

Speeches made at the ceremonial sittings to welcome Chief Justice Jayantha Jayasuriya PC held on May 15.

Speech by Chief Justice Jayantha Jayasuriya PC

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Attorney-General, Mr. Dappula De Livera, President's Counsel, President of the Bar Association, Mr Kalinga Indatissa, President's Counsel;

I am honoured and humbled by the warm welcome and kind sentiments expressed at this solemn occasion. The confidence reposed on me, as well as the unreserved and unqualified pledge of support extended to me, is of great strength and significant encouragement to me. I wish to thank the both of you. Words you have spoken this morning will continue to echo in my conscience reminding me of the onerous responsibilities I have undertaken with the change of course in my professional career, upon the completion of a three and a half decade long tenure in public service.

During the three-year period of my service as Attorney-General I enjoyed the privilege of welcoming two new Chief Justices and eight new Supreme Court Judges. All those occasions gave me the opportunity to consider and appreciate more and more closely the onerous duties and responsibilities that need to be performed and discharged as a Judge. It also made me take into account the deep commitment and the strong interest required to be developed within oneself to ensure that their conduct would not only protect and preserve but would further enhance the public confidence in the entire system of justice. It is customary in occasions of this nature to share our views with a wider audience for the ultimate benefit to the society.

Mr Attorney, Mr.Indatissa, we all hold all these positions in trust. Members of all three branches of the system of administration of justice - the Judiciary, the Official Bar and the Unofficial Bar – have a shared responsibility to perform their respective roles to the ultimate satisfaction of the public at large.

Mutual understanding of the boundaries within which each limb has to perform their duties will further enrich the overall quality of service, delivered to the society.

Through the Charter of 18th April 1801, the Supreme Court of Judicature consisting of a Chief Justice and one Puisne Judge was established, in our motherland. This Court has now evolved into its current form consisting of the Chief Justice and of not less than six and not more than ten other Judges. The Supreme Court as the highest judicial organ of the island having jurisdiction, among other things, to adjudicate upon alleged violations of Fundamental Rights, Constitutional Jurisdiction in the Interpretation of the Constitution and Consultative Jurisdiction, carries a heavy burden to ensure that justice is dispensed to the parties who initiates proceedings, irrespective of their social status or the social status of the party against whom relief is sought, including the State.

It is of significant importance to note that concepts such as fair trial and *audi alteram partem* had guided the judicial mechanisms that existed in our society which pre-date colonial regimes too. A well structured hierarchical court structure consisting of several organs including *gam sabhas* and *dasa gam* dispensed justice under supervision of the King's Officers.

As Justices of the Supreme Court, who are exercising its judicial power at present, we have an obligation to preserve the dignity of this great institution and hand it over to the future generations when we relinquish our duties. We all have an obligation to discharge those duties without breaching the trust and confidence of its true owners – members of the society. **A.M.Gleeson QC** observed

“Whether they are conscious of it or not, the people repose enormous trust and confidence in the judges”.

It has further been observed,

“Public confidence in and respect for the judiciary are essential to an effective judicial system and, ultimately, to democracy founded on the rule of law. A factor which is capable of undermining public respect and confidence is, any conduct of judges, in and out of court, demonstrating a lack of integrity. Judges should, therefore, strive to conduct themselves in a way that will sustain and contribute to public respect and confidence in their integrity, impartiality and good judgment”;

and

“When public confidence in one judge is shaken, public confidence in the judiciary as a whole is affected”

I am fully aware and mindful of the nature and the gravity of the duties, responsibilities, trust and confidence reposed on me. I am deeply honoured to have been the sixth serving Attorney-General who is reposed with such confidence and trust over the one hundred and thirty five year long history of the Attorney-General's Department. I wish to take this opportunity to thank all those who believed in me and showered on me this great honour. It is my firm commitment to ensure that my conduct henceforth will prove the accuracy of their decision.

I strongly recognize the dedication of each of the officers and the collective contribution made by the officers of the Attorney-General's Department in discharging their duties. This great achievement is a further recognition of the positive results of the collective commitment. The team spirit and the deep sense of responsibility with which all officers walked with me during my tenure as Attorney-General irrespective of the nature of the challenges, is recognized and acknowledged.

I wish to take this opportunity to remember all eleven Attorneys-General under whom I had the privilege and honour to grow over three decades of my public service, as well as all the seniors whose guidance on professional and personal matters moulded me, to reach higher levels of achievements. The collegial

atmosphere in this great institution – The Attorney-General's Department - contributed heavily to a working environment that enhanced the efficiency and efficacy. It is this guidance, training, kind advice blended with shared responsibilities that has taken me to these heights. Thank you all.

