



[*Seventh Parliament -First Session*]

No. 227.]

**ORDER PAPER OF PARLIAMENT
FOR**

Friday, November 16, 2012 at 9.30 a.m.

QUESTIONS FOR ORAL ANSWERS

1895/'11

1.

Hon. Buddhika Pathirana,— To ask the Minister of Education,—(1)

(a) Is he aware that—

- (i) several years have elapsed since the closure of the Yaya Gamini Junior School that comes under the Kuliypitiya Educational Zone in Kurunegala District;
- (ii) several buildings that belonged to this school are in the process of decay at present; and
- (iii) the aforesaid school owns a land about seven acres in extent?

(b) Will he admit that—

- (i) it is a national crime to leave the buildings and the land belonging to the Yaya Gamini Junior School to decay; and
- (ii) the unemployment problem of the people of the area can be solved by opening up a factory, using the resources belonging to the aforesaid school?

(c) Will he inform this House—

- (i) if so, whether there would be a plan to use the resources of the aforesaid school as proposed above;
- (ii) if not, whether action will be taken to use the resources for some other productive purpose; and
- (iii) if so, what that purpose is?

(d) If not, why?

1986/'11

2.

Hon. Dayasiri Jayasekara,— To ask the Minister of Finance and Planning,—(3)

(a) Will he state—

- (i) the number of private companies owned by the government at present;
- (ii) separately, the names of those companies and the relevant ministries;
- (iii) the names and the addresses of the members of the Board of Directors of each of the companies;
- (iv) separately, the percentage of the shares owned by the government and the percentage of the shares owned by the private sector in each of the aforesaid companies;
- (v) the names and the addresses of the private investors who have invested money in each of the companies; and
- (vi) separately, the net profit earned or the loss incurred by each of the aforesaid companies in the years 2009 and 2010?

(b) If not, why?

2207/'11

3.

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

(a) Will he state in relation to the Sri Lanka Rupavahini Corporation for the last 5 years on per year basis—

- (i) the total capital and reserves employed;
- (ii) the total staff ;
- (iii) the profit or loss;
- (iv) the profit or loss per employee; and
- (v) the amount paid as duties or levies to the government?

(b) Will he state the amounts of money due from government institutions to the Sri Lanka Rupavahini Corporation for the last 2 years along with the names of the institutions and the values separately?

(c) If not, why?

2327/'12

4.

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

(a) Will he inform this House separately, at district level—

- (i) of the amounts of money charged as compulsory savings from the Samurdhi recipients who received Rs. 900 and Rs. 1500 monthly allowances through the Samurdhi Banks in each of the years during the period from 2000 to 2011;
- (ii) out of those Samurdhi recipients from whom compulsory savings were deducted, the number of persons whose Samurdhi benefits have been cut off;
- (iii) out of those whose Samurdhi benefits have been cut off, the number of Samurdhi recipients who have withdrawn those compulsory savings ;
- (iv) the total amount of money so paid; and
- (v) out of the number of Samurdhi recipients who were denied of the Samurdhi benefits, the number of families that are yet to receive their compulsory savings?

(b) Will he state—

- (i) the period of time that will be required to complete the payment of compulsory savings of those Samurdhi recipients who left the Samurdhi Programme; and
- (ii) the procedure followed in paying the compulsory savings of those Samurdhi recipients who have passed away by now ?

(c) If not, why?

2543/'12

5.

Hon. Anura Dissanayaka,— To ask the Minister of Transport,—(1)

(a) Will he state—

- (i) whether private companies have been permitted to attach compartments to running trains;
- (ii) if so, the names of those companies;
- (iii) the basis on which those companies were selected; and
- (iv) separately, the number of compartments each company has been permitted to attach to trains ?

(4)

(b) Will he inform this House—

- (i) separately and in relation to each company the train fare charged for travelling from Colombo to Kandy in a compartment belonging to private companies;
- (ii) the amount that the Department of Railways gets out of that fare charged;
- (iii) whether those compartments attached to the running trains were imported by the relevant private companies;
- (iv) if not, whether they belonged to the Department of Railways earlier;
- (v) if so, whether those compartments were transferred to the private companies upon calling for tenders; and
- (vi) if so, the prices at which those compartments were given ?

(c) If not, why?

2696/'12

6.

Hon. Ajith P. Perera,— To ask the Minister of Fisheries and Aquatic Resources Development,—(1)

(a) Is he aware that—

- (i) a decrepit barge has remained berthed at the Thalpitiya seine fisheries harbour, Wadduwa from the year 2003 up to now; and
- (ii) the fisheries activities of the Thalpitiya seine fisheries harbour have been impeded as a result of the said barge ?

