

# BASL NEWS

THE NEWSLETTER OF THE BAR ASSOCIATION OF SRI LANKA



August, 2021

2021/2022 Issue No. 01  
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*Mr. Saliya Pieris PC being inducted by the Hon. Attorney General Mr. Dappula De Livera PC, as the 27<sup>th</sup> President of the Bar Association of Sri Lanka (BASL) for the Year 2021/2022 as His Lordship the Chief Justice Hon. Jayantha Jayasuriya PC, the Minister of Justice Hon. M.U.M. Ali Sabry and other distinguished members of the Head Table look on.*

## CONVOCATION ADDRESS BY THE PRESIDENT



Mr. Saliya Pieris, PC

**"The Bar must continue to honour its objectives of maintaining the honour and the independence of the Bar and the Judiciary."**

I thank you all for your presence at the Convocation today, which we are compelled to hold in a manner different from the traditional Convocation so as to comply with the health guidelines in the

face of the pandemic. I am honoured by the presence of the Justices of the Supreme Court and the Court of Appeal at this Convocation.

I must at the outset thank Mr. Kalinga Indatissa PC the outgoing President of the BASL for his life time of service to the Bar. I will value the advice of Mr. Indatissa and all Past Presidents of the Association and of the Seniors of the Bar.

I am deeply honoured by the confidence placed in me by the Bar, in electing me as the President of the Bar Association of Sri Lanka, an integral part of every democracy especially in upholding the Rule of Law. We managed to streamline the appointment of President's Counsels. We did not hesitate to invoke the jurisdiction of the highest Court in this land in respect of the power of the Executive to grant presidential pardons and on matters relating to accountability in respect of national security.

*Continued on page 4...*

## CONVOCATION CLOSING REMARKS BY THE SECRETARY



Mr. Rajeev Amarasuriya

**"Looking back, we managed to overcome the difficulties and constraints and have a year as normal as possible for the BASL."**

We are coming to the conclusion of the 47<sup>th</sup> Annual Convocation of the Bar Association of Sri Lanka, and it is my privilege and honour to make some concluding remarks.

The last year was a difficult year not only for the Bar Association of Sri Lanka, not only for the Legal Profession, not only for Sri Lanka but for the entire world.

The learning curve was very steep and we all began to do things differently in the new normal. I am proud to say that the Bar Association also embraced this change quite early and began to do things differently.

We strengthened our communication channels early into the year and this proved to be a huge success as we now have a very well connected membership. We commenced the Webinar Programmes, originally every Saturday with the English Webinar and now also on Tuesdays with the Sinhala Webinar Series, and we have now this year reached out to our entire membership, which we could not do in this way before.

*Continued on page 5...*

SALIYA PIERIS  
PRESIDENT'S COUNSEL  
PRESIDENT

ANURA MEDDEGODA  
PRESIDENT'S COUNSEL  
DEPUTY PRESIDENT

RAJEEV AMARASURIYA  
ATTORNEY-AT-LAW  
SECRETARY

RAJINDH PERERA  
ATTORNEY-AT-LAW  
TREASURER

PASINDU SILVA  
ATTORNEY-AT-LAW  
ASSISTANT SECRETARY

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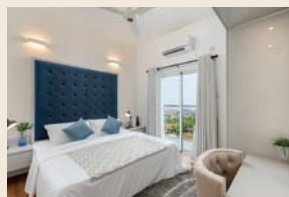
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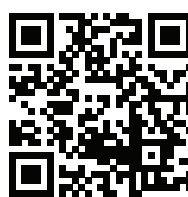
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## ELECTION OF DEPUTY PRESIDENT, TREASURER, ASSISTANT SECRETARY, ZONAL VICE PRESIDENTS, AND THE EXECUTIVE COMMITTEE OF THE BASL



Mr. Anura Meddegoda, PC

At the Bar Council held on 27<sup>th</sup> March 2021, the name of Mr. Anura Meddegoda PC was proposed for the post of Deputy President by Mr. Saliya Pieris PC and seconded by Mr. Razik Zarook PC. The name of Mr. Kamal Goonesinghe was proposed by Mr. M. L. Usuf and seconded by Mr. K. P. D. Gunaratne. Since two names were nominated, the Presiding Officer the Hon.

