

## **Ceremonial Address of Justice Gihan Kulatunga:**

Attorney General, Mr. Parinda Ranasinghe Jr, President's Counsel, President of the Bar Association, Mr. Rajeev Amarasuriya,

I thank you for the kind sentiments expressed, by which I am both humbled and encouraged. I am also overwhelmed and deeply moved by your presence with an appreciable number of President's Counsel, Senior Attorneys and members of the legal fraternity from both the official and unofficial Bar. I sincerely thank every one of you, the Judges and Judicial officers and guests, for your presence this morning.

I have had the good fortune and privilege of ascending the apex court of the Country. I have accepted this esteem and exalted office with a profound sense of modesty and humility. I am mindful and conscious of the onerous duty and responsibility attached to this Office.

I must confess that, at a particular point of my career, I did resile to the possibility of my career ending as a Judge of the High Court, due to a series of victimisations and injustices. In 2020, I, along with four other senior High Court Judges, was overlooked and not appointed to the Court of Appeal. However, destiny decreed otherwise, and I am here today occupying a seat in the apex court. The change of destiny and my reaching the apex court at this juncture was made possible due to the recommendation made by Your Lordship the Chief Justice, which rectified the anomaly created in the seniority by said victimisations and injustices. Thus, I am thankful and grateful to Your Lordship, and I am resolute to conscientiously and duly perform the onerous duty that is now bestowed upon me.

I am mindful and extremely conscious that the Supreme Court is the final court of resort and decisions made will be final. As a rule, there is no review or reconsideration of a finding or a determination of this Court. As a judge of the High Court, as well as the Court of Appeal, I did always have in the back of my

mind the consolation of there being another forum to correct my decision if it was wrong or erroneous. However, it is not so now. Thus, I am conscious of the onerous responsibility and gravity of this Office, which I embark upon with great circumspection.

My appointment also coincided with the refurbishment and re-commissioning of this majestic Supreme Court Complex.

Then a robust programme for the digitalisation of the superior courts is also in progress under the persuasive guidance of His Lordship the Chief Justice, and as of yesterday the facility of e-filing is operational and available. This enables the public to have easy and cost-effective access to justice, reducing delays, paperwork, and administrative costs. It also improves accuracy and creates a more transparent system overall.

Thus, the modern infrastructure and technology are now in place to facilitate the performance of our judicial functions comfortably and efficiently. To a great extent, the perennial problem of the backlog of cases is also being successfully addressed currently. Therefore, I consider myself fortunate to have been appointed at this juncture.

As you may be aware, we are gathered today in the Ceremonial Court of the refurbished Supreme Court Complex. This happens to be the first ceremonial sitting upon the refurbishment and re-commissioning on the 5th of February 2026. This Court Complex was constructed and commissioned as the Superior Courts Complex on the 17th of September 1988.

On a personal note, I found that my late father, Justice K. M. M. B. Kulatunga's Ceremonial Welcome happened to be the first Ceremonial Sitting upon the commissioning of this building then. The said ceremonial welcome was held on the

01st of March 1989. The then Chief Justice was none other than His Lordship Justice Parinda Ranasinghe, who is the late father of the present Attorney General, Parinda Ranasinghe Jr. Perusing through the address made by my late father on that occasion, I found that he had made the following observation:

“I am of the view that the judiciary and the Attorney General’s Department and the private Bar are three components of a single system, the stability of which is vital to the administration of justice and in a wider context, to peace, order and good government. These components are complementary to one another. Any malfunctioning within any of these institutions or the lack of co-operation between them, would be disastrous. Any erosion of the stability of these institutions or any disharmony between the members of these institutions should be avoided at any cost, for it would take many years to repair any harm which would result from such erosion or disharmony. It would therefore, be our duty to preserve those institutions for the benefit of succeeding generations.”

This observation, made 37 years ago, is valid even today and is relevant in the current context. The Bar Association has, by letter dated 29th December 2025, communicated a certain concern in relation to the promotion of judges and judicial officers. The pith and substance of this letter, as published in a weekend newspaper, addressed to His Excellency the President, is an apparent change of the criteria from seniority to that of merit in relation to the promotions of Judges and

Judicial officers. Whatever may be the content and context, to avoid any displeasure, misunderstanding, or loss of cordiality, in my view, it would have been best if a dialogue between the Bar Association and the Chief Justice had preceded in the first instance.

