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EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCILS

Inquiry held under Section 2 of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 1991 of Western Province Provincial Council

THE one man Commission of inquiry comprising Dr. Chandradasa Nanayakkara Esqr. Retired Judge of the Court of Appeal, appointed by the Chief Minister and Minister in charge of the subject of Local Government of the Provincial Council, Western Province in terms of the provisions mentioned in section 2(2) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Provincial Council, Western Province, has examined as to whether the offences mentioned in section 2(1) of the said Statute have been committed in performing duties by the Colombo Municipal Council due to the following offences.

The charges so examined:—

- (a) Commission of an offence/offences stated in section/sections 2(1)(a) and/or 2(1)(c) of the Statute of the Authority of Supervision of Administration of Local Authorities No. 04 of 1991 of the Provincial Council of Western Province by acting to the contrary of section/sections 229(1)(b) and/or 229(1)(d) of the Municipal Council Ordinance by adopting a resolution by the Council and acting in pursuance of such resolution to the effect that the contract for management of solid waste in the Municipal Division of Fort and in administrative areas of divisional offices of No. 5 be given to the Carekleen Private Limited of No. 96/A, Dutugemunu Mawatha, Kohuwala, Dehiwala for a period of 2 years onwards from 01.04.2007 on or thereabout in the act of allowing the Council to operate without calling for tenders and or approval of the council in the act of performing functions by the Colombo Municipal Council.
- (b) Commission of an offence/offences stated in section/sections 2(1)(a) and/or 2(1)(c) of the Statute of the Authority of Supervision of Administration of Local Authorities No. 04 of 1991 of the Provincial Council, Western Province by acting to the contrary of the section/sections 229(1)(b) and/or 229(1)(d) of the Municipal Council Ordinance by adopting a resolution by the Council and acting in pursuance of such resolution to the effect that the contract for management of solid waste in the administrative area a divisional office of No. 01 of the Municipal Division Colombo be given to "Carekleen Private Company" of No. 96/A, Dutugemunu Mawatha, Kohuwala, Dehiwala for the period of 2 years onwards from 1st of July, 2007 or thereabout, without calling for tenders and/or approval by the council in the act of performing functions by the Colombo Municipal Council.

- (c) Commission of an offence/offences stated in section/sections 2(1)(a) and/or 2(1)(c) of the Statute of the Authority of Supervision of Administration of Local Authorities No. 04 of 1991 of the Provincial Council of Western Province by adopting a resolution by the council and acting in pursuance of such resolution to the effect that the contract for management of solid waste in the “remaining portion of the divisional office administrative area No. 2A division” except Fort and Pettah Municipal Council ward be given to “Abans Environmental Private Company” of No. 141, Kirula Road, Colombo 05, in violating section/sections of 229(1)(b) and/or 229(1)(d) of Municipal Council Ordinance for a period of 2 years onwards from 1st of July 2007, or thereabout, without calling for tenders and/or approval by the Council.
- (d) Commission of an offence stated in section 2(1)(a) of the Statute of the Authority of Supervision of Administration of Local Authorities No. 04 of 1991 of the Provincial Council, Western Province by adopting a resolution to spend a some of Rs.20,590,500 or an approximate amount for the purchase of 1590 Usha Sewing Machines for the distribution to “Municipal Members” and entering into and agreement with the Telesonic International on or about 29th November 2006, such distribution was done on 24.11.2006 or thereabout performing the acts by the Colombo Municipal Council.
- (e) Commission of an offence stated in section 2(1)(a) of the Statute of the Authority of Supervision of Administration of Local Authorities No. 04 of 1991 of the Provincial Council of Western Province adopting by purchase of asbestos roofing sheets at a Price of Rs.968.30 per sheet tendered by Chandra Sri Hardware Stores, after rejecting to purchase asbestos roofing sheets at a Price of Rs.746.23 per sheet tendered by Sri Ramco Private firm which is also recommended by the evaluation committee to the effect that they are in conformity with specifications in the purchase of a asbestos roofing sheets on 22.12.2006 or thereabout in acts of performing functions by the Colombo Municipal Council.
- (f) Commission of an offence/offences stated in section/sections 2(1)(a) and/or 2(1)(c) of the Statute of the Authority of Supervision of Administration of Local Authorities No. 04 of 1991 of the Provincial Council, Western Province acting to the contrary to the Section 188(1) of the Municipal Council Ordinance, having caused to purchase adopting a resolution to purchase 10211 asbestos sheets by spending a sum of Rs.8,597,662 or an approximate amount from the Municipal funds for providing to “Municipal Council Members” on 22.12.2006 or thereabout in acts of performing functions by the Colombo Municipal Council.
- (g) Commission of an offence/offences stated in section/sections 2(1)(a) and/or 2(1)(c) of the Statute of the Authority of Supervision of Administration of Local Authorities No. 04 of 1991 of the Provincial Council, Western Province acting to the contrary to the Section 188(1) of the Municipal Council Ordinance, having caused to purchase adopting a resolution to purchase 5682 galvanized sheets by spending a sum of Rs.5,227,440 or an approximate amount from the Municipal funds for providing to “Municipal Council Members” on 22.12.2006 or thereabout in acts of performing functions by the Colombo Municipal Council.
- (h) Commission of an offence stated in section 2(1)(a) of the Statute of the Authority of Supervision of Administration of Local Authorities No. 04 of 1991 of the Provincial Council, Western Province, having caused the Municipal Council Members to purchase 102174 parcels of cooked rice or an approximate quantity which were purchased extraneous to the tender procedure and by adopting a resolution bear a cost of Rs. Six Million Four Hundred and Fifty Four (Rs.6,454,725) or approximate amount from the General Fund of the Municipal Council for such parcels of cooked rice on 29.05.2007 or thereabout in acts of performing functions by the Colombo Municipal Council.
- (i) Commission of an offence/offences stated in section/sections 2(1)(a) and/or 2(1)(c) of the Statute of the Authority of Supervision of Administration of Local Authorities No. 04 of 1991 of the Provincial Council, Western Province, by not taking action to credit the General Fund of the Municipal Council with a sum of Rs.28,919,640.81 or an approximate amount accrued from conducting the Sathutu Uyana within the premises of the Vihara Maha Devi Park belonging to the Colombo Municipal Council within the period from 01.05.2006 to 01.05.2007, thereby violating Section 185(2)(e) of the Municipal Council Ordinance in acts of performing functions by the Colombo Municipal Council.