Attorney General suggested that the election be conducted by a show of hands. The Hon. Attorney General inquired from the House whether there were any objections to the same and with no objections from the House, the Hon. Attorney General requested the House to show their support for each candidate through a show of hands. Accordingly, the Hon. Attorney General declared that Mr. Anura Meddegoda PC was elected as the Deputy President of the BASL for the Year 2021 / 2022 by an overwhelming majority.



Mr. Rajindh Perera

Mr. Rajindh Perera was proposed for the post of Treasurer by Mr. Sanjaya Gamage and seconded by Mr. Asoka Weerasooriya, and with no other nominations, was elected uncontested to the post of Treasurer of the BASL.

The Zonal Vice Presidents of BASL for the Year 2021 / 2022 elected were :- Mr. Ariyaratna Wickramaarachchi

(Anuradhapura), Mr. Upul Gallage (Ampara), Ms. Sandya Dias Thalduwa (Avisawella), Mr. Sisira Kumara Bandara (Badulla), Mr. Vinoba Indran (Batticaloa), Mr. Vijayabandu Gamage (Colombo

Central), Mr. Jagath Halpadeniya (Colombo South), Mr. Lalantha Sarathchandra (Chilaw), Mr. Priyantha Seneviratne (Galle), Mr. Upul Deshapriya (Gampaha), Ms. Ramani De Saram (Kalutara), Mr. Dhammika Hettihewage (Kandy), Mr. Naleen Uditha Hapugoda (Kegalle), Mr. Dhammika Gamarachchi (Kurunegala), Ms. Priyani Rathnayake (Matara), Ms. Namali Gunaratne (Negombo), Mr. J. Ambagahawatte (Nuwara Eliya), Mr. Arawinda Dias Samarasinghe (Ratnapura) and Mr. S.T. Kangatharan (Vavuniya).

The election of Zonal Vice Presidents for the Colombo South Zone and Jaffna Zone were deferred.

Mr. Jagath Halpadeniya was elected as the Zonal Vice President of the Colombo South Zone at the 2<sup>nd</sup> Bar Council Meeting held on 24<sup>th</sup> April 2021.

The following Members were also elected to the Executive Committee of the BASL for the Year 2021 / 2022:- Mr. Kalinga Indatissa PC (Immediate Past President), Mr. Jagath Abeynayaka, Mr. Sanjeeva Dasannayake, Mr. Chathura Galhena, Mr. Dhanya Gunawardena, Mr. Lasitha Kanuwanaarachchi, Mr. Upul Kumarapperuma, Mr. Srinath Perera PC, Mr. Tharindu Rajakaruna (Junior Bar), Mr. Buddika Serasinghe and Mr. Chandana Udagedara (Junior Bar) Ms. Shehani Alwis (Junior Bar).



Mr. Pasindu Silva

At the 1<sup>st</sup> Executive Committee Meeting held immediately after the First Bar Council Meeting, the name of Mr. Pasindu Silva was proposed for the post of Assistant Secretary by the Secretary Mr. Rajeev Amarasuriya and was unanimously ratified by the Executive Committee.

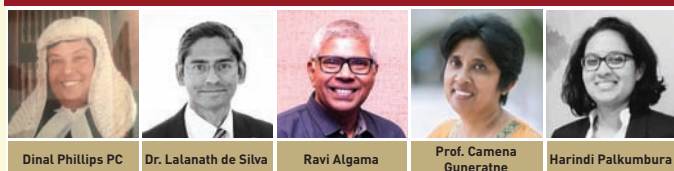
## THE MANAGEMENT COMMITTEE ASSUMES DUTIES

In a simple ceremony held on the 29<sup>th</sup> of March 2021, the Management Committee of the BASL assumed duties at the BASL Secretariat.

President, Mr. Saliya Pieris PC, the Secretary, Mr. Rajeev Amarasuriya, Treasurer Mr. Rajindh Perera and the Assistant Secretary Mr. Pasindu Silva, with BASL Administrative Secretary / CEO Mrs. Suranee Samarasekara and other staff members of the Secretariat were present at this occasion.



