



[Seventh Parliament -First Session]

No. 220.]

ORDER PAPER OF PARLIAMENT

FOR

Tuesday, November 06, 2012 at 1.00 p.m.

QUESTIONS FOR ORAL ANSWERS

1307/'11

1.

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

- (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?

1571/'11

2.

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

- (a) Is he aware that as a result of the run-down roof and walls of a building that houses four classrooms in Ga/Seevali Maha Vidyalaya, Ethkandura belonging to the Elpitiya Zonal Education Office of Galle District, the students of the aforesaid school have to carry out their educational activities under a highly insecure condition?
- (b) Will he inform this House—
 - (i) whether plans have been made to repair the aforesaid building promptly;
 - (ii) if so, the financial allocation set aside for the purpose; and
 - (iii) the date, if renovation activities are to be started?
- (c) If not, why?

2115/'11

3.

Hon. Dayasiri Jayasekara,— To ask the Minister of Ports and Highways,—(2)

- (a) Will he state —
 - (i) the equipment, lands, buildings and other resources which were owned by the Road Construction and Development Company and handed over to Maga Neguma Road Construction Equipment Company Limited;
 - (ii) their locations;
 - (iii) the area of the buildings handed over; and
 - (iv) the prices assessed as of that date in handing over the equipment and machinery ?
- (b) Will he also state—
 - (i) the total value of the machinery and equipment handed over to the Maga Neguma Road Construction Equipment Company Limited;
 - (ii) whether an agreement was reached for the aforesaid value;
 - (iii) if so, whether that agreement will be tabled;
 - (iv) the deadline for the completion of payments to the government for the value obtained as per the said agreement; and
 - (v) separately, the amount already paid and the amount due to be paid out of the aforesaid payments ?
- (c) If not, why?

2217/12

4.

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 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 ?

2291/12

5.

Hon. Sunil Handunnetti,— To ask the Minister of Local Government and Provincial Councils,—(3)

- (a) Will he inform this House—
 - (i) whether a decision has been taken to change the Matron posts of pre-schools administered by Local Authorities; and
 - (ii) if so, the reason for it ?
- (b) Will he state—
 - (i) whether the administration of the pre-schools coming under the Local Authorities has been assigned to other institutions;
 - (ii) the names of the pre-schools of which the administration has been assigned to other institutions as mentioned above; and
 - (iii) the names of the institutions to which the administration of those pre-schools has been assigned?
- (c) Will he admit that the decision taken not to approve new pre-school Matron posts, which has been mentioned in the letter bearing No. DMS/D3/97/27/02 issued by the Director General of Management Services, will lead to closure of pre-schools governed by the Local Authorities ?
- (d) If not, why?

6.

Hon. Akila Viraj Kariyawasam,— To ask the Minister of Education,—(2)

(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 ?

7.

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

(a) Is he aware that a supplementary estimate of Rs. 500 million for the purpose of paying for the drugs purchased from the local market to avoid a shortage in the supply of drugs until the drugs ordered were received, was submitted for approval in 2011?

(b) Will he submit to this House—

- (i) whether the Ministry of Health did not have an estimate of the drug requirements for the year 2011;
- (ii) of the types of drugs that had to be purchased from the local market during the aforesaid year due to the delay in placing orders?
- (iii) of the reasons for such delays in placing orders for drugs;
- (iv) of the procedure followed in purchasing those drugs from the local market ; and
- (v) separately, of the types and amounts of drugs purchased from the local market and the institutions from which those purchases were made ?

(c) If not, why ?

8.

Hon. Ravi Karunanayake,— To ask the Minister of Education,— (3)

- (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 Education;
 - (ii) the rate per square feet of rented or leased buildings; and
 - (iii) the leasing period of the buildings?
- (b) Will he also state in relation to the Ministry of Education 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 outsourced services;
 - (iv) the cost incurred in the outsourced services mentioned;
 - (v) the number of people who have been contracted on outsourced basis; and
 - (vi) the total staff strength?
- (c) If not, why?

1645/11

9.

Hon. Buddhika Pathirana,— To ask the Minister of Local Government and Provincial Councils,—(3)

- (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?
- (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?

2219/12

10.

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 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?

2307/12

11.

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

- (a) Will he inform this House of the role played by the School Counselling and Career Guidance Units in the school system ?
- (b) Will he state, separately at district level—
 - (i) the number of government schools in which a formal Counselling and Career Guidance Unit is run; and
 - (ii) the number of Counsellors with a formal training who are serving in the aforesaid schools ?
- (c) If not, why ?

1882/11

12.

Hon. Buddhika Pathirana,— To ask the Minister of Economic Development,—(2)

- (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?

1934/11

13.

Hon. Ravi Karunanayake,— To ask the Minister of Petroleum Industries,—(2)

- (a) Will he state—
 - (i) the profit or loss of Ceylon Petroleum Corporation (CPC) for the years 2010 and 2011 separately; and
 - (ii) the reasons for the profit or loss ?
- (b) Will he inform this House—
 - (i) the total profit or loss after adding back all the taxes and fees imposed from the point of importing to final using of the petroleum products; and
 - (ii) as to why such a huge unreasonable profit earned by the Government by selling petroleum products being added back the taxes?
- (c) Will he state the amounts to be paid at the moment by Ceylon Petroleum Corporation to the foreign banks on the Hedging scam?
- (d) If not, why?

2220/12

14.

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 “Samata Niwasak - Hithata Sevanak” programme of the Mahinda Chinthana - A vision for the future manifesto that the programme for making the residents of urban flats and other government housing schemes the freehold owners of their houses would be completed within three months ?
- (b) Will he inform this House of—
 - (i) the date of commencement and the date of completion of the aforesaid programme;
 - (ii) the number of families residing in urban flats that have got freehold ownership of their houses under the aforesaid programme; and
 - (iii) the number of families residing in other government housing schemes that have got freehold ownership of their houses as mentioned above ?
- (c) If not, why?