According to the inquiry report of the One Man Inquiry tribunal comprises of Dr. Chandradasa Nanayakkara Esqr. Retired Judge of the Court of Appeal investigated the charges against the Colombo Municipal Council it has been concluded that the Colombo Municipal Council is guilty of the charges *a,b,c,d,f* and *g* mentioned above that the said Municipal Council is not guilty in respect of the charges *e,h* and *i*.

Further the One Man Commission of inquiry comprising B.L.K.Wimalachandra Esqr. Retired Judge of the Court of Appeal appointed by the Chief Minister and Minister in charge of the subject of Local Government of the Western Province in terms of the provisions of the Statute of the Authority of Supervision of Administration of Local Authorities No.04 of 1991 has inquired in to the individual and the collective responsibilities of the Mayor, Deputy Mayor and Members of the Colombo Municipal Council in respect of the above mentioned charges *a,b,c,d,f* and *g* and the following additional charge.

The additional charge referred to above;

“ Commission of an offence/offences stated in section/sections 2(1)(a) and/or 2(1)(c) of the Statute of the Authority of Supervision of Administration of Local Authorities No. 04 of 1991 of Provincial Council, Western Province by not taking action to credit the general fund of the Municipal Council with a sum of Rs.15,555,440.81(Fifteen Million five hundred and fifty five thousand four hundred and forty and eighty one cent) or an approximate amount accrued by maintaining “Satutu Uyana” within the Vihara Maha Devi Park belonging to the Colombo Municipal Council during the period from 01.05.2006 to 01.05.2009 in violation of Section 185(2)(e) of the Municipal Council Ordinance.”

I am attending to independent conclusions regarding relevant charges, after a keen study of evidence which have submitted and the observations submitted by the one person inquiry commission. Accordingly I conclude that the Colombo Municipal Council is guilty for the above mentioned *a,b,c,d,f,g* and the additional charge.

Accordingly I am satisfied that due to offences mentioned in the above charges *a,b,c,d,f,g* and the additional charge having been committed by the Colombo Municipal Council, offences mentioned in sections 2(1)(a) and 2(1)(c) of the Statute of the Authority of Supervision of Administration of Local Authorities No. 04 of 1991 of the Provincial Council of Western Province, have being committed.

So, after satisfying it is informed that the Colombo Municipal Council has been dissolved with effect from 23rd June, 2010, according to power vested in me under the section 2(1)(111) of Statute of the Authority of Supervision of Administration of Local Authorities No. 04 of 1991 of the Provincial Council of Western Province.

PRASANNA RANATUNGA,
Chief Minister and Minister of Finance and Planning,
Law and Order, Land, Education, Local Government and Provincial Administration,
Power and Energy, Livestock and Employment and Economic Development
of the Provincial Council, Western Province.

Chief Ministry of the Western Province,
Srawasthi Mandiraya,
Colombo 07,
21st June, 2010.

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