



[ Seventh Parliament -First Session]

No. 232.]

## ORDER PAPER OF PARLIAMENT

FOR

Thursday, November 22, 2012 at 9.30 a.m.

---

### QUESTIONS FOR ORAL ANSWERS

1940/'11

1.

Hon. Buddhika Pathirana,— To ask the Minister of Ports and Highways,—(1)

- (a) Is he aware that the warehouse No. 04 that had been allocated for the storage of items of the Sri Lanka Ports Authority has been provided to an Indian company engaged in oil excavation in Mannar?
- (b) Will he inform this House of—
  - (i) the reasons for providing that warehouse to the Indian company ;
  - (ii) the basis on which it has been provided ; and
  - (iii) the income expected through the provision of that warehouse to the Indian company?
- (c) If not, why?

2244/'12

2.

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

- (a) Will he state for the year 2012—
  - (i) the total cost incurred for renting buildings which are not owned by the Ministry of Health;
  - (ii) the rate per square foot and the period of lease or rent of each building separately;
  - (iii) the total amount spent on renting or leasing of vehicles from entities not belonged to the Ministry;
  - (iv) the total number of vehicles rented or leased;
  - (v) the other services outsourced by the Ministry ;
  - (vi) the cost incurred for the aforesaid outsourced services ;
  - (vii) the total staff strength of the Ministry; and
  - (viii) the number of persons contracted on outsourced basis?
- (b) If not, why?

2273/12

3.

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

- (a) Will he state—
  - (i) the date on which the General Certificate of Education (Advanced Level) Examination was held in 2011;
  - (ii) the date on which the results of the aforesaid examination were issued;
  - (iii) whether the results of the aforesaid examination were issued again after invalidating the results that had been issued; and
  - (iv) if so, the reasons for doing so?
- (b) Will he inform this House of —
  - (i) the persons who are responsible for the confusion created in issuing the results of the Advanced Level Examination held in 2011;
  - (ii) the courses of action to be taken or have been taken against them;
  - (iii) the steps that will be taken regarding the parties who became inconvenienced as a result of being disappointed by the revision of the exam results; and
  - (iv) the courses of action that will be taken to prevent the creation of confusing situations regarding examination results in the future?
- (c) If not, why?

2291/12

4.

Hon. Sunil Handunnetti,— To ask the Minister of Local Government and Provincial Councils,—(4)

- (a) Will he inform this House—
  - (i) whether a decision has been taken to change the Matron posts of pre-schools administered by Local Authorities; and
  - (ii) if so, the reason for it ?
- (b) Will he state—
  - (i) whether the administration of the pre-schools coming under the Local Authorities has been assigned to other institutions;
  - (ii) the names of the pre-schools of which the administration has been assigned to other institutions as mentioned above; and
  - (iii) the names of the institutions to which the administration of those pre-schools has been assigned?

(3)

(c) Will he admit that the decision taken not to approve new pre-school Matron posts, which has been mentioned in the letter bearing No. DMS/D3/97/27/02 issued by the Director General of Management Services, will lead to closure of pre-schools governed by the Local Authorities ?

(d) If not, why?

2334/'12

5.

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

(a) Is he aware that it had been proposed under the 'Mahinda Chinthana – A vision for the future' manifesto to introduce a pension scheme for traditional indigenous doctors ?

(b) Will he inform this House—

(i) whether the aforesaid pension scheme is being implemented at present; and

(ii) if so, the number of beneficiaries of the aforesaid pension scheme ?

(c) If not, why ?

2884/'12

6.

Hon. Wasantha Aluwihare,— To ask the Minister of Co-operatives and Internal Trade,—(1)

(a) Will he admit the facts that—

(i) resting the financial and administrative powers of the Co-operative Societies in the elected Chairmen and the Board of Directors, lead to corruption and malpractices in administrative and financial matters of those Societies ;

(ii) the Matale, Rattota Multi Purpose Co-operative Society has plunged in to a huge financial crisis owing to massive fraud and corruption that has occurred in the financial and administrative affairs of the Society within the aforesaid context; and

(iii) the customers of this Co-operative Society are immensely inconvenienced owing to the inability of the Society to run its outlets and 'Co-op' cities due to the financial crisis ?