Mr Attorney, Mr Indatissa,

In addition to the personal conduct of the judges, the efficiency and efficacy of the system of administration of justice plays an important factor fashioning the public confidence. Examples or illustrations to demonstrate the adverse impact caused on a person's life due to 'delayed justice' are too numerous to discuss in detail on an occasion of this nature. Yet, it is timely for all of us as trustees who are entrusted with responsibilities in different capacities within the legal frame work, whether one represents the Judiciary, the Official Bar or the Unofficial Bar, to think how best we could contribute to improve the existing system and enhance the quality of the final out-come provided to the society. None of us can ignore the reality - that we are expected to hold all these positions in trust and play different roles, to the benefit of society.

When we celebrate our personal gains and achievements within this system, it is also important to review our conduct and re think as to how we could contribute towards the betterment of the society who is the legitimate beneficiary of all these mechanisms. A genuine effort blended with a strong will of all stakeholders, including judges and members of the bar, will be the sole avenue that would pave way for a change; A change that would lead to the benefit of the real owners on this entire system – members of the society. It is necessary to examine current practices, procedures as well as rules; objectively, leaving aside personal interests of individuals or groups, and take decisions on how best we could improve the existing system. My firm belief is that a collective effort with a strong commitment will pave the way to achieve this goal. It is my desire to embark on this journey with the participation of all sectors.

Impact of delayed justice is not solely confined to the litigants or their families. Areas such as Economic development, Investor confidence, improvements in the financial sector and International relations will also be fashioned based on the efficiency and efficacy of the judicial sector.

A well-disciplined mind with a strong commitment to efficiency and efficacy, working within a facilitative legal frame-work would bring in the desired results to overcome this obstructive hurdle.

When speaking of the development of an efficient, efficacious and disciplined mind and framework of thought, one must reminisce of the importance and impact of one's early years, on oneself.

The strong and firm foundation that was laid during thirteen years at my *alma mater* – Maliyadewa College, Kurunegala – stood firm enabling me to build my professional career. It is with a deep sense of gratitude I remember all the teachers and principals who showed me the path to success. Care and guidance received was not confined to text-book activities but spanned over to activities outside class room such as scouting, music and badminton. It is with deep sorrow I observe that some of those great teachers are not among us for me to show my gratitude in person. Great friendships developed over this period were an added comfort to step into the next phase in life, having successfully completed this important chapter. It brings me great joy to see a few you here within these sacred walls, this morning.

The wonderful atmosphere I enjoyed at Sri Lanka Law College during the next three-year period gave me the opportunity to commence my long journey with much enthusiasm and courage. Learning a series of subjects covering an area completely different to what I was exposed to during school days did not become a serious challenge due to the guidance received from all the lecturers and the warm friendships developed among us – the batch of '79. I take this opportunity to pay my gratitude to all of them. On a personal note it is with much happiness and joy I occupy this seat today, along with my brother Judges, Justice Buwaneka Aluvihare,

Justice Vijith Malalgoda and Justice Sisira De Abrew withwhom I had the privilege of continuing a warm and close association with great affection, for over a period of four decades.

At this juncture it is timely for me to acknowledge the pivotal guidance I received from few personalities in the legal fraternity. The path of my professional journey would not have reached these heights, if not for their kind guidance and advice. Late Mr Justice P. Ramanathan, Late Mr S.Pullenayagam, Late Mr Daya Perera, President's Counsel and late Mr C. Vicknarajah instilled in me an interest, which cleared the pathway of the professional career; the interest to join this great institution, the Attorney-General's Department. Unhesitant acceptance into the chambers as an apprentice and thereafter as a junior counsel by Mr. Ariya Rekawa President's Counsel and Mrs. Elsie Shantha Rekawa marks the beginning of this long journey. I appreciate the guidance and affection extended to me by all these great personalities. The professional competency, dedication and commitment of the judges of the High Court before whom I had the privilege to conduct prosecutions during my formative years as a State Counsel and the Justices of the Court of Appeal and the Supreme Court before whom I appeared thereafter, and the keen interest and enthusiasm with which they guided me without any hesitation or reservations was of immense help to build confidence in me. Regrettably, a long list of them paired with the time constraints does not permit me to name them individually.

Mr Attorney, Mr Indatissa,

Freedom, peace, order and good governance - the essentials of the society we treasure – depend on the ultimate analysis, on the faithful performance of judicial duty. It is only when the community has confidence in the integrity and capacity of the judiciary that the community is governed by the rule of law.

A judge is described as *"the pillar of the entire justice system"*.

