



[Seventh Parliament -First Session]

No. 245.]

ORDER PAPER OF PARLIAMENT

FOR

Tuesday, January 08, 2013 at 1.00 p.m.

QUESTIONS FOR ORAL ANSWERS

1307/'11

1.

Hon. Ravi Karunanayake,— To ask the Minister of Finance and Planning,— (4)

- (a) Will he state for the years 2010 and 2011 separately—
 - (i) the total cost for renting or leasing of buildings which are not owned by the Ministry of Finance and Planning;
 - (ii) the square footage rate of rented or leased buildings; and
 - (iii) the leasing period of the buildings?
- (b) Will he also state in relation to the Ministry of Finance and Planning for the aforesaid years separately—
 - (i) the total money spent on hiring or leasing of vehicles which do not belong to any of the Ministry related entities;
 - (ii) the total number of vehicles owned;
 - (iii) the other out-sourced services;
 - (iv) the cost incurred in the out-sourced services mentioned above;
 - (v) the number of people who have been contracted on out-sourced basis; and
 - (vi) the total staff strength?
- (c) If not, why?

1645/'11

2.

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

- (a) Is he aware that—
 - (i) number of years have lapsed since the construction work of Beliatta Public Shopping Complex situated in Beliatta area in Hambantota District, was stopped half way; and
 - (ii) the farming community in the area face number of difficulties in selling their agricultural produce as the construction work of the aforesaid Shopping Complex has not been completed?

(2)

- (b) Will he state—
 - (i) the date on which the construction work of the aforesaid Shopping Complex was started ; and
 - (ii) the reasons for stopping the construction work of the aforesaid Shopping Complex?
- (c) Will he inform this House—
 - (i) whether action will be taken to recommence the construction work of the aforesaid Shopping Complex and complete it expeditiously; and
 - (ii) of the period of time that will be taken for it?
- (d) If not, why?

1868/11

3.

Hon. Dayasiri Jayasekara,— To ask the Minister of Telecommunication and Information Technology,—(5)

- (a) Will he state the number of—
 - (i) permanent employees serving at the Sri Lanka Telecom;
 - (ii) regional offices of the Sri Lanka Telecom situated island wide; and
 - (iii) permanent employees serving at each of those offices separately?
- (b) Will he inform this House separately, of—
 - (i) the monthly salary, allowances and other privileges received by the Chief Executive Officer of the Sri Lanka Telecom; and
 - (ii) the monthly salary, allowances and other privileges received by the other executive officers of that institution?
- (c) If not, why?

2028/11

4.

Hon. Sajith Premadasa,— To ask the Minister of Technology and Research,—(6)

- (a) Will she inform whether there is a methodology to obtain information on the new inventions, new discoveries and machinery produced by the talented craftsmen living in various parts of this country?
- (b) Will she admit the facts that—
 - (i) most of the new inventors of this country are unable to improve their inventions and make progress for want of a strong economic footing ; and
 - (ii) those with necessary means in the society are reluctant to help this category of people financially?

(3)

- (c) Will she state whether she will take necessary steps to—
 - (i) subject to a correct evaluation the benefits accrued to the economy and the people of this country through the products of the new inventors ; and
 - (ii) encourage the inventors who have produced useful new inventions and promote the production of such items as an industry?
- (d) If not, why ?

2304/12

5.

Hon. Akila Viraj Kariyawasam,— To ask the Minister of Education,—(3)

- (a) Will he state separately —
 - (i) the number of teachers who went abroad to serve as teachers after obtaining leave from the Ministry of Education or leaving the service permanently during the past 10 years; and
 - (ii) on the basis of each country, the number of foreigners who have received appointments from the Ministry of Education and engaged in the teaching profession in this country during the past 10 years ?
- (b) If not, why ?

2378/12

6.

Hon. (Mrs.) Anoma Gamage,— To ask the Minister of External Affairs,—(3)

- (a) Will he state—
 - (i) the number of foreign tours undertaken by the government in the year 2011 with the objective of strengthening friendly diplomatic relationships for the development of Sri Lanka and soliciting international support required to minimize foreign influence tarnishing the image of Sri Lanka;
 - (ii) the names of those who participated in the aforesaid foreign tours;
 - (iii) the amount of money spent on them; and
 - (iv) the benefits accrued to the country as a result of the aforesaid foreign tours ?
- (b) If not, why ?

