

**52<sup>nd</sup> Annual Convocation of the Bar Association of Sri Lanka**

**Address of Justice Yasantha Kodagoda, PC**

**at the**

**52<sup>nd</sup> Annual Convocation of the Bar Association of Sri Lanka**

**10<sup>th</sup> May 2026, Waters Edge**

Honourable Justice Bhushan Ramkrishna Gavai and other distinguished invitees;

The Attorney-General, Honourable Parinda Ranasinghe, PC;

The President of the Bar Association, Mr. Rajeev Amarasuriya;

Solicitor General, Mr. Viraj Dayaratne, PC;

Mr. Nalin De Silva, the new Secretary;

Mr. Rienzi Arsekularatne, PC, Deputy President;

Esteemed members of the Judiciary and distinguished President's Counsel;

Members of the Bar Council and other members of the Bar Association;

Ladies and Gentlemen;

I consider it a singular honour to address this 52<sup>nd</sup> Annual Convocation of the Bar Association of Sri Lanka. I have had the occasion to work from within the Bar Council for decades and also partner with the Bar Association in various activities of the Bar,

now for over 35 years. My past experience with the BASL has always been extremely pleasant and productive, and with the passage of each year, my admiration of the very important multiple roles being performed by the Association, has only grown. To me, the Bar Association plays an indispensable role in the protection of our system of justice. Therefore, it gives me great pleasure and pride to address you on this occasion.

It is ladies and gentleman a rare privilege to share a stage with a gentleman of the calibre of the chief guest today – Justice Bhushan Ramkrishna Gavai. Honourable Justice Gavai, if I may be so bold: it is perhaps a misfortune of the Bharat, that it could not enjoy the benefits of a longer stewardship of India’s judiciary under your command. Yet, though your tenure as Chief Justice of India was short, you left an indelible mark in India’s system of justice. In a world where administration of justice is often reduced to a mere mechanical resolution of disputes strictly according to the black letter of the law, the judicial precedence you created represents a rare breed. Your judgments reflect the thinking and views of a jurist of high eminence, a gentleman par excellence with high integrity who wore the judicial garb, and an adjudicator who always decided in a manner that protects public interest. You were in my humble opinion, a true Justice with unmatched judicial independence, who used your vast knowledge of the law to blend your profound commitment towards upholding justice, with your judicial

philosophy of the need to protect human dignity and fairness being delivered to all.

Ladies and Gentleman, I believe that the true measure of Justice Gavai's greatness, lies not only in the important judgments he has delivered over several decades, but also, in his magnanimity during challenging times. During his term as the Chief Justice of India, when confronted with a serious act of contempt of court committed by a lawyer with a deranged mind, whose conduct in open court was an affront to the dignity of the judiciary, Justice Gavai chose not to swipe the sword of contempt of court on him, but instead, he displayed the shield of empathy and compassion. He directed law enforcement and prosecutorial authorities not to take any action against that deranged man. That incident reminded me ladies and gentleman, that the strength of a Judge is not found in the power he exercises to decide cases and imprison offenders and impose sanctions on those who transgress the law, but in the wisdom to understand the frailties of the human mind and to be compassionate even towards those who violate the law and cause harm to your interests. On that particular occasion, Justice Gavai proved that justice is not a cold and mechanical application of the rules, but a humane endeavor of fairness, impartiality and delivery of justice in the broad sense of the term. Justice Gavai, I would like to say that, your generosity towards that foolish mad man who happened to be a lawyer himself, shed on me a guiding light to

ensure that I maintain my own judicial temperament and the approach to the delivery of justice, in a soft, patient, empathetic, compassionate, wise and gentlemanly manner.

Mr. Amarasuriya, your first year as the President of the BASL was a triumph of quiet diplomacy, effective administration and unmatched success. You ensured that matters that needed to be addressed were responded to in a manner that ensured the maintenance of the dignity of the bench and the bar, and brought about tangible results in the best interests of our system of justice. You ensured that the interests of the legal profession were optimally protected and continuing legal educational and skills development initiatives of the Bar Association proceeded with high momentum. I am sure the Deputy President Mr. Rienzi Arsekularatne's wise counsel and the support of the Executive Committee would have been a great source of strength to you. The uncontested mandate you received for a second term, is the highest tribute the Bar can pay to its leader. You deserve it, very much. Yet, I must also respectfully remind you that, it is also a heavy debt that must be repaid through continuous visionary and strong stewardship of the legal profession during this second term, as well. I am confident that in the coming months, your dedication to serve the legal profession will only deepen and be enriched with greater wisdom, courage and strength. I wish you all the very best!

I welcome the election of the new Secretary, Mr. Nalin De Silva. Nalin, in the past, you have been a seasoned activist and an effective organizer of the Bar Association's activities. You have done well in the past, and on this occasion, in your new and well-earned capacity as the Secretary, I have every reason to believe that you will perform exceptionally well. Might I say that, I expect the synergy between you and Rajeev to transform the Association into an even more vibrant sentinel of our profession. Nalin, I wish you too, all the very best!

