



[*Seventh Parliament -First Session*]

No. 244.]

ORDER PAPER OF PARLIAMENT

FOR

Saturday, December 08, 2012 at 9.30 a.m.

QUESTIONS FOR ORAL ANSWERS

1956/11

1.

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

- (a) Is he aware that—
 - (i) even before the lapse of two years after the opening of the new building constructed for the Hakmana Pradeshiya Sabha of the Matara District, cracks have appeared on its walls and is becoming dangerous; and
 - (ii) the reason for this situation is the construction being carried out without adhering to proper standards?
- (b) Will he state—
 - (i) the amount of money allocated for the construction of the aforesaid building;
 - (ii) whether tenders were called for the construction activities; and
 - (iii) if so, separately, the name of each of the applicant who submitted tenders and the bids submitted by each of them?
- (c) Will he inform this House—
 - (i) the name of the contractor who carried out construction activities of the Hakmana Pradeshiya Sabha building;
 - (ii) whether a report from the technical officer was obtained before making payments to him; and
 - (iii) whether action will be taken to have the building renovated through the relevant contractor?
- (d) If not, why?

2065/11

2.

Hon. Dayasiri Jayasekara,— To ask the Minister of Irrigation and Water Resources Management,—(2)

- (a) Will he state the amount of money allocated for the renovation of Mahakandarawa tank in Anuradhapura?
- (b) Will he state—
 - (i) whether the aforesaid renovation work has been assigned according to the accepted tender procedure ;
 - (ii) if so, the names and addresses of the tenderers who submitted tenders ;
 - (iii) the name and the address of the company to which the tender was awarded ; and
 - (iv) the names of the Board of Directors of that company?
- (c) Will he state—
 - (i) whether the Presidential Investigation Unit has found that certain irregularities have taken place when carrying out the renovation work of Mahakanadarawa tank ;
 - (ii) if so, the names of the officers against whom allegations were leveled on the above findings ;
 - (iii) the posts held by them at that time ;
 - (iv) the actions taken against them ;
 - (v) if no action has been taken, their present place of work ; and
 - (vi) the posts held by them at present?
- (d) If not, why ?

2212/12

3.

Hon. Sajith Premadasa,— To ask the Minister of Construction, Engineering Services, Housing and Common Amenities,—(2)

- (a) Is he aware that a pledge was made under the Jana Sevana programme of the “Mahinda Chinthana-Dinawamu Sri Lanka” manifesto that freehold ownership of the houses in urban multi-storey housing schemes would be granted to their residents ?

(3)

- (b) Will he inform this House—
- (i) the year in which the granting of freehold ownership to residents of urban multi-storey housing schemes commenced; and
 - (ii) the number of families who have been granted freehold ownership of houses in multi storey housing schemes by now ?
- (c) If not, why ?

2360/12

4.

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

- (a) Will he state—
- (i) the number and names of the companies financially crashed similar to the Ceylinco Group of Companies;
 - (ii) the position of those companies as at to-date;
 - (iii) the amounts paid to the depositors against the deposits in each company crashed separately; and
 - (iv) as to when the balance would be paid?
- (b) Will he also state—
- (i) the names of the liquidators or consultants appointed to revive those companies;
 - (ii) whether the government has assisted to overcome any of the problems caused to the aforesaid companies; and
 - (iii) if so, as to how it was done and the financial value of the assistance?
- (c) Will he inform this House—
- (i) whether the Central Bank of Sri Lanka should responsible for the negligence on their part for not being alive to the problems caused to above companies; and
 - (ii) if not, the nature of the supervision role expected from the Central Bank of Sri Lanka?
- (d) If not why?

5.