2491/12

7.

Hon. Ranjan Ramanayake,— To ask the Minister of Foreign Employment Promotion and Welfare,— (3)

- (a) Is he aware that—
- (i) a mother of three children Madugeta Gamage Dharmawathie residing at Nugekanda area in Hiyare, Akmeemana, who served in Baharain has been brought back to Sri Lanka by now is in a serious condition as she had been forced to swallow wire hooks by the woman who owned the house where she served; and
 - (ii) she has requested an entitlement under “Sahan Piyasa” insurance scheme implemented under the Ministry of Foreign Employment Promotion and Welfare ?
- (b) Will he state the steps taken by now to provide an entitlement to Mrs. Dharmawathie under “Sahan Piyasa” insurance scheme ?

(c) If not, why?

1380/11

8.

Hon. Ravi Karunanayake,— To ask the Minister of Sports,— (4)

- (a) Will he inform this House—
- (i) as to when Sri Lanka was informed by the Cricket World Cup Council that Sri Lanka will be co-hosting the World Cup for year 2011 ;
 - (ii) the amount of money spent on upgrading the prevailing cricket grounds for the World Cup matches ;
 - (iii) names of the persons authorized to approve expenditure on upgrading of prevailing cricket grounds and construction of new cricket grounds; and
 - (iv) whether the constructions of grounds were complied with the approved expenditure?
- (b) If not, why ?

1647/11

9.

Hon. Buddhika Pathirana,— To ask the Minister of Health,—(3)

- (a) Will he admit that—
- (i) eventhough six years have passed since the opening of Kottanthivu rural hospital situated in Mundalama Divisional Secretariat Division in Puttlam District, no patient has been admitted to the hospital up to now; and
 - (ii) this situation has arisen as a result of not providing physical and human resources properly, though the hospital was opened?

(5)

- (b) Will he inform this House—
 - (i) if so, whether measures will be taken speedily to address the shortage of resources that exists at the hospital in order to meet the health needs of the people of that area; and
 - (ii) if so, the time frame required for that?
- (c) If not, why?

1870/11

10.

Hon. Dayasiri Jayasekara,— To ask the Minister of Telecommunication and Information Technology,—(4)

- (a) Will he state—
 - (i) the daily income and the monthly income of the Division of Sri Lanka Telecom which provides telephone facilities through Internet, Voice Over Internet Protocol (VOIP) ;
 - (ii) whether the aforesaid Division has been closed down by now ;
 - (iii) if so, the date on which it was closed down ;
 - (iv) the reasons for closing down the aforesaid Division ; and
 - (v) the profit earned or the loss incurred by the aforesaid Division at the time it was closed down?
- (b) If not, why?

2217/12

11.

Hon. Sajith Premadasa,— To ask the Minister of Construction, Engineering Services, Housing and Common Amenities,—(3)

- (a) Is he aware that a pledge was made under the Janasewana Programme of “Mahinda Chinthana-Dinawamu Sri Lanka” manifesto that 65,000 new houses would be constructed for the people who live in shanties and other improperly built houses in the city of Colombo ?
- (b) Will he inform this House of —
 - (i) the number of houses of which construction work has been completed by now as per the aforesaid pledge;
 - (ii) the places where those houses have been constructed; and
 - (iii) the total number of families that have been settled in the aforesaid houses by now ?
- (c) If not, why ?

1406/11

12.

Hon. Ravi Karunanayake,— To ask the Minister of Finance and Planning,— (3)

- (a) Will he state separately on per year basis—
 - (i) the quantities and the values of 15 most important items drawing out the exchange from the country from 2005 to date; and
 - (ii) the countries from which those items were imported?
- (b) Will he inform this House—
 - (i) whether it is possible to reduce the import volume of those items by replacing them with locally produced good and services or with a cheaper alternatives; and
 - (ii) if so, the value of the difference between importation and local production?
- (c) Will he also state—
 - (i) whether the production of Sri Lankan based items has been encouraged through the Strategic Development Projects Act; and
 - (ii) if it is so, the corroborative evidence on per year basis; and
 - (iii) the possible exchange saving and the employment creation per year, consequent to the implementation of the aforesaid Act ?
- (d) If not, why?