The Canadian Supreme Court had recognized that the public has a right to demand "*virtually irreproachable conduct from anyone performing a judicial function.*"

Maintaining Highest Standards of integrity in both their professional and personal lives is a '*sine quo non*' of the qualities of a Judge. Their Knowledge about the law, the ability to analyse legal issues and to take decisions based on the context of different factual scenarios, deliver their decisions in a cogent and clear manner are a few of the qualities Judges should be equipped with, for them to deliver justice to the great expectations of the litigants who come before them.

Impartiality must be an attribute of each individual judge and also of the judiciary as a whole. Impartiality and the appearance of impartiality are necessary for the maintenance of public confidence in the judicial system

The duty of a judge, is to do right by all manner of people, according to law, without fear or favour, affection or ill will. These words can be traced to the promise King John made in 1215 to his barons when he put his seal on the ***Magna Carta – the Great Charter***

"We will sell to no man, we will not deny or delay to any man either justice or right"

Judges should be fair and open-minded, and should appear to be fair and open-minded. They should be good listeners but should be able, when required, to ask questions that get to the heart of the issue before the court. They should be courteous in the courtroom but firm when it is necessary to rein in a rambling lawyer, a disrespectful litigant or an unruly spectator.

Lord Devlin in his book "*The Judge*" explained the inter-relationship of some of the concepts referred to above as follows;

"This is why impartiality and the appearance of it are the supreme judicial virtues. It is the verdict that matters, and if it is incorrupt, it is acceptable. To be incorrupt it must bear the stamp of a fair trial."

To most, private and professional lives remain independent of each other, being separated by a fine line. However, this may not be the case for a judge. The duty of a judge in discharging justice lies entirely on what is known as his or her moral compass. I stand here today because my own moral compass was deemed worthy enough to be considered within the sacred walls of the court of Law. Yet, my moral compass is not in fact mine alone. My parents, my seven siblings, my loving wife, her parents, eight siblings and our lovely children; you've all contributed to this moment. You've been a vital part of my life and the principles I've come to govern myself by, and thus here I stand.

Memories of a childhood filled with love, care and joy shared along with seven siblings is more than a treasure to preserve and cherish in. The wonderful home created by Pappa, Dr. J.A.Buddhadasa and our beloved Amma, having made so many sacrifices with the sole aim of guiding us in the right direction was of immense strength in my forward march. We are unfortunate that one of the pillars of strength and support – my beloved mother late Mrs. Eugene Weerakone Buddhadasa - left us two and a half decades ago, leaving a deep void in us. I am eternally indebted to my parents.

I am deeply grateful to my beloved wife Kalyanapriya who always walked with me side by side and gave me the courage and strength to meet all challenges, be it in my professional life or my personal life. Being a lawyer yourself, once our family expanded you sacrificed your professional career and took care of everything at home, leaving me nothing to worry about and allowing me to focus on my professional career and the finer parts of being a husband and father. You did not walk into my life alone; but with eight lovely siblings. All of us were blessed with the love, care and guidance of late amma, Mrs. Soma Weerasundara, and thaththa, Ayurvedic Dr. W. I. Fernando, – better known as “*konda wedamahathmaya*” – together whose wisdom and kind heart healed many thousands of people giving them the greatest gift – good health. They would have rejoiced with us, if we were lucky to be with them today.

The wide understanding our children Pulina and Nishalya developed regarding the life of a public servant, the strong will to enjoy and grow up in such an environment and the unhesitant acceptance of the values we inculcated in them, gave me extra strength to continue with my career without any reservations or regrets. The continued love, affection and the understanding all three of you share with me will provide me the strength and courage to discharge all duties and responsibilities while holding this hallowed position in the temple of justice.

I have been incredibly fortunate with the people who have been a part of my life, be it my parents, siblings, my wife, my parents-in-law, my children, teachers, friends or colleagues. Taking into consideration all the incidents that had to happen for me to have met all of you, I am compelled to believe that fate played its hand and you are in fact a part of my destiny. You have laid the stepping-stones for my journey to this seat. To the destiny that brought me these people, I acknowledge you and I salute you. To the destiny that is the people in my life, I bow my head.

Justice Shirley S. Abrahamson said

“The essence of being a good judge is, after all, the ability to decide the case on the facts and the law without any extraneous influences and without fear that a reviewing court, the siblings on the bench, the neighbours, the electorate, or the media are going to dislike the decision”.

It is my firm commitment that I would take all possible measures within my reach to ensure that the quality of justice dispensed during my tenure would meet all these high standards.