On a personal note, it has been my privilege to have served the public service and the judiciary for over 32 years to date. I am grateful and acknowledge the grounding and experience I received at the Attorney General's Department. The Attorney General and many of my brother judges and both sister judges happened to be my colleagues when I was in the Attorney General's Department. Similarly, since 2012, I have been a Judicial Officer, and to that extent, my brother career judges too are my colleagues. So I am no stranger.

On occasions such as this, it is customary to express some view on an aspect of justice or the rule of law. I find it apt to express my thoughts on the importance of Independence of the Judiciary, Accountability and Impartiality.

Judicial independence is not an abstract ideal, nor is it a privilege conferred upon judges. It is, at its core, a constitutional guarantee owed to the people who come before our courts seeking justice. Judges do not exercise power in their own right; they hold office in trust for the public. That trust is sustained only when justice is administered impartially, efficiently, and with integrity. Any erosion of judicial independence ultimately harms not only the judiciary, but society itself.

As I see, when one reflects upon judicial accountability, it is not the mere accountability simpliciter but how judicial accountability can be balanced with judicial independence.

These are complementary values, in the sense that the

independence afforded and enjoyed by the judiciary is on the premise that those of us judges who are vested with judicial power will conduct and behave in an ethical manner both in our judicial as well as our personal lives. This necessarily will follow that maintaining the integrity and propriety are necessary attributes that accompany the assumption of this

exalted office, which will enable the maintaining of the independence of the judiciary, which is essential to maintain public confidence. We, as judges, cannot have a distinction between our official and personal lives.

Impartiality demands more than the absence of bias; it requires discipline of mind, habit, and outlook. It requires all judges to hear courteously, answer wisely, consider soberly, and decide impartially.

As for hearing courteously, during the last Court Vacation, I had occasion to reflect upon Lord Denning's book, 'The Due Process of Law', particularly his observations on what he

called "the judge who talked too much" about a judicial officer more eager to be heard than to listen. Recalling the decision in *Jones v. National Coal Board*, Lord Denning acknowledged that the trial judge had intervened with the best of intentions. He sought clarity. Yet good intentions, however sincere, when too frequent or too forceful, risk the appearance of a step beyond the proper bounds of the judicial role. Lord Denning held that a judge is "not a mere umpire to answer the question 'How's that?'" nor is he an advocate in disguise. He must resist the temptation to descend into the arena, as if and when a judge puts on the robe of an advocate, he sheds the mantle of impartiality; that change does not become him well.

Lord Denning, ordering a re-trial, quoted Lord Bacon's words, "Patience and gravity of hearing is an essential part of justice; and an over-speaking judge is no well-tuned cymbal." I wish that I had read this much earlier in my judicial career. In retrospect, a dialogue between the bench and the bar is not undesirable.

On occasions of this nature, it is obligatory to look back and appreciate persons who assisted and encouraged me to reach this milestone. I recall with gratitude my dear teachers both at S. Thomas' College, Mt Lavinia, and S. Thomas' Prep School, Colombo 03, for guiding me. I fondly remember and thank Dr. Kanag-Iswaran, P.C., under whom I apprenticed, and the late Mr. E. D. Wickramanayake, P.C., in whose chambers I practised until I joined the Attorney General's Department. I am also grateful to Mr. Thilak Marapana, P.C., who was the Attorney General when I joined the Department in 1994. During my 18-year stint in the Department, I fondly remember with gratitude the encouragement and guidance of my supervising officers, the late Mr. C. R. De Silva, P.C., Mr. Rienzi Arsecularatne, P.C., Justice Dep, P.C., and Mr. Palitha Fernando, P.C.

Finally, I must also express my sincere gratitude and appreciation to my mother, who is present here today, for all the care and affection given to me. Then, I fondly acknowledge the constant love and unwavering support of my wife, Sampateeka, and my two sons who are also here today, without whose support and encouragement I would not have reached this milestone. I also thank my brother and sister and their respective spouses, my wife's parents, brother-in-law and sister-in-law and their spouses for their unconditional

support. I thank those who are not here but have sent me congratulatory messages.

Once again, your presence this morning is appreciated.

I wish you well and all success.

Speech of Attorney General Parinda Ranasinghe, (Jnr), PC

My Lord the Chief Justice, Your Ladyships and Your Lordships of the Supreme Court, Your Lordship the President of the Court of Appeal and Your Lordships of the Court of Appeal, Honorable Members of the Judiciary, Learned Presidents Counsel, Senior Attorneys and my learned friends at the Bar.