1871/11

13.

Hon. Dayasiri Jayasekara,— To ask the Minister of Telecommunication and Information Technology,—(4)

- (a) Will he state—
 - (i) the amount estimated for the renovation of Jaffna Telecom building;
 - (ii) the names and addresses of those who submitted applications, if tenders were called for the renovation of that building;
 - (iii) the names and addresses of the persons who offered the lowest bid in their applications according to the tender procedure; and
 - (iv) the name of the person or the institution that was awarded the tender and the amount of the bid?
- (b) Will he inform this House—
 - (i) whether renovation work of the aforesaid building has been completed by now; and
 - (ii) if so, the total amount of money spent on it?
- (c) If not, why?

1882/11

14.

Hon. Buddhika Pathirana,— To ask the Minister of Economic Development,—(3)

- (a) Is he aware that a coir based product training centre operated at Piyadigama area in Gintota of Galle District has remained closed for number of years ?
- (b) Will he inform this House—
 - (i) of the reasons for the closure of the aforesaid centre;
 - (ii) as to what happened to powerloom and handloom rope machineries at the centre;
 - (iii) whether action will be taken to resume coir based product training centre at Piyadigama, Gintota;
 - (iv) whether provisions have been allocated for this purpose; and
 - (v) if so, the date on which the production and training will commence ?
- (c) If not, why?

2219/12

15.

Hon. Sajith Premadasa,— To ask the Minister of Construction, Engineering Services, Housing and Common Amenities,—(3)

- (a) Is he aware that a pledge was made under the Janasewana Programme of the “Mahinda Chinthana-Dinawamu Sri Lanka” manifesto that four blocks of flats would be constructed for the public servants living in Colombo and suburbs?
- (b) Will he state—
 - (i) the number of blocks of flats of which the construction work has been completed by now, out of the aforesaid blocks of flats;
 - (ii) the areas in which the aforesaid blocks of flats are situated;
 - (iii) the number of public servants that have been settled in the aforesaid blocks of flats by now; and
 - (iv) separately, the amount of money allocated for each block of flats mentioned above?
- (c) If not, why?

AT THE COMMENCEMENT OF PUBLIC BUSINESS

Notice of Motions

1.

The Leader of the House of Parliament,— Sittings of the Parliament,— That notwithstanding the provisions of Standing Order No. 7 and the motion agreed to by Parliament on 09.07.2010, the hours of sitting this day shall be 1.00 p.m. to 7.30 p.m.. At 7.30 p.m. Mr. Speaker shall adjourn the Parliament without question put.

2.

Hon. Tissa Attanayake,— Leave to introduce Bill (No.1),— That leave be granted to introduce the following Bill:—

“ Bill to incorporate the Hela Jana Foundation.”

3.

Hon. (Dr.) Ramesh Pathirana,— Leave to introduce Bill (No.2),— That leave be granted to introduce the following Bill:—

“ Bill to incorporate the Poddala-Meepawala Sri Sudarshanarama Viharaya Educational Relief Foundation.”

4.

Hon. Udith Lokubandara,— Leave to introduce Bill (No.3),— That leave be granted to introduce the following Bill:—

“ Bill to incorporate the Global Humanitarian Foundation.”

NOTICE OF MOTIONS AND ORDERS OF THE DAY

*1.

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

*2.

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

*3.

The Minister of Transport,— Regulations under the Motor Traffic Act,— That the Regulations made by the Minister of Transport under Sections 140, 141 and 164 of the Motor Traffic Act (Chapter 203), read with Section 237 of the aforesaid Act, and published in the Gazette Extraordinary No. 1763/26 of June 22nd, 2012 and amended by the Gazette Extraordinary No. 1779/17 of October 10th, 2012, which were presented on 07.12.2012, be approved.

*4.

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.)

*5.

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.)

*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.

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.)

*8.

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.”

*9.

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.

10.

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

11.

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

12.

Institute of Martial Arts (Incorporation) Bill — Consideration.

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13.