Today marks the beginning of what is going to be the pinnacle of my career. At this time, I'm reminded of the *Maha Sangha Rathnaya* who have showered me with their blessings throughout, as well as the other religious leaders I had the pleasure of meeting in the recent past. I'm extremely appreciative of your blessings and am thankful for including me in your prayers.

It is indeed an honour and a privilege for me to have received this great opportunity to join hands with my sister judge and nine brother judges, all of whom have tirelessly worked through this journey taking different paths and coming together at the pinnacle of our judicial hierarchy. Walking with them this journey of commitment and dedication will provide me with added strength and courage to meet all challenges and ensure that the outcome of the proceedings in this temple of justice will serve justice to all equally and will contribute to further strengthen democracy and the rule of law in our motherland.

It is also pertinent to remind this august assembly that we all are passing through a gloomy season where the importance and significance of one noble teaching is brightly shining above us in this universe - the rule of impermanence. The need to dwell upon this rule at this juncture is not to shy away from the discharge of the responsibilities that we have taken upon ourselves in trust or to make it an excuse to ignore the heavy burden placed upon our shoulders, but to ensure that such responsibilities and duties are discharged without any delay and ensure the ultimate benefits of this system will reach the society, before it is too late.

Mr Attorney, Mr Indatissa, I thank you once again for the warm welcome and wish to extend my sincere thanks to all of you who had taken time off your busy schedules. Your presence this morning made this a memorable occasion; memories of which I would treasure jealously.

May the blessings of the triple gem be with all of us forever and ever!

Attorney General

Dappula De Livera, P.C.

My Lord the Chief Justice, Your Ladyship and Your Lordships of the Supreme Court, Your Lordship the President and Your Ladyships and Lordships of the Court of Appeal, and Members of the Judiciary.

It is my great privilege and pleasure to welcome Your Lordship Justice Jayantha Jayasuriya, President's Counsel as the Chief Justice of the country at this august assembly.

Your Lordship assumes this high office in the Apex Court of this country after three and half decades of long and faithful service to the State as an Officer and a Gentlemen of the Attorney General's Department. Your Lordship is a product of Maliyadeva College, Kurunegala, and after having excelled in Your Lordship's studies at school, Your Lordship joined the Sri Lanka Law College in 1979 and was called to the Bar in 1982. Your Lordship joined the Attorney General's Department in November 1983 as a State Counsel and was promoted to the rank of Senior State Counsel in 1996 and Deputy Solicitor General in 2004.

Your Lordship was appointed Additional Solicitor General in 2011 and took silk as President's Counsel in March 2012. Your Lordship was elevated to the rank of Senior Additional Solicitor General in 2014 and was appointed the Attorney General of Sri Lanka in February 2016. Your Lordship functioned in that office until 29th April 2019, when Your Lordship after a successful tenure as Attorney General was appointed the 47th Chief Justice of our country.

Your Lordship proceeded to Hong Kong and obtained a Master of Philosophy from the University of Hong Kong in 1997, after

submitting a thesis on the fair hearing guarantee under Article 14 of the ICCPR.

Your Lordship is a well experienced and well known prosecutor, having prosecuted in several High Courts in the country for several years as a smiling assassin and functioned thereafter as an Appellate Counsel before the Court of Appeal and the Supreme Court and of recent appeared as Attorney General in several landmark Constitutional cases which will no doubt go down in the legal history of our country. Your Lordship has appeared for the State as Lead Counsel in three notable Trial-at-Bar cases, the Sadeepa Lakshan kidnapping and murder case, the Royal Park murder case and the Angulana Police abduction and murder case.

Your Lordship was rewarded for your competency and adjudged the Best Prosecutor in 2012 by the International Association of Prosecutors.

Your Lordship functioned as a Supervising Officer in the Attorney General's Department for nearly two and a half decades and earned a reputation of being a 'tough cookie' and also Headed the Child Protection Unit of the Attorney General's Department and functioned as a Board Member of the National Child Protection Authority (NCPA) for 03 years.

Your Lordship was Head of Sri Lanka's Delegation to the 27th Session of the Commission on Crime Prevention and Criminal Justice in Vienna, Austria in May 2018, and to the Global Forum on Asset Recovery in Washington, USA in November 2017, to the Review of Sri Lanka's Report to the UN Committee Against Torture in Geneva in November 2016 and in negotiations on bilateral treaties on Mutual Legal Assistance in Criminal Matters with the

People's Republic of China in May 2014 and Russia in 2016 and the UAE.

Your Lordship was a Member of Sri Lanka's Delegation to the UN Human Rights Council Sessions in Geneva in 2013 and 2014, to the Review Group Meetings of the Financial Action Task Force (FATF) in 2009, to the Special Meeting with the United Nations High Commissioner for Human Rights in Geneva 2014, to the 18th Asia Pacific Group Meeting on Anti-Money Laundering in 2015 and the UN Convention Against Corruption in 2017.