(b) Will he state separately and in relation to Rattota Multi Purpose Co-operative Society—

(i) the number of outlets and 'Co-op' cities, the number of functioning outlets and 'Co-op' cities and employees; and

(ii) the number of representatives of the General Assembly that should be present at an election from the outlets, and the number of such representatives that were present at the election held on 20.03.2010 ?

(4)

(c) Will he also state—

- (i) the measures to be adopted to look into the incidents of administrative weaknesses, corruptions and malpractices taking place in the Co-operative Societies;
- (ii) whether a formal investigation will be conducted regarding the corrupt deals that have place in the Rattota Multi Purpose Co-operative Society ; and
- (iii) if so, when ?

(d) If not, why ?

2916/12

7.

Hon. Ajith P. Perera,— To ask the Minister of Public Administration and Home Affairs,—(1)

(a) Will he state—

- (i) whether a pledge has been made by the ‘Mahinda Chinthana - A vision for the future’ policy manifesto presented in 2010 to the effect that a new system through which the pension will be sent directly to the homes shall be implemented to prevent the senior citizens from facing difficulties in the process of receiving the government pension;
- (ii) if so, as to what the new system through which the pension will be sent directly to the homes as per the aforesaid pledge, is going to be; and
- (iii) if the aforesaid pledge has not been honoured, the reasons for that ?

(b) If not, why ?

2954/12

8.

Hon. Akila Viraj Kariyawasam,— To ask the Minister of Health,—(1)

(a) Is he aware that although United Nursing Officers’ Association has held a number of discussions with the health sector authorities regarding 15 demands, they have not been granted up to now ?

(b) Will he inform this House—

- (i) of the demands made by the United Nursing Officers’ Association during the aforesaid discussions ;
- (ii) of the number of demands that have been granted out of those demands by now ; and
- (iii) whether action will be taken to grant the demands made by the above mentioned Nursing Officers’ Association, which would be helpful in strengthening the health sector ?

(c) If not, why ?

NOTICE OF MOTIONS AND ORDERS OF THE DAY

\*a1.

Appropriation Bill (2013)— (Eleventh Allotted Day)—Committee (Progress 21<sup>st</sup> November).

\*2.

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)

\*3.

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.)

\*4.

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.)

\*5.

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.)

\*6.

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 31.12.2010 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.)

\*7.

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

\*8.

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.)

\*9.

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

\*10.

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.)

\*11.

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.)

\*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.

P. 167/12

19.

Hon. T. Ranjith De Zoysa  
Hon. Palany Thigambaram  
Hon. Douglas Devananda  
Hon. Mohan Lal Greero  
Hon. V. S. Radhakrishnan  
Hon. S. B. Dissanayake  
Hon. Reginold Cooray  
Hon. Nandimithra Ekanayake  
Hon. Weerakumara Dissanayake  
Hon. Gitanjana Gunawardena  
Hon. Mahinda Amaraweera  
Hon. Muthu Sivalingam  
Hon. Lasantha Alagiyawanna  
Hon. Sanath Jayasuriya  
Hon. Lakshman Wasantha Perera  
Hon. Jagath Balasuriya  
Hon. (Al-Haj) A. H. M. Azwer  
Hon. Dullas Alahapperuma  
Hon. Mahindananda Aluthgamage  
Hon. (Mrs.) Pavithradevi Wanniarachchi  
Hon. Duleep Wijesekera  
Hon. (Mrs) Sriyani Wijewickrama  
Hon. (Mrs) Malani Fonseka  
Hon. Dayasritha Thissera  
Hon. Vinayagamoorthi Muralidaran  
Hon. M. L. A. M. Hizbullah  
Hon. A. L. M. Athaulla  
Hon. M. K. A. D. S. Gunawardana