(b) Will he state the name of the owner of the above mentioned barge ?

(c) Will he inform this House of the measures to be taken to remove the aforesaid barge from the Thalpitiya seine fisheries harbour and to restore the fisheries activities of the harbour ?

(d) If not, why ?

2949/'12

7.

Hon. A. Vinayagamoorthy,— To ask the Minister of Health,—(1)

(a) Will he inform this House-

- (i) of the number of mentally affected persons in the Northern Province who are taking treatment at the hospitals; and
- (ii) whether the said mentally affected persons can be treated as disabled persons?

(b) Will he state whether there are any programmes to rehabilitate the aforesaid mentally affected persons in the Northern Province?

(c) If not, why?

2951/'12

8.

Hon. Ajith Kumara,— To ask the Minister of Economic Development,—(1)

(a) Will he state—

- (i) the date on which Samurdhi Social Security Fund was established;
- (ii) separately, the membership of that Fund and the money received by the Fund from the date of establishment up to now, as per the quarters of issuing Samurdhi assistance; and
- (iii) the balance in that Fund as at 30th June 2012 ?

(b) Will he inform this House of —

- (i) the purposes for which the money of that fund can be used;
- (ii) the purposes for which its money has been used from its inception up to now;
- (iii) the Acts and Regulations that construe the legal status of that Fund;
- (iv) the time taken to make the payments relevant to a member's claim for social security; and
- (v) the reasons for delays in making payment for a member's claim, if such delays take place ?

(c) Will he also state—

- (i) whether any other investment has been made using the money of the Samurdhi Social Security Fund;
- (ii) if so, the profit made through such investment from its inception up to now;
- (iii) the parties among whom that profit would be divided; and
- (iv) the amount that goes to each party separately ?

(d) If not, why ?

2993/'12

9.

Hon. (Mrs.) Rosy Senanayake,— To ask the Prime Minister and Minister of Buddha Sasana and Religious Affairs,—(1)

(a) Will he state—

- (i) the number of Constable Drivers required for the Police Department;
- (ii) the number currently employed out of the aforesaid number; and
- (iii) the number of vacancies for Police Constable Driver that exist at the Police Department ?

(b) Will he inform this House—

- (i) whether he is aware that many problems have cropped up at Police Stations due to the existence of Police Constable Driver vacancies;
- (ii) of the steps taken by now to fill those vacancies;
- (iii) of the age group relevant for the recruitment of Police Constable Drivers; and
- (iv) of the minimum qualifications required for such recruitment ?

(c) Will he also state—

- (i) whether vacancies exist in Police Department for posts other than Constable Driver ;
- (ii) If so, what those vacancies are;
- (iii) the number of vacancies for each post, separately ?

(d) If not, why ?

1897/'11

10.

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

(a) Is he aware—

- (i) that the layer of concrete laid on the road from Udawelipitthalawa junction to Horangalla in the Nagoda Divisional Secretariat area in Galle District has peeled off and pot holes have appeared on the road by now; and
- (ii) that laying of concrete on the aforesaid road has been done without following proper standards?

(b) Will he state—

- (i) the length and the width of the aforesaid road that was laid with concrete;
- (ii) the total amount of money spent for laying concrete; and
- (iii) the name of the institution or institutions that provided funds for the aforesaid purpose ?

(c) Will he inform this House—

- (i) of the name of the contractor who carried out the laying of concrete on the aforesaid road;
- (ii) whether a report from the technical officer was obtained before payments were made to the contractor;
- (iii) whether a formal investigation regarding the laying of concrete on the aforesaid road will be conducted;
- (iv) whether action will be taken to get the aforesaid road renovated by the contractor or to use some other allocation to get it done; and
- (v) if so, the period of time required for it ?

(d) If not, why ?

2160/'11

11.

Hon. Dayasiri Jayasekara,— To ask the Minister of Agrarian Services and Wildlife,—(1)

(a) Will he state—

- (i) the number of Veterinary Surgeons who are employed at the Department of Wildlife Conservation;
- (ii) their places of work;
- (iii) the number of Veterinary Surgeons attached to the forest regions, out of them;
- (iv) the facilities that have been provided to them;
- (v) the shortage or the excess of Veterinary Surgeons that exist in wildlife zones; and
- (vi) if there are vacancies for Veterinary Surgeons, the date on which those vacancies will be filled ?

(b) If not, why ?