Your Lordship has attended several International Workshops, Conferences and Seminars on legal subjects which are far too many to mention here.

Your Lordship has also functioned as a Legal Consultant to the Financial Intelligence Unit of the Central Bank of Sri Lanka for several years and as a Visiting Lecturer and Examiner of the Sri Lanka Law College and Kotalawala Defence University and also presented several sessional papers on legal topics at several International Fora in different countries.

Your Lordship is also an expert on Computer Crime and Evidence. Having acquired this expertise by Your Lordship's engagements here and abroad and through the participation and presentation of legal papers at different legal Fora overseas.

Your Lordship also functioned as a Trial Attorney in the famous International Criminal Tribunal for former Yugoslavia and Rwanda from 2000 to 2004. Your Lordship's achievements and experience as described above acquired over three and a half decades of diligent commitment and outstanding dedicated service to the State with

distinction and honour put Your Lordship in the forefront of been richly deserving of this high office.

Your Lordship's quiet and pleasing unique disposition studded with patience and firmness and inherent simplicity, further qualifies Your Lordship to assume the ideal judicial temperament required to discharge the functions of Your Lordship's office.

The skills and competency developed and the wealth of experience acquired by Your Lordship in discharging duties in the Attorney General's Department would no doubt strengthen the ability to meet the challenges and discharge all the functions in this onerous office.

Your Lordship's appointment to this exalted office, is also in keeping with the existing tradition of the Attorney General being so appointed.

My Lord, the responsibilities of the office of Chief Justice are enormous and great. In this context it would be relevant to know the qualities that the Chief Justice ought to possess. In this regard, as one former erudite Supreme Court Judge of India Justice Chinnappa Reddy commented, "the conductor of a choir must by tone of personality, induce to sing in harmony, subdue the raucous, encourage the timid, conspire with the young, flatter the old..."

He also said: "The Chief Justice has to do this all the time. He must be a leader. He should lead and not allow himself to be lead. He should not shirk cases involving complicated questions of law. On the other hand, he must preside over most constitutional benches involving questions of depth, and at the same time he must allow and encourage his colleagues to have their way in all matters coming up before them whether sitting with him or not. He must be a master of the art of constituting Benches so as to get the best out of the Judges". Possessing these qualities will enable Your Lordship only to

discharge Your Lordship's responsibilities with ease and also command the respect and confidence of the bar and people of this country.

Your Lordship is assuming office at a time when the country has been plunged into a crisis. A crisis in Law and Order. Today, Public Safety, Public Security and National Security have been compromised and is still at high risk. There is a proclamation of a state of public emergency and Emergency Laws and Regulations have been promulgated by the President in terms of the legal powers vested in him.

How the task is daunting? The challenges are innumerable.

This is a time when Your Lordship's Court and the Courts of this country are called upon to uphold and re-establish the Rule of Law in our land. It's an enormous challenge at a time when democracy and its institutions are at a risk of peril. The economy is in a state of vulnerability and risk of collapse.

Your Lordship's Court is faced with a formidable challenge to uphold Fundamental Human Rights and the Rule of Law. To strictly enforce and follow due process and the procedure established by law. Arrest is a critical component of due process and the procedure established by law. The Rule of Law must be upheld to bring every citizen equally before the law. The weak and the poor and the marginalized should not feel weakened and discriminated by the powerful and wealthy.

Justice should be pursued fairly and fully. The country must be made safe for Democracy. Judges should be fearless and ruthlessly independent. In 1804 AD, Chief Justice Lord Carington said to General Wemyss when he was brought up on a charge of contempt and had appeared with his staff wearing side arms and bayonets,

“Not all the guns at the garrison levelled at their Lordships would intimidate the Court” he said.

Your Lordship’s commitment to the preservation of judicial integrity and independence will undoubtedly entailed assiduous hard work directed to the renovation of collective styles of constitutional justices.

President Richard Nixon addressing the nation on 30th April 1973 said, “This office is a sacred Trust and I am determined to be worthy of this Trust”

He also said, “that there is vital work to be done, work that cannot wait, work that I must do”

The Criminal Justice system has failed to deliver adequately and face up to the challenges posed by modern society. Laws delays is one of the main reasons for this system failure.

Mitigating and eradicating Laws delays is the urgent call of the hour. This issue has to be addressed methodically, courageously and efficiently.

In the Criminal Justice System day to day trials should be the order. Judicial time should not be wasted, but maximized. All High Courts should conduct sittings on a five-day judicial week.

