

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1396/17 - 2005 ජූනි 08 වැනි බදාදා - 2005.06.08

No. 1396/17 - WEDNESDAY, JUNE 08, 2005

(Published by Authority)

PART I : SECTION (I) — GENERAL

Proclamations &c., by the President

Ref No. : SP/6/N/236/2005.

BY HER EXCELLENCY CHANDRIKA BANDARANAIKE KUMARATUNGA, PRESIDENT OF THE
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA



CHANDRIKA BANDARANAIKE KUMARATUNGA.

To :

1. Hon. Chandradasa Nanayakkar Esqr. — Retired Judge of the Court of Appeal
2. Asoka Serasinghe Gunawardena Esqr.

Greetings

WHEREAS, some members of the Western provincial Council have presented a motion of no confidence against Hon. Reginold Cooray, Chief Minister and Minister of Finance, Planning, Law, and Order Local Government, Provincial Administration, Education and Transport, Employment, Cultural Affairs and Arts of the Western Provincial Council.

Whereas it appears to be necessary to establish a Commission of Inquiry for the purpose of inquiring into the matters referred to in said motion, being matters in respect of which an inquiry will, in my opinion, be in the public interest ;

Now therefore, I, Chandrika Bandaranaike Kumaratunga, President reposing great trust and confidence in your prudence, ability and fidelity, do in pursuance of the provisions of Section 2 of the Commissions of Inquiry Act, (Chapter 393), by these presents appoint you, the said

- To :
1. Hon. Chandradasa Nanayakkar Esqr. — Retired Judge of the Court of Appeal
 2. Asoka Serasinghe Gunawardena Esqr.

to be my Commissioners to inquire into and report on the following matters :-

1. Whereas Ministers including the Chief Minister have been assigned the responsibility of assisting and advising the Hon. Governor of the Western Province in the exercise of his functions, whether he (Chief Minister) by acting in violation of the Acts and Statutes of the Provincial Council had aided and abetted in undermining the dignity of the Provincial Council.
2. Whether he has solicited a sum of Rs. 05 million approximately by way of a commission from British Company known by the name of "Planet Advantage Limited" which proposed a Project to generate electricity from waste collected in the Western Province and whether by doing so the Council was deprived of an excellent opportunity to initiate a project for the disposal of waste in the Western Province.
3. Whether he has solicited and obtained a sum of approximately Rs. 05 million from a Company known by the name of "Burns Limited" located at Orugodawatta, Colombo to suspend the operations of an American Company known by the name of "Selina" which had a joint operation with the Provincial Council for a similar project as above.
4. Whether he forfeited a qualification required of a member of Provincial Council in terms of provisions of Act, No. 42 of 1987 by entering into an agreement with the Western Provincial Road Passenger Transport Authority in respect of a Passenger Transport permit for Avissawella Route No. 122 and whether he has disposed of the said Passenger Transport permit to another person for a sum of approximately Rs. 250,000 in violation of the conditions stipulated by the said Road Passenger Transport Authority.
5. Whether he has secured a post of Advisor on Cultural Affairs to an un-certificated teacher named Mrs. Sriyani Kottegoda, a post of project Director to a Management Assistant known by the name of Mr. Kulatunga, a post of project Officer to a teacher by the name of Mr. Jayaneththi, a post of Project Officer to a member of the general Clerical Service called Mr. Jayaweera and post of Advisors to former Provincial Additional Directors of Education Messrs A. J. W. Sirisena and H. A. P. Bandara, in excess of the personal staff provided to a Minister and in violation of the provisions of the Circular sent by me to the Minister and the deputy Ministers of the Government, which was made applicable to the Western Provincial Council by the Hon. Governor of the Western province and whether by doing so he caused the funds of the provincial Council to be misused by the permitting an expenditure of approximately Rs. 100,000 per month.
6. Whether he has misused funds of the Provincial Council by allowing an officer of his personal staff to use his personal security vehicle and obtain a monthly allowance of Rs. 10,000 despite the fact that fuel for the vehicle had been issued out of his Ministry funds.
7. Whether the work of the Provincial Council was allowed to be disrupted by him by wrongfully advising or compelling the Hon. Governor to get rid of the officers in the Provincial Public Service without any justifiable or reasonable cause, so that his narrow political objectives could be achieved, thereby discouraging any officers in the all-island services to make themselves available to serve the Provincial Council resulting in over 100 posts of the provincial Council remaining vacant.
8. Whether he took control of the affairs of the Ministry of Co-operatives and Highways which is not assigned to him by not allowing an officer to be appointed as Secretary to the said Ministry and taking steps to appoint the Secretary to his Ministry as Acting Secretary to the said Ministry so that his narrow political objectives could be achieved as desired by him.
9. Whether he caused a breakdown of the administration of the Education Department by retaining the Head of the Education Department and several other officers beyond their age of compulsory retirement and depriving the officers occupying lower ranks in the education Department of their opportunities for promotions, thereby demotivating them from giving an efficient service, so as to achieve his narrow political objectives.
10. Whether he committed an offence punishable by court by violating the provisions of the 17th Amendment to the Constitution having reinstated Mrs. Mobina Rasheed, who had been serving in the Chief Ministry and who had

vacated the post, violating the provisions of the Establishment Code and by directing the Secretary to reinstate, outside the provisions in the Establishment Code, Mrs. Dilka Rigama, who had committed a financial fraud which, if proven, will render the relevant person liable for dismissal from service as specified in schedule I to the Establishment Code, and

11. Whether he disrespected the council by not taking steps so far to rectify the wrongful acts in accordance with the recommendations made in a report submitted after an inquiry conducted at a cost of Rs. 2 lakhs, notwithstanding a statement made in the council, in reply to a question raised by an Hon. Member of the Council in relation to the officers who had been given promotions without proper qualifications, that an inquiry will be held into the matter and steps will be taken to rectify any promotions granted in such manner and by continuing to effect further promotions and appointments in such wrongful manner.

12. Make any other recommendation based on the finding arrived at by the Commission in terms of the mandate.

And I do hereby appoint you the said Hon. Chandradasa Nanayakkara, the Parliamentary Commissioner for Administration and retired Judge of the court of Appeal to be the Chairman of the Commission.

And I do hereby authorize and empower you, the said Commissioner to hold such inquiries and make all other investigations into the aforesaid matters as may appear necessary, and require you to transmit to me within three month from the date hereof a report or interim reports thereon, under your had, setting out the finding of your inquiries and your recommendations relating thereto ;

And I do hereby direct that such part of any inquiry relating to the aforesaid matters as you may in your direction determine, shall not be held in public :

And I do hereby require and direct all public officers and other persons to whom you may apply for assistance or information for the purpose of your inquiry to render all such assistance and furnish all such information as may be properly rendered and furnished, in that behalf :

And I do hereby declare that the provisions of section 14 of the Commissions Inquiry Act, (Chapter 393), shall apply to the Commission :

Given at Colombo, under the seal of the Democratic Socialist Republic of Sri Lanka this Twenty Sixth day of May, Two Thousand and five.

By Her Excellency's Command,

W. J. S. KARUNARATNE,
Secretary to the president.

06-488