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

- (a) Is he aware that—
 - (i) fuel has been purchased again during the first 8 months of the year 2012 from a fuel company called 'Vitol' which had been blacklisted in the year 2010 for supplying substandard fuel;
 - (ii) a large number of vehicles including 1000 private buses, 50 SLTB buses and 10 locomotives have stalled as a result of using substandard fuel obtained from the above company; and
 - (iii) the SLTB alone incurred a loss of about Rs. one million per day as a result ?
- (b) Will he inform this House—
 - (i) as to who granted permission to purchase fuel from the above blacklisted company ;
 - (ii) of the amount of diesel purchased from the above company; and
 - (iii) whether the quality of fuel is tested in purchasing fuel from a company ?
- (c) Will he state whether measures will be taken to —
 - (i) pay compensation to owners whose vehicles sustained mechanical defects as a result of using substandard diesel purchased from the above company ;
 - (ii) initiate legal action against the company which supplied substandard diesel ?
- (d) If not, why ?

6.

Hon. (Mrs.) Rosy Senanayake,— To ask the Minister of Agrarian Services and Wildlife,—(1)

- (a) Will he state—
 - (i) the extent of land belonging to the Maduru Oya National Park;
 - (ii) the varieties of valuable trees found there; and
 - (iii) whether alternatives to pines cultivation as a means of protection for the water catchment area of this Forest Park have been identified ?

(5)

- (b) Is he aware that —
- (i) timber felling rackets and illegal hunting are committed within the Madura Oya Forest Park; and
 - (ii) an elephant has been killed and its tusks have been sawn off and taken away recently ?
- (c) Will he also state—
- (i) the value of the pair of tusks so removed;
 - (ii) whether the racketeers involved in this act have been arrested ; and
 - (iii) the steps that have been taken to prevent the timber racket and illegal hunting that are taking place in the Maduru Oya Forest Park ?
- (d) If not, why ?

2414/12

7.

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

- (a) Will he state—
- (i) the companies that import surgical gloves for government hospitals;
 - (ii) whether approval has been granted for a stock of gloves imported by one of the above mentioned companies and priced too high, to be provided to government hospitals;
 - (iii) the name of the aforesaid company which sells gloves at a higher price; and
 - (iv) the names of the board of directors of that company?
- (b) Will he inform this House—
- (i) whether Medical Supplies Division refused to purchase the stock of gloves of the aforesaid company;
 - (ii) whether that stock of gloves has been purchased following an accepted tender procedure;
 - (iii) if so, whether documents relevant to the above mentioned purchase will be submitted to this House; and
 - (iv) of the authorized officer who granted approval for that purchase ?
- (c) Will he also inform this House—
- (i) of the reasons for such action if the transaction of the purchase of the aforesaid gloves has been done in contravention of accepted procedure; and
 - (ii) of the measures that will be taken regarding those responsible, if such transaction has been carried out ?
- (d) If not, why?

8.

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

- (a) Is he aware that a lot of physical and human resource deficiencies exist in Ethawetunawewa Vidyalaya situated in the Sampathnuwara Divisional Secretariat Division of the Northern Province?
- (b) Will he inform this House—
 - (i) of the physical and human resource deficiencies that prevalent in Ethawetunawewa Vidyalaya ;
 - (ii) whether action will be taken to address the aforesaid shortages ; and
 - (iii) if so, of the time required for that?
- (c) If not, why ?

AT THE COMMENCEMENT OF PUBLIC BUSINESS

Notice of Motions

1.

The Leader of the House of Parliament,— Business of the Parliament (No.1),— That the proceedings on Item 6,7,8,9,11,12,13,14 and 15 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.

The Leader of the House of Parliament,— Business of the Parliament (No.2),— That notwithstanding the provisions of the motions agreed to by Parliament on 09.07.2010 and 15.11.2012, the proceedings on Item 1 to 15 of Public Business appearing on the Order Paper be exempted at this day's sitting from the provisions of the Standing Order 7, 70(2) and 70(3).

3.

The Leader of the House of Parliament,— Sittings of the Parliament,— That this Parliament at its rising this day do adjourn until 1.00 p.m. on Tuesday, January 08th, 2013.