The Court of Appeal rules as made applicable to the Provincial High Courts should be strictly interpreted and enforced when postponements and adjournments are sought by Counsel.

The creation of more court houses and filling the cadre vacancies in the High courts will no doubt be among Your Lordship’s priorities. The creation of Child Friendly Courts to accommodate the ever

increasing number of children who fall pray and victim to sexual violence and abuse would necessarily be another priority issue on the list. There are thousands of such cases pending in the system today. In 1995, the Great Statesman Nelson Mandela said: “there can be no keener revolution of a societies soul than the way it treats its children....”.

With regard to the serious drug problem in the country and the need to expeditiously dispose of these cases involving possession and trafficking of narcotic drugs, the establishment of a Special High Court in the Western Province holden in Colombo is a matter which requires serious consideration. There is also an urgent need to ensure uniformity and consistency in the approach by the Courts in sentencing involving serious crimes. A Strict sentencing regime should be enforced in respect of serious crime. Public confidence in the criminal justice system is at a low ebb. Some crimes are so outrageous but still there is no fear of crime in the country Ad-hoc sentencing policies have not addressed punishment sufficiently and adequately. Adequate punishment to punish the offender for the crime committed, to deter the offender from committing further crime and to deter potential offenders and reflect the revulsion of society should be the order and standard. Suspended Sentencing for serious crime should be used carefully and cautiously only in exceptional circumstances.

This shortcoming is one reason in my view which has eroded public confidence and caused a breakdown of the rule of law. Criminals should be punished adequately and equally. There is a cry for the re-imposition of the death penalty today. This has happened as the present method and approach to punishment has failed. A matter Your Lordship no doubt will take serious note of.

With these thoughts, may I wish Your Lordship the strength, courage and determination to discharge Your Lordship’s functions

without fear or favour and may I assure Your Lordship the fullest cooperation of the Bar and wish Your Lordship a most rewarding and pleasant and long tenure of office, blessed with good health and happiness.

President of the Bar Association of Sri Lanka Kalinga Indatissa, PC

My Lord the Chief Justice,

Their Lordships and their Ladyships of the Supreme Court,

His Lordship the President and other Hon. Judges of the Court of Appeal,

Hon. Judges of the High Court, District Courts and Magistrate's Courts,

We are gathered here today to ceremonially welcome the 47th Chief Justice of our country, Hon. Jayantha Chandrasiri Jayasuriya, President's Counsel. I am deeply honoured and privileged to welcome Your Lordship the Chief Justice, on behalf of the Bar, in my capacity as the President of the Bar Association of Sri Lanka.

The ceremonial welcome that is accorded to a Chief Justice is the moment of pride for the Bench and the Bar, both. Today, by Your Lordship's appointment as the 47th Chief Justice of our country, Your Lordship the Chief Justice joins a rich lineage commencing from the appointment of Sir Codrington Edmonton Carrington in **1802** as the 1st Chief Justice of Ceylon.

It is hardly necessary to say that occupying "**the middle seat**" of the Bench of this honourable Court has been regarded as being of extraordinary significance. Sir Sydney Abraham who was appointed as the Chief Justice of Ceylon in 1936 had this to say at the ceremonial sitting of this honourable Court.

"Certainly, I can say without any modesty that it is the greatest day of my life. It is a dream come true. Every entrant to the Colonial Legal Service dreams that he may one day have the joy of occupying this seat which it is now my privilege to occupy, to administer justice in a beautiful island which has been called the pride of the Colonial service and to be at the head of the judiciary which has been said by the Learned Predecessor to be

the finest system of the justice in the British Empire. And that is a finding of fact which I am not every likely to quarrel with.... It is a great and solemn duty that I am called upon to perform, and I realized that I am occupying a seat which has been occupied by a large number of very distinguished lawyers and great lawyers. I think it is a rank which even the vainest of men may approach with a certain amount of diffidence.”

Your Lordship the Chief Justice, had Your Lordship’s primary education at Maliyadewa College, Kurunegala, established in **1888** by the Buddhist Theosophical Society led by Colonel Henry Steel Olcott. Your Lordship’s Alma Mater, since then, has produced many a citizen who had made a noteworthy contribution in their chosen fields and professions.

In school, Your Lordship was awarded a special certificate for oriental music, among many other awards Your Lordship received. Your Lordship also functioned as a cadet attached to the Cadet corps of the 4th Battalion and captained Your Lordship’s alma mater in badminton at both, junior and senior levels.

Having successfully completed Your Lordship’s Advanced Level examination, Your Lordship joined the Sri Lanka Law College in **1979** and completed the course of study with a 1st Class Honours pass at the final examination held in **1981**.

