



[Seventh Parliament -First Session]

No. 241.]

ORDER PAPER OF PARLIAMENT

FOR

Wednesday, December 05, 2012 at 9.30 a.m.

QUESTIONS FOR ORAL ANSWERS

1521/'11

1.

Hon. Ravi Karunanayake,— To ask the Minister of Civil Aviation,— (2)

(a) Will he inform this House—

- (i) the number of professional pilot training academies in Sri Lanka;
- (ii) the names of those academies;
- (iii) the average cost of receiving a pilot license in Sri Lanka;
- (iv) the number of pilots required for Sri Lanka; and
- (v) the aftermath of the balance students who are trained but will not get opportunity to serve as a pilot in Sri Lanka

(b) If not, why?

1950/'11

2.

Hon. Buddhika Pathirana,— To ask the Minister of Mass Media and Information,—(1)

(a) Is he aware that—

- (i) a programme to construct houses for 15 media personnel in Rajarata area was implemented concurrently with the Deyata Kirula National Exhibition held in Oyamaduwa in Anuradhapura District in 2012; and
- (ii) the media personnel level allegations that action has been taken without transparency in selecting recipients of houses?

(b) Will he inform this House—

- (i) of the methodology adopted to select the recipients of those houses;
- (ii) whether measures will be taken to correct the situation, if any injustice has been caused in providing housing for media personnel through the aforesaid programe;and
- (iii) of the methodology that will be adopted in the event of taking such measures?

(c) If not, why?

3.

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

(a) Will he state whether—

- (i) an operating theatre, a blood bank, an X-ray unit and laboratory facilities have been established;
- (ii) new technical equipment required for obtaining E.C.G. is available;
- (iii) a clinic has been established for expectant mothers and the required equipment has been supplied;
- (iv) special units such as operating theatres have been air-conditioned;
- (v) adequate equipment and drugs are available; and
- (vi) the environment has been prepared to ensure cleanliness and the drain system required for this purpose has been constructed;

in the Tissamaharama Hospital which has been upgraded as a base hospital ?

(b) Is he aware that—

- (i) dengue larvae are found in abundance in the existent drain system of the Tissamaharama Hospital ; and
- (ii) a telephone centre required for a base hospital has still not been established there ?

(c) Will he inform this House of the time to be taken to meet these requirements of the Tissamaharama Hospital ?

(d) If not, why?

4.

Hon. Dayasiri Jayasekara,— To ask the Minister of Public Administration and Home Affairs,—(1)

(a) Will he state the names of the institutions from which the artistes who performed dances at the Independence Day Celebrations-2012 held in Anuradhapura, were selected ?

(3)

- (b) Will he inform this House—
- (i) of the number of persons who took part in the dances performed at the aforesaid Independence Day Celebrations;
 - (ii) whether they have been provided with rotten food parcels on the date on which the Independence Day Celebrations were held;
 - (iii) if so, of the name of the food supplier;
 - (iv) of the action taken to provide alternative food stuffs in place of the rotten food provided to the aforesaid dancers;
 - (v) of the name of the person who ordered the aforesaid food from the aforesaid supplier; and
 - (vi) of the action taken with regard to the provision of rotten food?
- (c) If not, why?

2963/12

5.

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

- (a) Is he aware that—
- (i) there is a scarcity of officers for the posts of Public Health Inspector, Family Health Midwife, Laboratory Officer, Pharmacist, Family Health Instructor in Kalutara District;
 - (ii) services such as clinics, maternity and pregnancy clinics and dengue eradication projects in hospitals managed under the office of Regional Health Services Director of Kalutara and the Institute of Health in Kalutara, have been disrupted due to the aforesaid reason; and
 - (iii) a solution has not yet been given irrespective of the fact that the Ministry of Health has been informed regarding this matter ?
- (b) Will he inform this House—
- (i) of the total number of vacancies for the aforesaid health service officers in Kalutara District at present;
 - (ii) of the number of officers of the aforesaid posts, who are presently serving in the district mentioned above; and
 - (iii) whether steps will be taken to fill the relevant vacancies ?
- (c) If not, why ?

3036/'12

6.