NOTICE OF MOTIONS AND ORDERS OF THE DAY

*a1.

Appropriation Bill (2013)— (Twenty Third Allotted Day)—Committee (Progress 7th December).

*2.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Special Commodity Levy Act (No.1),— That the Order made by the President under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, read with Article 44(2) of the Constitution, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 1783/17 of November 8th, 2012, which was presented on 06.12.2012, be approved.

(Cabinet approval signified.)

*3.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Special Commodity Levy Act (No.2),— That the Order made by the President under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, read with Article 44(2) of the Constitution, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 1779/38 of October 13th, 2012, which was presented on 06.12.2012, be approved.

(Cabinet approval signified.)

*4.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Special Commodity Levy Act (No.3),— That the Order made by the President under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, read with Article 44(2) of the Constitution, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 1776/10 of September 18th, 2012, which was presented on 06.12.2012, be approved.

(Cabinet approval signified.)

*5.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Special Commodity Levy Act (No.4),— That the Order made by the President under Section 2 of the Special Commodity Levy Act, No. 48 of 2007, read with Article 44(2) of the Constitution, relating to Special Commodity Levy and published in the Gazette Extraordinary No. 1770/26 of August 10th, 2012, which was presented on 06.12.2012, be approved.

(Cabinet approval signified.)

*6.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Excise (Special Provisions) Act (No.1),— That the Order made by the Minister of Finance and Planning under Section 3 of the Excise (Special Provisions) Act, No. 13 of 1989, relating to excise duty and published in the Gazette Extraordinary No. 1783/19 of November 08th, 2012, which was presented on 07.12.2012, be approved.

(Cabinet approval signified.)

*7.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Excise (Special Provisions) Act (No.2),— That the Order made by the Minister of Finance and Planning under Section 3 of the Excise (Special Provisions) Act, No. 13 of 1989, relating to excise duty and published in the Gazette Extraordinary No. 1778/40 of October 05th, 2012, which was presented on 07.12.2012, be approved.

(Cabinet approval signified.)

*8.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Excise Ordinance (No.1),— That the Order made by the Minister of Finance and Planning under sub section (1) of Section 22 of the Excise Ordinance (Chapter 52), relating to excise duty and published in the Gazette Extraordinary No. 1778/41 of October 05th, 2012, which was presented on 07.12.2012, be approved.

(Excise Notification Numbers 952, 953, 954 and 955)

(Cabinet approval signified.)

*9.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Excise Ordinance (No.2),— That the Order made by the Minister of Finance and Planning under sub section (1) of Section 22 of the Excise Ordinance (Chapter 52), relating to excise duty and published in the Gazette Extraordinary No.1778/42 of October 05th,2012, which was presented on 07.12.2012, be approved.

(Excise Notification Number 956)

(Cabinet approval signified.)

*10.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Excise Ordinance (No.3),— 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.)

*11.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Resolution under the Customs Ordinance,— That the Resolution under Section 10 of the Customs Ordinance (Chapter 235) relating to import duties, which was presented on 07.12.2012, be approved.

(Gazette Extraordinary No. 1783/18 of November 8th, 2012)

(Cabinet approval signified.)

*12.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Ports and Airports Development Levy Act,— That the Order made by the Minister of Finance and Planning under sub section (3) of Section 3 of the ports and Airports Development Levy Act, No. 18 of 2011, relating to ports and airports development levy and published in the Gazette Extraordinary No. 1783/34 of November 09th, 2012, which was presented on 07.12.2012, be approved.

(Cabinet approval signified.)

*13.

The Minister of Industry and Commerce,— Order under the Sri Lanka Export Development Act (No.1),— That the Order made by the Minister of Industry and Commerce with the concurrence of the Minister of Finance and Planning under Section 14(1) of the Sri Lanka Export Development Act, No. 40 of 1979, relating to cess and published in the Gazette Extraordinary No. 1774/3 of September 03rd, 2012, which was presented on 07.12.2012, be approved.