2208/'11

12.

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

- (a) Will he state in relation to the Development Lotteries Board for the last 5 years on per year basis—
 - (i) the total capital and reserves employed;
 - (ii) the profit or loss;
 - (iii) the total staff, cost and profit per employee; and
 - (iv) the deduction or levies paid to the government?
- (b) Will he also state—
 - (i) whether any money of the Development Lotteries Board has been written off for the last 5 years;
 - (ii) if so, the amount written off;
 - (iii) for what reason it was done; and
 - (iv) as to when it was occurred?
- (c) Will he inform this House—
 - (i) whether the Development Lotteries Board could have efficiently used the money better than the way they were used for last 5 years;
 - (ii) if so, as to how it is done; and
 - (iii) if not, as to why it is not so?
- (d) If not, why?

2328/'12

13.

Hon. Sajith Premadasa,— To ask the Prime Minister and Minister of Buddha Sasana and Religious Affairs,—(1)

- (a) Is he aware that Police Security Assistants who perform the same type of duties performed by the Police Officers have been confirmed in the service of Sri Lanka Police Department and made entitled to pensions ?
- (b) Will he state whether —
 - (i) the confirmation of the service of the Police Security Assistants was done in conformity to the recruitment procedure of the Police Department ;
 - (ii) they will be provided with a proper uniform and the permission for reporting duties in the note book during duty hours be granted to them;
 - (iii) salary increments, zonal allowances, transport allowances, difficult area service allowance and bata which the Police officers are entitled to have been paid to them from the date of confirmation of service; and
 - (iv) steps will be taken to grant them those privileges, if they have not been paid ?
- (c) If not, why?

2545/'12

14.

Hon. Anura Dissanayaka,— To ask the Minister of Private Transport Services,—(1)

- (a) Will he inform this House—
 - (i) of the number of private buses for which licences have been issued to transport passengers in the section from Galle to Colombo in the Southern Expressway;
 - (ii) the basis on which those licences have been issued;
 - (iii) the amount of money that should be paid annually to obtain a license; and
 - (iv) the running chart that has been prepared to run the aforesaid buses ?
- (b) If not, why?

2953/'12

15.

Hon. Ajith P. Perera,— To ask the Minister of Construction, Engineering Services, Housing and Common Amenities,—(1)

- (a) Is he aware that—
 - (i) unauthorized constructions have been carried out by certain residents of the 'Manning Town' housing scheme in contravention to the registered condominium plan;
 - (ii) reporting or removal of the aforesaid unauthorized constructions has been deliberately avoided by the management corporation of the aforesaid housing scheme ; and
 - (iii) the Condominium Management Authority does not check unauthorized constructions for removal as per the powers vested in it ?
- (b) Will he inform this House whether he will take action to—
 - (i) direct the Condominium Management Authority to remove immediately the unauthorized constructions found at the 'Manning Town' housing scheme at present;
 - (ii) issue orders required to ensure proper upkeep of the management of condominium property, public utilities and public property of the aforesaid housing scheme through regular inspections by the said Authority; and
 - (iii) issue a common set of instructions to all management corporations stating that they should act in accordance with and under the provisions of Apartment Ownership Act ?
- (c) If not, why ?

AT THE COMMENCEMENT OF PUBLIC BUSINESS

Notice of Motions

1.

Hon. Victor Antony,— Leave to introduce a Bill,— That leave be granted to introduce the following Bill:—

“ Bill to incorporate the White Rose Foundation.”

NOTICE OF MOTIONS AND ORDERS OF THE DAY

*1.

Appropriation Bill (2013)— (Sixth Allotted Day)—Adjourned Debate on question (8th November 2012)[1].

*2.

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

*3.

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.)

*4.

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

*5.

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.)

*6.

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.)

*7.

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

(Considered by the Consultative Committee on Health on 03.11.2011)

*8.

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.)

*9.

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.)

*10.

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.)

*11.

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.)

*12.

The Minister of Lands and Land Development,— Regulations under the Registration of Title Act,— That the Regulations made by the Minister of Lands and Land Development under Section 67 of the Registration of Title Act, No. 21 of 1998 read with Section 60 and 62 of that Act and published in the Gazette Extraordinary No. 1616/23 of August 24th, 2009, which were presented on 06.05.2010, be approved.

(Cabinet approval signified.)

*13.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Excise Ordinance,— That the Order made by the Minister of Finance and Planning, under Section 25 of the Excise Ordinance (Chapter 52), related to Serving of Standard Liquor in Hotels approved by the Sri Lanka Tourism Development Authority, and published in the Gazette Extraordinary No. 1689/20 of January 21st, 2011, which was presented on 10.02.2011, be approved.