Thereafter, Your Lordship served the period of pupillage in the Chambers of Mr. Ariya B Rekawa and upon Your Lordship’s call to the Bar, was attached to the Chambers of Mr. Daya Perera PC, Mr. V S A Pullenayagam and Mr. K Vicnaraja. After a short span in the unofficial Bar, Your Lordship joined the Attorney General’s Department on **1st November 1983**.

Your Lordship was appointed to this exalted position of Chief Justice after serving the State in the Attorney General’s Department for a period of 36 years. Your Lordship was appointed as Senior State Counsel in **February 1996**, as Deputy Solicitor General in **April 2004**, and Additional Solicitor General in **September 2011**. In recognition of Your Lordship’s contribution to the legal profession in Sri Lanka, Your Lordship was conferred Silk in **March 2012**. Thereafter, Your Lordship continued to serve the Attorney General’s Department as Additional Solicitor General and was appointed as the **45th Attorney General**, on the **10th of February 2016**.

Your Lordship's service in the Attorney General's Department included prosecutions, special prosecutions, the role of an advisor, consultant to the State, the role of representing Sri Lanka in International forums, among many other roles that Your Lordship was called upon to perform.

From **September 2001** to **August 2004**, Your Lordship functioned as a trial Attorney in the International Criminal Tribunal appointed for the former Yugoslavia. Prior to that, from **November 2000** to **August 2001**, Your Lordship functioned as the trial Attorney in the International Criminal Tribunal for Rwanda. In Your Lordship's formative years, Your Lordship had the distinction of qualifying as a Solicitor of the Law Society of England and Wales. In **1997**, Your Lordship obtained a Master of Philosophy from the University of Hong Kong and in the year **2000**, Your Lordship passed the European Certificate on Cyber Crime and Electronic Evidence organized by Cybex in Florence, Italy. Being a Commonwealth scholar, Your Lordship was awarded the Best Prosecutor's Award in **2012**, by the International Association of Prosecutors. Your Lordship is also an International fellow of the National Attorney General's Training and Research Institute of Washington, DC.

During the last 3 decades, Your Lordship has made a highly significant contribution to the development of criminal law in this country. Two of the celebrated original criminal trials handled by Your Lordship, the Chief Justice are the **Wavulkele Abduction and Murder case** and the **Sadeepa Lakshan** case which was conducted before a Trial- at- Bar. The **abduction of G. C. Wickramasinghe**, which was an extremely sensational trial, was also another instance where the State heavily depended on Your Lordship's contribution. Your Lordship, the Chief Justice was the lead Counsel for the State in the famous **Royal Park murder case**, which dealt with several issues relating to analysis of forensic evidence. The manner in which this evidence was placed before the trial Court is a reflection of Your Lordship's skill and ability as counsel. The **Angulana Police Abduction and Murder**, where Your Lordship represented the State from the stage of the Trial, until the conclusion of the Appeal before the Honourable Supreme Court, is another instance where Your Lordship the Chief Justice displayed excellent counselling skills.

Even though Your Lordship commenced Your Lordship's career in the criminal branch of the Attorney General's Department, Your Lordship's contribution was not limited to the development of the criminal jurisprudence only. Your Lordship was a member of the legal team of Counsel representing the State in the celebrated authority of **Omalpe Sobhita Thero v Dayananda Dissanayake**

2008 2 SLR 121, where the Honourable Supreme Court defined the commencement of the term of office of the President. Your Lordship was the lead Counsel for the State in the Supreme Court hearing on the 20th Amendment to the Constitution.

The instances that Your Lordship the Chief Justice, represented the interest of Sri Lanka are far too many and numerous to mention. In all humility, permit me, My Lord, to mention some such instances.

In **2009**, Your Lordship was a member of the Sri Lankan delegation to the International Co-operation Review Group of Financial Action Task Force held in Malaysia. In **2013** and **2014**, Your Lordship represented Sri Lanka as a part of our delegation at the Human Rights Council Sessions in Geneva. In the same year **2014**, Your Lordship headed Sri Lanka's delegation on developing a bilateral treaty on mutual legal assistance in criminal matters with the People's Republic of China. In **2016**, Your Lordship headed a similar delegation in respect of Ukraine. In **November 2016**, Your Lordship headed the Sri Lankan Delegation to review Sri Lanka's Report before the United Nation's Committee Against Torture, held in Geneva. In **November 2017**, Your Lordship was the head of our delegation to the Global Forum on Asset Recovery held in Washington, USA. It was only last year that Your Lordship had the opportunity of leading the Sri Lankan delegation to the 27th Session of the Commission on Crime Prevention and Criminal Justice held in Vienna, Austria.