(Cabinet approval signified.)

*14.

The Minister of Industry and Commerce,— Order under the Sri Lanka Export Development Act (No.2),— That the Order made by the Minister of Industry and Commerce with the concurrence of the Minister of Finance and Planning under Section 14(1) of the Sri Lanka Export Development Act, No. 40 of 1979, relating to cess and published in the Gazette Extraordinary No. 1783/20 of November 08th, 2012, which was presented on 07.12.2012, be approved.

(Cabinet approval signified.)

*15.

The Minister of Industry and Commerce,— Order under the Sri Lanka Export Development Act (No. 3),— That the Order made by the Minister of Industry and Commerce with the concurrence of the Minister of Finance and Planning under Section 14(1) of the Sri Lanka Export Development Act, No. 40 of 1979, relating to cess and published in the Gazette Extraordinary No. 1783/21 of November 08th, 2012, which was presented on 07.12.2012, be approved.

(Cabinet approval signified.)

*16.

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

*17.

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.)

*18.

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

*19.

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.)

*20.

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.)

*21.

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.)

*22.

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.”

*23.

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.

24.

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

25.

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

26.

Institute of Martial Arts (Incorporation) Bill — Consideration.

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27.

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

Hon. (Mrs) Malani Fonseka
Hon. Dayasritha Thissera
Hon. Vinayagamoorthi Muralidaran
Hon. M. L. A. M. Hizbullah
Hon. A. L. M. Athaulla
Hon. M. K. A. D. S. Gunawardana
Hon. Bandula Gunawardane
Hon. 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 Vidanagama
Hon. Kumara Welgama
Hon. Janaka Bandara
Hon. Vidura Wickramanayaka
Hon. A. R. M. Abdul Cader
Hon. Ruwan Ranatunga
Hon. Felix Perera
Hon. Tharanath Basnayaka
Hon. (Dr.) Rohana Pushpa Kumara
Hon. Premalal Jayasekara
Hon. Sanee Rohana Kodithuvakku
Hon. Neranjan Wickremasinghe
Hon. C. B. Rathnayake
Hon. Duminda Dissanayake
Hon. Mahinda Yapa Abeywardena
Hon. Gamini Wijith Wijithamuni De Zoysa
Hon. P. Dayaratna
Hon. Thilanga Sumathipala
Hon. Gamini Lokuge
Hon. Earl Gunasekara
Hon. C. A. Suriyaarachchi
Hon. Udith Lokubandara
Hon. V. K. Indika
Hon. T. B. Ekanayake
Hon. P. Piyasena
Hon. Gunaratne Weerakoon
Hon. A. M. Chamika Buddhadasa
Hon. Siripala Gamalath
Hon. Indika Bandaranayake
Hon. Tissa Karalliyadda

Hon. Praba Ganesan
Hon. Susantha Punchinilame
Hon. (Dr.) (Mrs.) Sudarshini Fernandopulle
Hon. Jeewan Kumaranatunga
Hon. Ranjith Siyambalapitiya
Hon. S. B. Nawinne
Hon. (Dr.) Sarath Weerasekara
Hon. Sajin De Vass Gunawardena
Hon. J. R. P. Suriyapperuma
Hon. Shehan Semasinghe
Hon. Keheliya Rambukwella
Hon. Dilum Amunugama
Hon. Eric Prasanna Weerawardhana
Hon. W. B. Ekanayake
Hon. Roshan Ranasinghe
Hon. Nimal Wijesinghe
Hon. S.C. Mutukumarana
Hon. Nishantha Muthuhettigamage
Hon. (Ven.) Ellawala Medhananda Thero
Hon. Perumal Rajathurai
Hon. Silvastrie Alantin
Hon. (Mrs.) Nirupama Rajapaksa
Hon. Y. G. Padmasiri
Hon. Navin Dissanayake
Hon. Chandrasiri Gajadeera
Hon. Basheer Segu Dawood

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

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

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

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

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

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

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