Ladies and Gentleman, I take this opportunity to pay tribute to the former Secretary, Mr. Chathura Galhena. Chathura, during the very beginning of your tenure, you encountered an unexpected and troublesome turbulent period. On that occasion, you stood at the helm of the Association, handling the Bar Association's affairs almost single-handedly. You were steady and remained calm, while ensuring that the work of the Association was not disrupted. The profession owes you a profound debt of gratitude, for your dedicated services.

Ladies and Gentleman, as you know, in Hulftsdorp, news travel quite fast. The talk of an initiative being taken to form the "Guild of President's Counsel" reached my years a couple of weeks ago. I welcomed that development, wholeheartedly. In addition to being competent counsel, the seniors of our profession who are also

President's Counsel, are the custodians of our traditions and repositories of collective wisdom. Therefore, in my view, the new Guild which I hope would come into existence soon, should not be viewed as an exclusive conclave for the elite, or as a breakaway from the BASL. The Guild should be viewed by all of us, as a council comprising of eminent seniors, who are respectable gentlemen. We must prevail upon them to be mentors and advisors, and to guide the profession, when such guidance is required. I urge the BASL to work in close collaboration with the President's Counsels' Guild, drawing upon their collective wisdom to steady the profession's course. I wish that initiative success!

Ladies and Gentleman, on occasions such as this, we must take a moment to confront the stark realities of our system. The ground situation reflects that our courts are not merely busy; but that they are clogged with cases. I don't personally know how correct the figure is, but those in authority at the Ministry of Justice claim that there are one million cases in the entire system. That figure is likely to be correct, as seen by daily case lists of courts, the volume of work being handled by every court on a daily basis, the time span between two consecutive trial dates, and by the number of years a case takes to be concluded.

I ask you ladies and gentleman, whether it is not a moral tragedy for us, that a civil case such as a partition case – takes several decades as opposed to a couple of years, to reach finality? By the

time the Supreme Court's judgment is pronounced following a trial in the District Court and two appellate hearings by higher Courts, in most of our civil cases, the original litigants are often long in their graves, leaving only the second or third generation to inherit the benefits of the judgment, following a decades-long struggle through multiple courts. The situation relating to criminal cases is no better.

The delay in the administration of justice in my view, is the slow poison of our entire system of justice, and a key reason for the gradual deterioration of the public's faith in our system of justice. I do appreciate that, those of you who practice in Courts, may not necessarily be responsible for the delay. In fact, more often than not, lawyers are ready and prepared to argue their cases or present evidence. It is often the Courts that do not have adequate time to take up all the cases on the list or is confronted obstacles most of which are beyond the control of court as well. In my view, the problem lies primarily in the sheer unbearable volume of work that all of us have to handle and the limited infrastructure related and human resources capacity of the system of justice.

The problem of the system being clogged with cases has developed over several decades. Therefore, solutions cannot be found and implemented overnight. Redressing the problem will take time. We must increase the capacity of the court system to handle the present and also the predictable future volume of work. I am confident

ladies and gentleman that, if all of us, the Bench, the Bar, policy makers, court administrators and other service providers of the system of justice rally around each other, appreciate the seriousness of the problem, adopt a cooperative approach, and we are genuinely committed towards a resolution of the prevailing situation, we can move forward, identify and implement solutions, and thereby make our system of justice efficient. Therefore, I urge you to cooperate fully towards the successful implementation of reforms that are compatible with the norms of justice, are progressive, sustainable, and aimed at converting our justice delivery system into an efficient, robust, expeditious and fair system. That is how we can ensure that the public benefits from our system justice, and it is accessible and affordable by all who have grievances. Of course, I must hasten to add that, expediting the hearing of cases must not be at the expense of denying litigants of fair hearing of their cases and the diligent administration of justice according to law.

Ladies and Gentleman, before I conclude, I would like to say that I assume that you are acutely conscious of the responsibilities as members of Bar, which should function as guardians of the entire system of justice and the legal profession. Therefore, the BASL must remain vigilant at all times against possible harmful lesions in the system, inappropriate intrusions into the system of justice, and also against the decay of our standards from within the profession. You

as members of the Bar and the Bar Association as the most powerful and responsible professional organisation of this country, must function as gate-keepers of our profession, and maintain the independence and the professionalism of the profession, protect the Rule of Law, and of course the independence of the judiciary. We must act jointly and ensure that the independence, competence and professional ethics of both the judiciary and the bar and the integrity of the justice system are not seen as relics of the past, but as true features of our contemporary system of justice.

As I conclude ladies and gentleman, I once again take this opportunity of wishing Mr. Rajeev Amarasuriya, Mr. Nalin De Silva, other officials and the new Executive Committee a year of transformative success! I will remain hopeful that the Bar Association remains the jealous guardian of the Rule of Law and the independence of both the judiciary and the legal profession!

Thank you.

Justice Yasantha Kodagoda, PC  
Judge of the Supreme Court