### WEBINAR 1.41 : RECENT TRENDS IN ENVIRONMENTAL LAW



Dinal Phillips PC

Dr. Lalanath de Silva

Ravi Algama

Prof. Camena Guneratne

Harindi Palkumbura

### WEBINAR 1.42 : DISHONOURD CHEQUES AND COURT PROCEDURE



Palitha Kumarasinghe PC

Chandaka Jayasundere PC

Harshana Nanayakkara

Priyantha Alagiyawanna

Charaka Jayaratne

## CONVOCATION ADDRESS BY THE PRESIDENT

[Continued from page 01]

I am humbled by the support and strength I received from the members of the Bar across the country and from both the senior and junior members of the Bar, in what was a tumultuous election campaign. This year's election saw the highest turn out ever in the history of the Bar. It is a testament to the Bar's dedication to the Rule of Law, the Independence of the Judiciary and to the common values we share.

I am indebted to all those members of the Bar who dedicated themselves in many ways to secure my victory. I thank Dr. K. Kanag Iswaran PC, Mr. Faisz Musthapha PC, Mr. Rienze Arseculeratne PC, Mr. Palitha Fernando PC, Mr. Anil Silva PC, Professor Mrs. Wasantha Seneviratne who were my proposers and also to Mr. Sanjaya Gamage AAL, Mrs. Shiranthi Gunewardena AAL, Mr. Hemaka Senanayake AAL, Mr. Rasika Dissanayake AAL, Mr. Sanath Wijewardena AAL and Mr. Shivan Coorey AAL who seconded my nomination. I must also thank many seniors including Mr. Ikram Mohamed PC and Mr. Geoffrey Alagaratnam PC who gave me strength and support during this time.

I will do everything within my capacity to honour the confidence and trust that you have placed in me. I am also aware that I am bound to serve all members of the Bar and I am conscious that I have drawn support from a wide cross section of the Bar. I believe in a Bar which is united and I believe we must look to the factors which unite us rather than to those factors which tend to divide and separate us. A united and strong Bar is essential for the strength of this Association.

I am conscious of the role which the President of the Bar is required to play. The Bar must continue to honour its objectives of maintaining the honour and the independence of the Bar and the Judiciary. While maintaining its independence it is also necessary for the Bar to be non-partisan and to take its decisions based on policies and principles.

I am committed to the objectives of the Bar Association, amongst which are the upholding of the Rule of Law, Safeguarding the Independence of the Judiciary and fostering the fundamental rights of the people of Sri Lanka. The promotion, observance and protection of human rights and liberties including the right of access to courts are an essential component of the Rule of Law and are among the objectives of the BASL.

It is in this spirit that for many years the Legal Aid Foundation of the BASL handled cases of detainees in order to secure their rights. In my view the BASL must play a positive role in respect of the Fundamental Rights of the people including rights which are of public importance such as the freedom of expression which is the foundation of all other rights, as well as environmental rights.

In its 1968 publication titled the Rule of Law and Human Rights, the International Commission of Jurists observed that "in a free

society practicing the Rule of Law, it is essential that the absolute independence of the judiciary be guaranteed. Members of the legal profession in any country, have over and above their ordinary duties as citizens, a special duty to seek ways and means of securing in their own country, the maximum degree of independence for the judiciary".

The Bar will continue to be committed to ensuring to a maximum degree the Independence of the judiciary and to seek ways and means by which the Independence of the judiciary can not only be safeguarded but also be enhanced. The Bar should not hesitate to let its views be known whenever the Rule of Law or the independence of the judiciary is imperilled. In fact the objectives of the BASL require the intervention of the Bar in situations of national importance whenever the Rule of Law or the administration of justice is affected.