2347/12

15.

Hon. Akila Viraj Kariyawasam,— To ask the Minister of Child Development and Women’s Affairs,—(2)

- (a) Will he state—
 - (i) whether there is a set of qualifications recognized by the government that should be fulfilled by the wardens of Daycare Centres for children;
 - (ii) if so, the name of the institution which introduced the above mentioned qualifications;
 - (iii) the number of wardens with the required qualifications who run Daycare Centres for children as at the year 2010; and
 - (iv) the courses of action that will be taken in future with regard to the wardens who have been running Daycare Centres for children for several years without having required qualifications ?
- (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.

The Leader of the House of Parliament,— Sittings of the Parliament (No. 1),— 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 7.00 p.m.. At 3.30 p.m. Standing Order 7(5) shall operate.

3.

The Leader of the House of Parliament,— Sittings of the Parliament (No. 2),— That this Parliament at its rising this day do adjourn until 12.50 p.m. on Thursday, November 08th, 2012.

NOTICE OF MOTIONS AND ORDERS OF THE DAY

*1.

Divineguma Bill—Second Reading.

*2.

The Leader of the House of Parliament,— Select Committee of Parliament to discuss the Heads of Expenditure of the Ministries selected from the Budget Estimates of the year 2013,—

Whereas the period of time allocated to the Committee stage programme for the Budget Estimates of the year 2013 is 16 days;

And whereas a period of time of approximately 2 hours have been allocated for each Head of Expenditure since the Heads of Expenditure of several Ministries have to be discussed on a single day as approximately 8 hours have been allocated per day for the Committee stage programme of the budget thereby limiting the period of time for the discussion of the Heads of Expenditure within each Ministry;

That this Parliament resolves that a Select Committee of Parliament be appointed to enable the Members to meet and discuss during the period from the commencement of the Second Reading of the Appropriation Bill (2013), i.e. from 09.11.2012 to 17.11.2012, the Heads of Expenditure of the 22 Ministries and the Secretariat for special purposes in the Annexure which were decided at the Committee on Parliamentary Business with the concurrence of the Chief Government Whip and the Chief Opposition Whip.

2. (a) The Committee and its Chairman shall be nominated by Mr. Speaker.

(b) Notwithstanding the provisions of Standing Order 95, the Committee shall consist of not more than twenty one (21) Members selected from both the Government and the Opposition.

3. The Committee shall have power to,—

- (a) fix its quorum; and
- (b) send for persons, papers and records, order any person to attend before Parliament or before such Committee.

4. The Committee shall present its report to the Parliament on or before the day on which the Committee stage debate on the votes of the said selected Ministries commences.

Annexure:

1. Ministry of Buddha Sasana and Religious Affairs

Secretariat for Special purposes

- (i) Minister of Good Governance and Infrastructure
- (ii) Minister of Human Resources
- (iii) Minister of Rural Affairs
- (iv) Minister of Food Security
- (v) Minister of Urban Affairs
- (vi) Minister of Social Welfare
- (vii) Minister of Consumer Welfare
- (viii) Minister of National Resources
- (ix) Minister of Scientific Affairs
- (x) Minister of International Monetary Co-operation

2. Ministry of Parliamentary Affairs

3. Ministry of Postal Services

4. Ministry of Social Services

5. Ministry of Civil Aviation

6. Ministry of Disaster Management

7. Ministry of State Resources and Enterprise Development

8. Ministry of Private Transport Services

9. Ministry of Public Relations and Public Affairs

10. Ministry of Technology and Research

11. Ministry of Public Management Reforms

12. Ministry of Productivity Promotion

13. Ministry of National Heritage

14. Ministry of Labour and Labour Relations

15. Ministry of Plantation Industries

16. Ministry of Lands and Land Development
17. Ministry of Mass Media and Information
18. Ministry of Minor Export Crop Promotion
19. Ministry of Coconut Development and Janatha Estate Development
20. Ministry of Co-operatives and Internal Trade
21. Ministry of Telecommunication and Information Technology
22. Ministry of Culture and the Arts

*3.

Appropriation Bill— Second Reading.

*4.

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.)

*5.

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

*6.

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.)

*7.

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.)

*8.

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

(Considered by the Consultative Committee on Health on 03.11.2011)

*9.

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

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

*10.

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

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

*11.

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

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

*12.

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

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

*13.

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.)

*14.

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.)

*15.

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.”

*16.

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.

17.

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

18.

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

19.

Institute of Martial Arts (Incorporation) Bill — Consideration.

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20.

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 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. Saneerohana 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 Dharmalpala Mawatha, Colombo 07 in accounts 106450013024, 101000046737, 100002001360 and 100001014772 during the period from 18 April 2011 to 27 March 2012;
4. Whereas, by not declaring in the annual declaration of assets and liabilities that should be submitted by a judicial officer the details of more than twenty bank accounts maintained in various banks including nine accounts bearing numbers 106450013024, 101000046737, 100002001360, 100001014772, 100002001967, 100101001275, 100110000338, 100121001797 and 100124000238 in the aforesaid branch of NDB Bank;
5. Whereas, Mr. Pradeep Gamini Suraj Kariyawasam, the lawful husband of the said Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamilage Shirani Anshumala Bandaranayake is a suspect in relation to legal action initiated at the Magistrate's Court of Colombo in connection with the offences regarding acts of bribery and/or corruption under the Commission to Investigate into Allegations of Bribery or Corruption Act, No 19 of 1994;

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

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

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

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