Hon. Bandula Gunawardane  
Hon. Nirmala Kotalawala  
Hon. Vijitha Berugoda  
Hon. Janaka Wakkumbura  
Hon. H.R. Mithrapala  
Hon. Lalith Dissanayake  
Hon. Wijaya Dahanayake  
Hon. Sarana Gunawardena  
Hon. Lakshman Senewiratne  
Hon. Achala Jagodage  
Hon. Salinda Dissanayake  
Hon. Rohitha Abeygunawardana  
Hon. (Miss) Kamala Ranathunga  
Hon. Jayarathne Herath  
Hon. Rohana Dissanayake  
Hon. Lakshman Yapa Abeywardena  
Hon. A. P. Jagath Pushpakumara  
Hon. Arundika Fernando  
Hon. Shantha Bandara  
Hon. (Dr.) Ramesh Pathirana  
Hon. Victor Antony  
Hon. Sarath Kumara Gunaratne  
Hon. S. M. Chandrasena  
Hon. Manusha Nanayakkara  
Hon. Janaka Bandara Tennakoon  
Hon. Milroy Fernando  
Hon. Lohan Ratwatte  
Hon. Hunais Farook  
Hon. (Mrs) Upeksha Swarnamali  
Hon. (Mrs.) Sumedha G. Jayasena  
Hon. Piyankara Jayaratne  
Hon. Hemal Gunasekera  
Hon. Thenuka Vidanagamage  
Hon. Kumara Welgama  
Hon. Janaka Bandara  
Hon. Vidura Wickramanayaka

Hon. A. R. M. Abdul Cader  
Hon. Ruwan Ranatunga  
Hon. Felix Perera  
Hon. Tharanath Basnayaka  
Hon. (Dr.) Rohana Pushpa Kumara  
Hon. Premalal Jayasekara  
Hon. Sanee Rohana Kodithuvakku  
Hon. Neranjan Wickremasinghe  
Hon. C. B. Rathnayake  
Hon. Duminda Dissanayake  
Hon. Mahinda Yapa Abeywardena  
Hon. Gamini Wijith Wijithamuni De Zoysa  
Hon. P. Dayaratna  
Hon. Thilanga Sumathipala  
Hon. Gamini Lokuge  
Hon. Earl Gunasekara  
Hon. C. A. Suriyaarachchi  
Hon. Udith Lokubandara  
Hon. V. K. Indika  
Hon. T. B. Ekanayake  
Hon. P. Piyasena  
Hon. Gunaratne Weerakoon  
Hon. A. M. Chamika Buddhadasa  
Hon. Siripala Gamalath  
Hon. Indika Bandaranayake  
Hon. Tissa Karalliyadda  
Hon. Praba Ganesan  
Hon. Susantha Punchinilame  
Hon. (Dr.) (Mrs.) Sudarshini Fernandopulle  
Hon. Jeewan Kumaranatunga  
Hon. Ranjith Siyambalapitiya  
Hon. S. B. Nawinne  
Hon. (Dr.) Sarath Weerasekara  
Hon. Sajin De Vass Gunawardena  
Hon. J. R. P. Suriyapperuma  
Hon. Shehan Semasinghe

Hon. Keheliya Rambukwella  
Hon. Dilum Amunugama  
Hon. Eric Prasanna Weerawardhana  
Hon. W. B. Ekanayake  
Hon. Roshan Ranasinghe  
Hon. Nimal Wijesinghe  
Hon. S.C. Mutukumarana  
Hon. Nishantha Muthuhettigamage  
Hon. (Ven.) Ellawala Medhananda Thero  
Hon. Perumal Rajathurai  
Hon. Silvastrie Alantin  
Hon. (Mrs.) Nirupama Rajapaksa  
Hon. Y. G. Padmasiri  
Hon. Navin Dissanayake  
Hon. Chandrasiri Gajadeera  
Hon. Basheer Segu Dawood

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

1. Whereas by purchasing, in the names of two individuals, i.e. Renuka Niranjali Bandaranayake and Kapila Ranjan Karunaratne using special power of attorney licence bearing No. 823 of Public Notary K.B. 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 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*

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NOTICES OF AMENDMENTS RELATING TO ORDERS OF THE DAY

a1.

For amendments in Committee on the Appropriation Bill (2013)— See separate Paper “ Supplement to the Orders of the Day ”.

[1].

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

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