In this context the BASL needs to continue to examine and make representations to the State on how best the independence of the judiciary should be safeguarded. In this context the principled position taken by the Bar Council during the passage of the 20th Amendment Bill is noteworthy. The manner of Judicial appointments, the need to secure checks and balances in the powers of appointment of the judiciary, the need for greater openness and transparency in judicial appointments, the need for a proper process for removal of judges in terms of the Latimer House principles, the need to strengthen the independence and integrity of institutions in Sri Lanka including the Commissions such as the Bribery Commission and the Human Rights Commission, powers of Commissions of Inquiry in respect of ongoing cases, are all matters which must be carefully scrutinized by the Bar, keeping in mind its primary objective.

Whilst the Bar seeks to safeguard the Independence of the Judiciary it is equally important to the Rule of Law that the rights and privileges of the Bar be secured. The support of the Judiciary at all levels in securing the rights and privileges of lawyers is essential.

On the 31st July 1964, during his farewell address Chief Justice Basnayake Q.C. observed as follows:

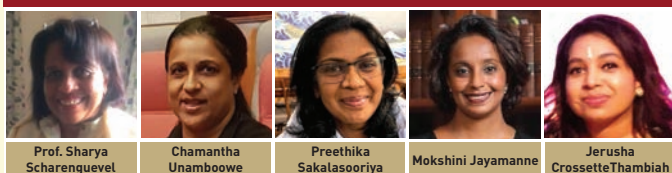
*"Under our system of justice, the Bench and the Bar are components of one unit. The impairment of one inevitably affects the other. It behoves the bench, therefore to uphold the rights and privileges of the Bar, and the Bar to guard the prestige and sanctity of the Bench..."*

In relation to the Independence of the Bar and the rights and privileges of its members, it is necessary to safeguard and strengthen the rights of Attorneys-at-Law in different spheres.

**SALIYA PIERIS, PC**

*Extract only, full text available at : <https://bit.ly/3Jftftz>*

### WEBINAR 1.43 : CUSTODY OF MINORS: LAW AND PROCESS



### WEBINAR 1.44 : SALIENT FEATURES OF BUDDHIST ECCLESIASTICAL LAW





## CONVOCATION CLOSING REMARKS BY THE SECRETARY

[Continued from page 01]

We have completed over sixty Webinars in the past ten months, and a special feature was that we had over 200 Lawyers as Resource Persons for these two series, and this is probably a first as well. This was supplemented by the six Online Certificate Courses where we trained close to 1,000 participants and we generated the highest revenue of Rs. 11.4 Million from these Programmes which kept the BASL financially stable during these difficult times.

Consequently, we did not have to cut down on BASL staff, or reduce pay, and in fact, we just granted a bonus to all the staff as well. Looking back, we managed to overcome the difficulties and constraints and have a year as normal as possible for the BASL.

We had the National Law Conference in a hybrid form this year, which was also acclaimed as one of the best, we had two Legal Symposiums, a Provincial Law Conference, several Workshops and we also Chartered a Toastmasters Club. Then we had so much co-ordination and new activity due to COVID, from assisting and supporting members who were infected to securing permission to use the BASL ID Card as a Curfew Pass and most recently commencing a vaccination programme, and the list goes on.

We also were able to publish two Newsletters. So overall, we have had a very good year, and this would not have been possible if not for the excellent Management Committee we had, the President Mr. Kalinga Indatissa, PC led the Association during two very turbulent years and did his very best and kept the BASL flag flying high, Deputy President Mr. Shavindra Fernando, PC, Treasurer Mr. Nalin De Silva and Assistant Secretary Mr. Pasindu Silva supported and gave leadership to all the initiatives and activities to their fullest. The Executive Committee also was very involved and engaged and I thank them very much.

I take this opportunity to thank our Chief Guest, Chief Justice His Lordship Jayantha Jayasuriya, PC for all the support and guidance given to the Bar and for being our Chief Guest today. I must also thank the Minister of Justice, Hon. M.U.M. Ali Sabry, PC for gracing this occasion and for all the good work being done through the Ministry. Also, I must thank the Hon. Attorney General Dappula De Livera, PC and the Hon. Acting Solicitor General Sanjaya Rajaratnam, PC for being present today and for officiating at both the Bar Council and the formalities at this function.

