri Lanka's first Sovereign Bond, for USD 500 million, was due in October 2012?

- (b) Will he inform this House—
- (i) the exact date of issuance of the said bond, the rate of interest and its date of maturity;
  - (ii) the LKR equivalent of the proceeds of the said bond on the date of issuance;
  - (iii) the specific purposes that the proceeds of the said bond was utilized;
  - (iv) the itemized returns from such utilizations (investments) in (iii) above, if any, towards the repayment of the said bond;
  - (v) the USD amount and LKR equivalent of the total repayment including capital and interest of the said bond, by each date that interest was paid and on the date of maturity, separately; and
  - (vi) the interest component and any additional amount to be paid due to currency depreciation, separately?
- (b) If not, why?

1899/'11

9.

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

- (a) Is he aware that—
- (i) G/Ramadola Kanishta Vidyalaya at Imbulpitiya, which came under the Elpitiya Zonal Education Office in Galle District, was closed several years ago and as a result its buildings and other resources are getting destroyed at present ; and
  - (ii) the land on which the aforesaid school has been built is currently at the risk of being encroached by neighbours?
- (b) Will he inform this House—
- (i) whether steps will be taken to stop the encroachment of the school land ;
  - (ii) whether a plan has been made to use the land and the buildings of G/Ramadola Kanishta Vidyalaya for some other productive activity ;
  - (iii) if so, what that plan is ; and
  - (iv) whether allocation have been made for that purpose?
- (c) If not, why?

2239/12

10.

Hon. Ravi Karunanayake,— To ask the Minister of Ports and Highways,—(1)

- (a) Will he state—
  - (i) as to when the Southern Expressway was proposed to be built;
  - (ii) the original cost estimated for the construction of the aforesaid Expressway; and
  - (iii) the total cost incurred to date on the Southern Expressway?
- (b) Will he also state—
  - (i) the distance of the Southern Expressway in kilometers;
  - (ii) whether the Southern Expressway is going to be extended from Galle to Matara; and
  - (iii) the amount of money collected as toll payments from the opening to the end point of the Expressway?
- (c) If not, why?

2263/12

11.

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

- (a) Will he state—
  - (i) the number of security officers provided for the security of a Deputy Minister ;
  - (ii) whether those security officers are police officers, officers of the Ministerial Security Division or Army Officers;
  - (iii) whether certain other persons have been deployed for the security of the Deputy Ministers in addition to the officers mentioned above;
  - (iv) if so, who they are;
  - (v) the names of Deputy Ministers who have employed such persons for their security; and
  - (vi) the reasons for employing such persons for the security of Deputy Ministers ?
- (b) Will he also state the number of Backup Vehicles provided for a Deputy Minister, mentioned in a (i) above ?
- (c) If not, why?

2330/12

12.

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

- (a) Is he aware that —
- (i) the Civil Security Department has been established as per Cabinet decision No.16/1395/206/052 dated 02.08.2006, to assist the Sri Lanka Police Service;
  - (ii) Civil Security Officers have acted with total commitment when a war situation prevailed, at ceremonies of national importance and in various disaster situations; and
  - (iii) it has been stated that the officers who had completed 180 days of uninterrupted service by 31.10.2009 would be confirmed speedily as per the Circular issued by the Civil Security Department on 15.12.2009 ?
- (b) Will he state—
- (i) the number employed in the Civil Security Service at present;
  - (ii) the daily wages paid to each category of officers currently serving in various fields of that service;
  - (iii) whether measures will be taken to confirm the employees of the aforesaid Department who are serving for daily wages, place them on a permanent salary scale and grant them all the privileges that public officers are entitled to; and
  - (iv) the time frame required for that?
- (c) If not, why?

2535/12

13.

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

- (a) Will he state—
- (i) separately and in relation to each university, the number of students who have obtained bursaries;
  - (ii) the total sum of money spent to grant bursaries to university students ; and
  - (iii) separately, the amount of money allocated to each university for the payment of bursaries;
- in the year 2011 ?

- (b) Will he inform this House—
- (i) of the year in which the monthly payment of bursary for the university students was increased for the last time;
  - (ii) the amount by which it was increased at that time;
  - (iii) the amount of monthly payment of bursary given at present;
  - (iv) whether steps will be taken to increase the monthly payment of bursary given at present; and
  - (v) if so, when ?
- (c) If not, why ?

2995/12

14.

Hon. (Mrs.) Rosy Senanayake,— To ask the Minister of Petroleum Industries,—(1)

- (a) Is he aware that, apart from the poor quality petrol crisis reported in June 2011, a crisis regarding low quality diesel has also been reported on 23 July 2012?
- (b) Will he state—
- (i) the company that has supplied the low quality diesel according to these reports ;
  - (ii) whether complaints have been made against this company previously about supplying sub-standard fuel oil ; and
  - (iii) if so, on what date?
- (c) Will he inform this House of—
- (i) the methodology for certifying the quality of fuel imported to this country ;
  - (ii) the name of the body that has the authority to call tenders to import oil ;
  - (iii) the name of the authority who appoints the tender committee ; and
  - (iv) the names of the members of such tender committee who were involved in this importation of low quality diesel?
- (d) Will he also inform this House of—
- (i) the names of the companies registered for the importation of oil into Sri Lanka ;
  - (ii) out of these, the names of those that are not operating by now ;
  - (iii) the names of the blacklisted companies by now ; and
  - (iv) the number of companies that supply low-sulphur fuels?
- (e) If not, why ?

15.

Hon. (Dr.) Harsha De Silva,— To ask the Minister of Finance and Planning,— (1)

- (a) Will he state as to how the Cost of Living Allowance (COLA) is calculated based on the Colombo Consumer Price Index (CCPI)?
- (b) Will he inform this House—
  - (i) whether the CCPI series used to calculate the COLA was changed in the recent times;
  - (ii) if so, as to when such a change was made;
  - (iii) the per unit Rupee value for each index point prior to the change and after the change;
  - (iv) as to how the new value is justified, if there is any difference between the per unit Rupee values mentioned above; and
  - (v) whether it is necessary to use a new CCPI series or a revised per unit Rupee value for each point in the Index ?
- (b) If not, why?

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AT THE COMMENCEMENT OF PUBLIC BUSINESS

**Notice of Motions**

1.

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

“ Bill to incorporate the Champika Premadasa Community  
Development Foundation.”

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NOTICE OF MOTIONS AND ORDERS OF THE DAY

\*1.

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

\*2.

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

\*3.

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

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

(Cabinet approval signified.)

\*4.

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

\*5.

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

(Cabinet approval signified.)

\*6.

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

(Cabinet approval signified.)

\*7.

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

(Considered by the Consultative Committee on Health on 03.11.2011)

\*8.

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

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

\*9.

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

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

\*10.

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

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

\*11.

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

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

\*12.

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

(Cabinet approval signified.)

\*13.

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

(Excise Notification No. 935.)

(Cabinet approval signified.)

\*14.

Order under the Code of Criminal Procedure (Special Provisions) Act,—Adjourned Debate on Question (08th September, 2011) Motion made and question proposed,— “ Order made by the Minister of Justice under subsection (2) of Section 7 of the Code of Criminal Procedure (Special Provisions) Act, No.42 of 2007, and published in the Gazette Extraordinary No. 1708/5 of May 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 06<sup>th</sup>, 2011, which was presented on 13.12.2011, be approved.

16.

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

17.

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

18.

Institute of Martial Arts (Incorporation) Bill — Consideration.

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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. 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. Saneer 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. Arosi 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*

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[1].

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

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