(Excise Notification No. 935.)

(Cabinet approval signified.)

*14.

Order under the Code of Criminal Procedure (Special Provisions) Act,—Adjourned Debate on Question (08th September, 2011) Motion made and question proposed,— “ Order made by the Minister of Justice under subsection (2) of Section 7 of the Code of Criminal Procedure (Special Provisions) Act, No.42 of 2007, and published in the Gazette Extraordinary No. 1708/5 of May 30th, 2011, which was presented on 23.08.2011, be approved.”

*15.

The Prime Minister and Minister of Buddha Sasana and Religious Affairs,— Order under the Fauna and Flora Protection Ordinance,— That the Order made by the Minister of Agrarian Services and Wildlife under subsection (1) of Section 2 of the Fauna and Flora Protection Ordinance (Chapter 469) and published in the Gazette Extraordinary No. 1735/21 of December 06th, 2011, which was presented on 13.12.2011, be approved.

16.

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

17.

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

18.

Institute of Martial Arts (Incorporation) Bill — Consideration.

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19.

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 Swamamali
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. Sane 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 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.”

QUESTIONS NOT FOR ORAL ANSWERS

1631/'11

1.

Hon. Rajiva Wijesinha,— To ask the Minister of Child Development and Women's Affairs,— (6)

- (a) Is he aware that under the Prevention of Domestic Violence Act,—
 - (i) the Court shall issue an Interim Protection Order upon an application, until the inquiry into the application is concluded;
 - (ii) an order shall be made by the Court to hold an inquiry on such application within 14 days from the date of application; and
 - (iii) an Interim Protection Order shall remain in force for a period not exceeding 12 months ?
- (b) Will he state—
 - (i) the cases in which, no inquiry was held and inquiries were held after the specified period;
 - (ii) the remedial action that will be taken to guide the Magistrates, who have failed to apply the law and the compensation to be paid for the victims of delays ;
 - (iii) the reasons for having a terminal date for a Non-Interim Order whereas no such date for an Interim Order; and
 - (iv) whether steps will be taken to correct the aforesaid anomaly?
- (c) If not, why?

2461/'12

2.

Hon. Mohamed Aslam,— To ask the Minister of Education,—(2)

- (a) Is he aware that —
 - (i) Mr. M.A. Abajulfan residing at No. 4/5, Common Road, Addalachchenai 14, faced the interview for recruitment to Class-III of Sri Lanka Teacher Educators' Service on 01.06.2006; and
 - (ii) his name has not been recommended to the Public Service Commission to appoint him to the aforesaid post up to now, eventhough he has fulfilled all the qualifications?
- (b) Will he state whether action will be taken to refer the recommendation of the Ministry of Education to the Public Service Commission to grant him the promotion that he is entitled to, implementing the recommendation issued by the Human Rights Commission of Sri Lanka (HRC/2775/09) with relevance to the above matter (as per Public Administration Circular No. 17/2005) ?
- (c) If not, why ?

2864/'12

3.

Hon. M. T. Hasen Ali,— To ask the Minister of Local Government and Provincial Councils,— (1)

(a) Is he aware that—

- (i) the Local Government Commissioner (W.P) through his letter No. LGD/09/01/10 dated 29.02.2012 has made an inquiry from the Municipal Commissioner regarding the progress of the implementation of a recommendation directed to the Colombo Municipal Council by the Human Rights Commission of Sri Lanka with regard to a complaint made by a retired assistant fitter of the Colombo Municipal Council Mr. A.H.M. Maharroof;
 - (ii) further reminders in this regard have been sent through letters dated 14.05.2012 and 31.05.2012 ; and
 - (iii) the officials of the Colombo Municipal Council who are acting in violation of P.A. Circular No. 17/2005, have so far not taken any measures to implement the above recommendation ?
- (b) Will he state whether disciplinary action will be initiated against the officials responsible for the delay in granting recommended relief to Mr. Maharroof ?
- (c) If not, why ?

1632/'11

4.

Hon. Rajiva Wijesinha,— To ask the Minister of Justice,— (6)

(a) Will he state—

- (i) the number taken into custody and remanded under Vagrance Ordinance of 1841, from the year 2001 to date on yearly basis, separately;
 - (ii) of those remanded, the number still remain in jail or retained in other places;
- (b) Will he inform this House—
- (i) the meaning of the term 'incorrigible rogues' occurs in the Vagrance Ordinance; and
 - (ii) the intention with which that term is used?
- (c) Is he aware that the recommendations had been made before Human Rights Commission in 2004 regarding the changes to the Vagrance Ordinance and the manner in which it is used?

