

The speech delivered by Justice D.N. Samarakoon at the Ceremonial Sitting held on 23rd March 2021.

Mr. Attorney, Mr. President of the Bar Association, it is my great honour to thank each and every one of you for gathering here this morning to welcome us. I am deeply moved by the demonstration of good will and kind sentiments expressed about my career.

When I became an Attorney at Law 34 years ago, I had no intention of becoming a Judge. When I became a Magistrate 26 years ago, I did not dream that I would one day become a Judge of the Court of Appeal. Perhaps I did not have much of that which Brutus and others on that Ides of March accused Julius Ceaser of, ambition.

But that is not to say that I had no aim in life. My parents and my teachers at Dharmaraja College, Kandy, my alma mater had inculcated in me an ability to work hard with a strong moral compass in whatever task I am asked to perform.

My father had the intention of making me a physician. But when an opportunity was presented to me to study medicine, I chose to continue with law. I always take pleasure in rejoicing of my choice on that day in early 1984.

When I was a content legal practitioner for 08 years, my father's next request to me was that I should become a Judge. He reminded me that day that I broke his heart at his initial request, tears welled in his eyes and I did not have the heart to say "no".

As John McDermotte says in one of his beautiful songs, “he was more than just a father, he was my teacher, my best friend”.

My father would have been very happy today had he lived just two more years and so would have been my mother. Despite the fact that my mother’s personality always tended to be eclipsed by my father’s stronger personality, my mother was a tower of strength for all of us in our family, which position is today replaced by my beloved wife Shoba and my loving children Charya and Bhagya.

I must remember late Mr. Wijaya Wickremaratne P. C. who introduced me to the world of lawyers and Mr. Gomin Dayasiri Senior Counsel who taught me the A,B,C, in legal practise and late Mr. Lionel Ekanayake of Kandy for helping me to bring forth the lawyer in me.

Despite my serving for 10 years as a judicial administrator in the JSC I had the opportunity of functioning in the Uva Province, deep South at Tangalla, then at Nugegoda District Court, up North in Vavuniya and Jaffna, North Western Province at Kurunegala and then again in Colombo and finally at Mt. Lavinia.

I affectionately remember and thank all the lawyers who appeared in my courts from whom I always got immense corporation, especially those brothers and sisters in the Northern Province, reminding me always that I am one of you.

I gratefully remember and thank the three Chief Justices under whom I could work in the JSC, their lordships the Chief Justices G. P. S. de Silva, Sarath Nanda Silva and Asoka de Silva who finally reappointed me in North which I consider the jewel of the crown in my career.

I also gratefully thank the several honourable commissioners under whom I could work. I am indebted to the honourable secretary Mr. Dhammika Kitulgoda and thank other secretaries under whom I worked.

I gratefully thank His Lordship the President of the Court of Appeal and my senior sister and brother judges for the warm welcome accorded to us and guidance given. I also thank the Registrar and the Deputy Registrar of the Court of Appeal.

My aim as a Judge is to do justice to the contenders of the dispute presented to me for adjudication, not forgetting the fragrance of “just mercy”.

As Benjamin Cardozo said, “There is in each of us a stream of tendency...which gives coherence and direction to thought. Judges cannot escape that current more than other mortals”.

As Cardozo said they include inherited instincts, traditional beliefs, acquired convictions and “a sense of total push and pressure of the cosmos”.

But I humbly think as Judges we have to slowly remove those instincts, beliefs, convictions, fears of being overruled, even experience and principles to a necessary extent to open the wicket and bat in the spirit of what Lord Denning said to timorous souls; to take fresh courage, for the clouds we so much fear are big with mercy.

If one sees the 1957 black and white version of the film, "Twelve Angry Men", he or she sees how the actor Henry Fonda, the juror 08 slowly helps the other jurors to remove those one after the other to achieve "just mercy".

The character of our nation is not reflected in how we treat the rich and the privileged...but how we treat the poor, the disfavoured and the condemned.

I conclude by saying that, that is the way to achieve natural justice for Homo Sapiens, the way to achieve "just mercy". Thank You.