Hon. (Mrs.) Rosy Senanayake,— To ask the Minister of Irrigation and Water Resources Management,—(1)

- (a) Will he inform this House—
 - (i) the name of the country which provided aid to implement the Yan Oya Irrigation Project;
 - (ii) the amount of money received as aid from the aforesaid country;
 - (iii) the amount spent for the aforesaid project;
 - (iv) the date of commencement of the aforesaid project along with the date on which its construction is scheduled to be completed;
 - (v) the number of families benefitted and the extent of paddy lands irrigated by this project ?
- (b) If not, why ?

3103/'12

7.

Hon. P. Harrison,— To ask the Minister of Lands and Land Development,—(1)

- (a) Will he state—
 - (i) the number of plots of land occupied by people in the Anuradhapura Municipal Council area;
 - (ii) separately, the number of free hold plots of land, leased plots of land and illegally occupied plots of land out of the above plots of land ?
- (b) Will he inform this House—
 - (i) of the steps taken to grant freehold deeds to the above mentioned recipients of leased lands; and
 - (ii) whether there is a programme to expedite such activities ?
- (c) Will he also state—
 - (i) whether an eviction of unauthorized occupants in the Anuradhapura Municipal Council area will be carried out;
 - (ii) if not, whether their residence in those places will be legalized;
 - (iii) whether assessment or any other tax is levied from those unauthorized occupants; and
 - (iv) whether their ownership is verified in providing electricity and other amenities ?
- (d) If not, why?

8.

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

- (a) Will he state separately—
 - (i) the total funds allocated to all nine Provincial Councils in the years 2010, 2011 and 2012 ; and
 - (ii) the Ministries of each Provincial Council that the funds allocated for, in the aforesaid years ?
- (b) Will he also state for the years 2010,2011 and 2012 separately—
 - (i) the amount of money spent out of the government allocations by each Provincial Council ;
 - (ii) the value of expenses made out of the money generated from the Provincial Council itself;
 - (iii) the amount of money obtained by the each Provincial Council as government grants and revenue sharing; and
 - (iv) as to how the deficit in budgetary requirement of each Provincial Council is met?
- (c) Will he inform this House whether the revenue collection method in Provincial Councils has been improved after the arrogation of powers in Central Government to the said Councils?
- (b) 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 the proceedings on Item 2 of Public Business appearing on the Order Paper be exempted at this day's sitting from the provisions of the Standing Order No. 23.

2.

Hon. Nieranjan Wickremasinghe,— Leave to introduce Bill,— That leave be granted to introduce the following Bill:—

“ Bill to incorporate the Lakshman Wasantha Perera Community Development Foundation.”

NOTICE OF MOTIONS AND ORDERS OF THE DAY

*a1.

Appropriation Bill (2013)— (Twentieth Allotted Day)—Committee (Progress 4th December).

*2.

The Minister Plantation Industries,— Regulations under the Rubber Replanting Subsidy Act (No.1),— That the Regulations made by the Minister of Plantation Industries under Section 8 of the Rubber Replanting Subsidy Act (Chapter 437) and published in the Gazette Extraordinary No. 1784/11 of November 14th, 2012, which were presented on 04.12.2012, be approved.

*3.

The Minister Plantation Industries,— Regulations under the Rubber Replanting Subsidy Act (No.2) ,— That the Regulations made by the Minister of Plantation Industries under Section 8 of the Rubber Replanting Subsidy Act (Chapter 437) and published in the Gazette Extraordinary No. 1776/36 of September 20th, 2012, which were presented on 23.11.2012, be approved.

*4.

The Minister Plantation Industries,— Regulations under the Tea Small Holdings Development Law,— That the Regulations made by the Minister of Plantation Industries under Section 22, read with Section 15 of the Tea Small Holdings Development Law, No. 35 of 1975 and published in the Gazette Extraordinary No. 1783/26 of November 8th, 2012, which were presented on 22.11.2012, be approved.

*5.

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

*6.

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.)

*7.

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

*8.

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.)

*9.

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.)

*10.

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.)

*11.

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.)

*12.

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.”

*13.

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.

14.

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

15.

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

16.

Institute of Martial Arts (Incorporation) Bill — Consideration.

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17.

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. 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 Dharmalapa 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 Thilakarathne 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*

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.”