Apart from representing Sri Lanka's interest at these International forums, Your Lordship has presented many papers based on which new legislation has been introduced in our country. The topics on which Your Lordship made such presentations are varied. Computer evidence, computer crimes, effective investigation and prosecution in child abuse cases, computer crime investigations and trials, credit card frauds, corruption, expert evidence and International terrorism, are some such areas.

Your Lordship's contribution to the legal education of this country will be remembered for a long time. Your Lordship was a co-examiner at the Kothalawela Defence Academy and an examiner of the Law of Evidence at the Sri Lanka Law College since 1990. Your Lordship also functioned as a much sought after lecturer in Criminal Law at the Sri Lanka Law College.

My Lord, the above material would demonstrate that Your Lordship's career in the Attorney General's Department was a full and complete one. Your Lordship,

while imparting knowledge to generations of students, moulded and trained several young members joining the Attorney General's Department. Your Lordship's ability to be calm and composed in dealing with the most difficult and challenging issues is an example to all of us and mostly to the young members of the Bar.

As the President of the Bar Association of Sri Lanka, it is my duty to place on record, the appreciation of the entire Bar for Your Lordship's contribution towards the activities of the Bar Association of Sri Lanka. I must thank my predecessor, Mr. U. R. De Silva, President's Counsel for involving Your Lordship in all seminars, conferences and workshops during the last 2 years and I would thank Your Lordship for the continuous assistance that Your Lordship has provided to the Bar Association of Sri Lanka.

I am certain that Your Lordship's long service has enabled Your Lordship to identify some of the issues and challenges facing the legal and Judicial systems as at present. My Lord, I humbly seek Your Lordship's permission to mention a few such issues at this point.

My Lord, the Judiciary is the branch of the State that is expected to administer justice according to Law. The Bar on the other hand, is the other branch which would facilitate the task of administering justice. Both these branches provide a service centred on the concept of Rule of Law. In every civilized legal system, there is nothing more fundamental than a commitment to the Rule of Law. It manifests itself in a strong, expert and fiercely independent legal profession and an expert, fiercely independent and incorruptible judiciary within an accessible civil justice system. Neither the Executive nor any powerful interest, domestic or international would receive special treatment in our Courts.

Expertise and standing of the Judiciary and the Bar is extremely important to the protection of this very important concept – Rule of Law – and the individual rights of the people who seek justice. Expertise and integrity are complemented by a third fact, a willingness to innovate.

During the last few decades several legal systems in the world have surged forward and have introduced legal reforms which are necessary to keep abreast with the changes that are taking place in view of the advancement of technology and many similar reasons. The Penal Code of Sri Lanka, the Civil Procedure Code, the Code of Criminal Procedure Code No.15 of 1979 and Evidence Ordinance are the 4 main items of Legislation that are used in our

Courts on a daily basis. The Bar is of the view that the Bench and the Bar should take a relook at the provisions contained in these statutes. Especially, Laws dealing with procedure and evidence. Rules of procedure and rules of evidence needs reform in order to simplify the issues relating to these areas. If a collective effort is made, where both the Bench and the Bar are focused in taking the initiative of identifying uniformity of procedure and simplified methodology relating to procedure and evidence, the issue of “Laws Delays” would be resolved in an effective way. Technology could be used to introduce filing of actions, the relevant pleadings and other documentation in order to introduce the innovative changes which are necessary.

On behalf of the Bar we would humbly request Your Lordship the Chief Justice to lead all of us towards this progressive step. The Bar would extend our maximum support to Your Lordship in this regard.

My Lord, the Bar holds the view that the legal education in this country needs immediate reforms in order to create a more accountable and a responsible profession, mindful of high ethical standards. The Bar, on its part, submitted a comprehensive proposal and we are happy to note that most of these proposals have been recognized and are being implemented by the Council of Legal Education of which Your Lordship has been a member for a long period of time and of which Your Lordship functions as the Chairman as at this moment. The legal education needs changes and some such changes include the necessity to introduce more accountability and responsibility. The practical training program needs to be revamped in order to give real practical training to future generations of our profession. Very soon, the Bar Association of Sri Lanka will present to Your Lordship a set of comprehensive proposals and the Bar hopes that these proposals would receive Your Lordship’s kind attention.

At the last convocation ceremony of the Bar Association of Sri Lanka held in March 2019, Your Lordship’s predecessor briefly referred to the ethical conduct of the members of the profession and referred to the many complaints received by this Honourable Court. Being mindful of this fact, the Bar Associat