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 Thilakaratne who is not a senior judicial officer of the courts of first instance, while there were such eligible officers;
7. Whereas, with respect to the Supreme Court special ruling Nos. 2/2012 and 3/2012 the said Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake has disregarded and /or violated Article 121 (1) of the Constitution by making a special ruling of the Supreme Court to the effect that the provisions set out in the Constitution are met by the handing over of a copy of the petition filed at the court to the Secretary General of Parliament despite the fact that it has been mentioned that a copy of a petition filed under Article 121 (1) of the Constitution shall at the same time be delivered to the Speaker of Parliament;
8. Whereas, Article 121(1) of the Constitution has been violated by the said Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake despite the fact that it had been decided that the mandatory procedure set out in the said Article of the Constitution must be followed in accordance of the interpretation given by the Supreme Court in the special decisions of the Supreme Court bearing Nos. 5/91, 6/91, 7/91 and 13/91;
9. Whereas, irrespective of the absolute ruling stated by the Supreme Court in the fundamental rights violation case, President's Counsel Edward Francis William Silva and three others versus Shirani Bandaranayake (1992 New Law Reports of Sri Lanka 92) challenging the appointment of the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake, when she was appointed as a Supreme Court judge, she has acted in contradiction to the said ruling subsequent to being appointed to the office of the Supreme Court judge;

10. Whereas, the Supreme Court special rulings petition No. 02/2012 filed by the institution called Centre for Policy Alternatives to which the Media Publication Section 'Groundview' that had published an article of the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake, while she was a lecturer of the Law Faculty of the University of Colombo prior to becoming a Supreme Court judge, has been heard and a ruling given;
11. Whereas, in the case, President's Counsel Edward Francis William Silva and three others versus Shirani Bandaranayake (1992 New Law Reports of Sri Lanka 92) that challenged the suitability of the appointment of the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake who holds the office of the Chief Justice and thereby holds the office of the ex-officio Chairperson of the Judicial Service Commission in terms of the Constitution, Attorney-at-Law L.C.M. Swarnadhipathi, the brother of the Magistrate Kuruppuge Beeta Anne Warnasuriya Swarnadhipathi filed a petition against the appointment of the said Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake owing to which the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake has harassed the said Magistrate Kuruppuge Beeta Anne Warnasuriya Swarnadhipathi;
12. Whereas, the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake who holds the office of the Chief Justice and thereby holds the office of the ex-officio Chairperson of the Judicial Service Commission in terms of Article 111D (2) of the Constitution has, by acting ultra vires the powers vested in her by the Article 111H of the Constitution ordered the Magistrate (Mrs.) Rangani Gamage's right to obtain legal protection for lodging a complaint in police against the harassment meted out to her by Mr. Manjula Thilakaratne, the Secretary of the Judicial Service Commission;

13. Whereas, the said Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake being the Chief Justice and thereby being the Chairperson of the Judicial Service Commission, in terms of Article 111D (2) of the Constitution, has abused her powers by ordering the Magistrate (Mrs.) Rangani Gamage to obtain permission of the Judicial Service Commission prior to seeking police protection thereby preventing her from exercising her legal right to obtain legal protection;
14. Whereas, the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake by performing her duties as the Chairperson of the Judicial Service Commission has referred a letter through the Secretary of the Judicial Service Commission to the Magistrate (Mrs.) Rangani Gamage, calling for explanation from her as to why a disciplinary inquiry should not be conducted against her for seeking protection from the Inspector General of Police by exercising her legal right;

By acting in the aforesaid manner,—

- (i) whereas it amounts to improper conduct or conduct unbecoming of a person holding the office of the Chief Justice;
- (ii) whereas she had been involved in matters that could amount to causes of action or controversial matters,
- (iii) whereas she had influenced the process of delivery of justice,
- (iv) whereas there can be reasons for litigants to raise accusations of partiality/ impartiality,

she has plunged the entire Supreme Court and specially the office of the Chief Justice into disrepute.

Therefore we, the aforementioned Members of Parliament resolve that a Select Committee of Parliament be appointed in terms of Article 107 (3) of the Constitution read with the provisions of Article 107 (2) and Standing Order 78 A of Parliament enabling the submission of a resolution to His Excellency the President for the removal of the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake from the office of the Chief Justice of the Democratic Socialist Republic of Sri Lanka in the event the Select Committee reports to Parliament that one or more of the charges that have been levelled have been proved after the aforesaid charges of misconduct have been investigated.

** Indicates Government Business*

[1].

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