I also thank the Hon. Judges of the Supreme Court, the Hon. President of the Court of Appeal Lordship Justice Arjuna Obeyesekere, and the other Hon. Judges of the Court of Appeal for your distinguished presence today.

Congratulations to new President of the Bar Association of Sri Lanka Mr. Saliya Pieris, PC, the new Deputy President Mr. Anura Meddegoda, PC and the new Treasurer Mr. Rajindh Perera and I look forward very much to work with you in the coming year towards raising the Bar. I also congratulate all the members of the Executive Committee for 2021 / 2022, and also all the Zonal Vice Presidents. I look forward to working with all of you.

A special word of thanks to the BASL Staff led by our CEO Mrs. Suranee Samarasekera for all the hard work done, not only for today's event, but for all the support given to me in the last year. I must also thank all other service providers, and also our excellent compères Attorneys-at-Law Mr. Shehan Gunawardena and Ms. Sonali Wanigabaduge.

Before I conclude, I would like to thank my Senior and Uncle Mr. Sanjeeva Jayawardena, PC and my Late Uncle Justice Prasanna Jayawardena, PC for being my mentors right throughout and the guidance given to me, which was invaluable in performing my role as the Secretary.

I would like to also take a moment to thank two very special people in the audience today, my parents Mr. Sepala and Mrs. Ramanee Amarasuriya. I certainly would not be what I am today, if not for their nurturing and care, which is continued to-date without any exception. Thank you very much for all that you have done for me and continue to do for me.

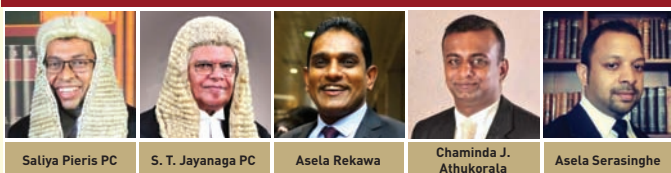
I also take this opportunity to thank my Wife and my Juniors, Apprentices and Interns for their patience and for all the support extended at all times. Last, but certainly not the least, to all of you who elected me to the office of Secretary with an overwhelming majority. I hope I have done justice to the confidence and trust placed in me by all of you.

**RAJEEV AMARASURIYA**

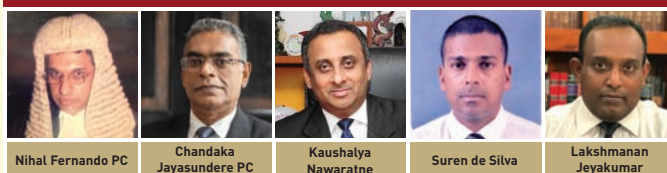
### BASL NEWSLETTER COMMITTEE 2021/2022

**Chairman** : Mr. Rajeev Amarasuriya  
**Co-Chairman** : Mr. Pasindu Silva  
**Convenors** : Mr. Chamath Fernando  
 : Mr. Ruvinu Bandara

### WEBINAR 1.45 : THE ART OF CROSS EXAMINATION IN CRIMINAL CASES



### WEBINAR 1.46 : SALIENT FEATURES OF THE LAW OF DAMAGES



## APPOINTMENT OF NEW ATTORNEY GENERAL, MR. SANJAY RAJARATNAM PC

Mr. Sanjay Rajaratnam PC was appointed as the Hon. Attorney General on 26<sup>th</sup> May 2021 by His Excellency the President.

Releasing a statement in this regard, the BASL whilst congratulating the new Attorney General, expressed confidence that he will exercise his duties impartially and maintain the independence of the Office of the Attorney General. It was also noted that at the time of his appointment as the Attorney-General, Mr. Sanjay Rajaratnam PC was the Acting Solicitor-General and the most senior officer in the Department of the Attorney General presently eligible for appointment, having served the Department of the Attorney-General since 1988.

Further, the BASL commended His Excellency the President and the Parliamentary Council for giving due consideration to merit and seniority of service in the Attorney-General's Department and other vital criteria when appointing the Attorney-General on the first occasion of such an appointment made after the enactment of the 20<sup>th</sup> Amendment of the Constitution.