Today, we are gathered here in these hallowed portals of Hulftsdorp to welcome a personality of the highest eminence in the field of law, who has been elevated to his rightful place in the Supreme Court of the Democratic Socialist Republic Sri Lanka.

I consider it my singular privilege to be bestowed the honour of delivering this welcome address to Your Lordship Justice Gihan Kulathunga, on behalf of the bar at this august gathering. Fittingly, this is the first Ceremonial sitting of this kind to be held in this grandly refurbished Ceremonial Court of the temple of justice.

Your Lordship Justice Gihan Kulathunga is a vastly experienced legal professional with a wealth of judicial experience spanning over multiple jurisdictions. It all began with Your Lordship being enrolled as an Attorney-at-Law in 1993 and thereafter obtained the Bachelor of Laws

Degree from the Faculty of Law, University of Colombo in 1994. Your Lordship commenced your career as a State Counsel in the Attorney-

General's Department in 1994, and rose to the position of Senior State Counsel by 2005. Your Lordship was a feared and a tenacious prosecutor who fought his cases with all his might. During this time, Your Lordship had a stint as a Senior State Counsel in the Attorney-General's Chambers

of the Republic of Seychelles and later provided legal advisory opinions to the Exchange Controller and the Controller of Prices of the Republic of Seychelles.

In 2012, like Your Lordship's illustrious father, the late Justice K.M.M.B. Kulathunga, Your Lordship joined the judiciary as a Judge of the High Court. During Your Lordship's remarkable career as a High Court Judge,

Your Lordship served in the High Courts of Monaragala, Kuliyaipitiya, and Colombo with much distinction wherein Your Lordship earned the reputation as a fair and fearless judge who treated everyone equally without exception. Your Lordship also had a stint as Judge of the civil appellate court in Homagama and immediately prior to the elevation, Your

Lordship was a presiding judge of the Civil Appellate High Court in Colombo. Presiding in the Civil Appellate High Court, Your Lordship exercised appellate and revisionary jurisdiction over all civil cases, suits and matters arising from the District Courts.

In addition to Your Lordship's judicial roles, in recognition of sheer capacity for hard work, Your Lordship was appointed a member of the "Presidential Commission of Inquiry into serious acts of fraud, corruption and abuse of power, state resources and privileges" committed in Sri Lanka from 2015-2017, by His Excellency the President of Sri Lanka.

Your Lordship's wide cross-border judicial experience includes Your Lordship's appointment as a Puisne Judge in the High Court of Fiji in 2022 up until June 2023. During Your Lordship's time in the Republic of Fiji, Your Lordship served as Justice of Appeal in the Court of Appeal in Fiji in

the months of February and May 2023, wherein Your Lordship heard and determined criminal appeals on invitation.

During this period, Your Lordship also served as the Commissioner of the Independent Legal Services Commission of Fiji, from February 2022 to June 2023. During this stint, Your Lordship presided and heard

disciplinary proceedings brought in by the Chief Registrar of the High Court in relation to allegations of professional misconduct or unsatisfactory conduct against legal practitioners.

Your Lordship's extensive legal background is a clear reflection of Your Lordship's legal acumen that has transcended borders internationally. Your Lordship has done your alma mater, St Thomas' College Mount Lavinia, proud.

Signifying a yet another milestone in a glittering career, Your Lordship Gihan Kulathunga was elevated to the Court of Appeal of the Republic of Sri Lanka in September 2024. During this time, Your Lordship sat in the criminal appeals

division and presided over the writ Court. This, however, was to be a short stint as Your Lordship was appointed to the exalted position as a Justice of the Supreme Court in the month of December in 2025.

During Your Lordships long career as a judge, Your Lordship carried out the indispensable duty cast on Your Lordship to perform the functions of the judiciary while maintaining the highest standards and ensuring an efficient and effective administration of justice system, with much dignity.

Your Lordship Justice Gihan Kulathunga, will bring in a vast amalgam of knowledge, experience competency and a high degree of skill to this age- old institution of the Supreme Court. It will no doubt augment and deepen the overall excellence of the dispensation of justice in our country and enhance the much-needed credibility.

To strike a personal note, a further reason that gives me great pleasure in delivering this welcome address to Your Lordship is because we go back a long way in Hulftsdorp. Your Lordship Justice Kulathunga and I were contemporaries at the Attorney-General's Department where our journeys began.

My Lords, while assuring the fullest co-operation of the Bar, may I take this opportunity to wish Your Lordship be blessed with courage, strength, wisdom and resolve, in the delivery of justice and upholding the rule of law in these demanding times that we live in.

Thank you.