(d) Will he also state—

- (i) whether the steps will be taken to expedite implementation of the recommendations referred to above; and
- (ii) if not, the other measures that will be taken to ensure adjustments to practices under that Ordinance?

(e) If not, why?

2462/'12

5.

Hon. Mohamed Aslam ,— To ask the Minister of Local Government and Provincial Councils,—(2)

(a) Is he aware that—

- (i) eventhough one lakh of rupees on 04.01.1993 and ninety thousand rupees on 25.09.2002 were deposited by Mr. Kurugoda Muhandiramlagedara Noor Muhammad Seyyed Muhammad of No. 233/1, Dodamgolla, Akurana to obtain on lease a stall located at “Cargills Grounds” Shopping Complex owned by the Nuwara Eliya Municipal Council, he has not been provided with that stall up to now; and
- (ii) the recommendation made on an investigation by the Human Rights Commission of Sri Lanka to the effect that the stall should be provided to Mr. Seyyed Muhammad (HRC/K/429/06/11) is being ignored by the aforesaid local authority ?

(b) Will he state whether he will take steps to hold an impartial inquiry against the authorities of the Nuwara Eliya Municipal Council who are violating P.A. Circular No. 17/2005 by non implementing the aforesaid recommendation and deliver justice to Mr. Seyyed Muhammad ?

(c) If not, why?

2865/'12

6.

Hon. M. T. Hasen Ali,— To ask the Prime Minister and Minister of Buddha Sasana and Religious Affairs,— (1)

(a) Is he aware that—

- (i) Mr. A.N.M. Thahir, S.P.C. (25878), who was serving at Horowpathana Police Station has retired on medical grounds with effect from 06.06.2009, as per the Circular bearing No. 190/2009 and dated 30.12.2009 issued by the Inspector General of Police; and
- (ii) the relevant recommendation for absorption of this person who has been appointed to the Regular Police Service with effect from 24.02.2006 was referred to the Ministry of Defence by a letter bearing No. Staff/DIG/IG/Out/259/11 and dated 04.10.2011?

- (b) Will he inform this House whether steps will be taken to absorb Mr. Thahir into Regular Police Service and grant him the allowances paid at the retirement and the relevant salaries speedily ?
- (c) If not, why ?

2866/'12

7.

Hon. M. T. Hasen Ali,— To ask the Minister of Education,— (1)

- (a) Is he aware that —
 - (i) Mrs. S.H.M. Fathima residing at Siyambalagaskotuwa, Kahatagahamada of Kurunegala District has been serving at Giri/Dalupothagama Kanishta Vidyalaya as a volunteer teacher with effect from 01.02.2002; and
 - (ii) even though Mrs. Fathima who was entitled to get an appointment as a teacher assistant accordingly, was summoned under Ref. No.11 by the letter bearing No. NW/SCM/B13/3/4 and dated 17.08.2009 of the Secretary to the Chief Minister and the Minister of Education of the North Western Province to award the aforesaid letter of appointment, the aforesaid teacher assistant appointment has not been granted up to now ?
- (b) Will he state whether steps will be taken to grant the teacher assistant appointment that Mrs. Fathima is entitled to, to be effective from August 2009 ?
- (c) If not, why?

2867/'12

8.

Hon. M. T. Hasen Ali,— To ask the Prime Minister and Minister of Buddha Sasana and Religious Affairs,— (1)

- (a) Is he aware that—
 - (i) the granting of compensation or pension has still not taken place to home guard Mr. Abdul Ramis (9913) who was attached to the Kalmunai Police Station and was abducted and shot dead by terrorists while on duty at the Pandirippu Police Roadblock in Ampara District on or around 27/09/1996; and
 - (ii) no action has still been taken despite being informed about this to the Civil Security Office, Inginiyagala through the letter bearing No OW/3037/11 and dated 22.04.2011 by the Kalmunai Police and the letter bearing No SA2/HG/10/2011 and dated 20.04.2011 by the Superintendent of Police of Ampara ?
- (b) Will he state whether steps will be taken for the speedy payment of the aforesaid compensation and pension to M.A. Abdul Aziz and U.L. Asiya Umma, the elderly parents of the slain Mr. Abdul Ramis who was a bachelor ?
- (c) If not, why ?