*The Management Committee paid a courtesy call on the new Attorney General soon after his appointment.*

The BASL also thanked the outgoing Hon. Attorney-General, Mr. Dappula de Livera PC, for his service to the Department and the co-operation he extended to the BASL during his tenure.

## UNVEILING OF THE PORTRAIT OF THE IMMEDIATE PAST PRESIDENT

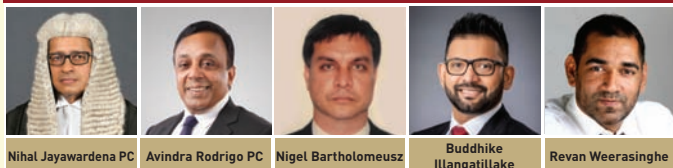


The portrait of Mr. Kalinga Indatissa PC, the immediate past President of the BASL (2019-2021) was ceremoniously unveiled by the Hon. Attorney General Mr. Dappula De Livera PC prior to the commencement of the 2<sup>nd</sup> Bar Council Meeting of the BASL held on Saturday, 24<sup>th</sup> April 2021 at the BASL Auditorium amidst the presence of the office-bearers of the BASL and delegates of the Bar Council.

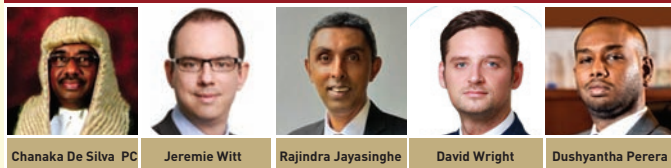
Mr. Kalinga Indatissa PC shared some heartfelt sentiments with the audience at this occasion.



### WEBINAR 1.47 : MINORITY PROTECTION UNDER THE COMPANIES ACT



### WEBINAR 1.48 : NEGOTIATION AND EXECUTION OF CONSTRUCTION CONTRACTS





## CONVOCAION AND INDUCTION OF THE 27<sup>TH</sup> PRESIDENT OF THE BASL



## 1<sup>ST</sup> MEETING OF THE BAR COUNCIL FOR THE YEAR 2021/2022



### WEBINAR 1.49 : SUMMARY PROCEDURE IN CIVIL LITIGATION



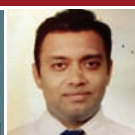
Dr. Wijeyadasa Rajapakse PC



S.K. Lankatilleke PC



Varuna Senadhira



Dhammika Welagedara



Sarravanan Neelakandan

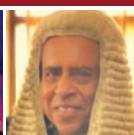
### WEBINAR 1.50 : ENTHRALLING PATH - BUILDING A PROFESSIONAL PRACTICE



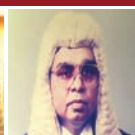
Faisz Musthapha PC



Dr. K. Kanag-Isvaran PC



Gamini S. Marapana PC



Rienzie Arsekularatne PC



Mohamed Adamaly



## ORIENTATION PROGRAMME FOR NEW ATTORNEYS CALLED TO THE BAR

The BASL Orientation Programme for new Attorneys who were called to the Bar between 29<sup>th</sup> and 31<sup>st</sup> March, organized by the Junior Bar Committee of the BASL was successfully held on 23<sup>rd</sup> April, 2021 at the Miloda Academy of Financial Studies with the participation of over 150 new Attorneys.

Justice S. Thurairajah, Hon. Judge of the Supreme Court graced the occasion as the Chief Guest while other eminent speakers including Mr. Sarath Jayamanne PC, Mr. Kalinga Indatissa PC, Mr. Rajeev Amarasuriya and Mrs. Selyna Pieris were also present.



A panel discussion was also held with High Court Judge Hon. Mr. Damith Thotawatte, Senior DSG Mrs. Haripriya Jayasundara and Mr. Sapumal Bandara where participants were freely able to discuss their concerns with the panelists.

The BASL conveys its deep appreciation to the Junior Bar Committee Chaired by Mr. Sapumal Bandara, Co-Chair Mr. Chandrasiri Wanigapura, Convenors Mr. Kaneel Maddumage and Mr. Sanjeewa Ruwanpathirana, and the Co-Convenor Mr. Chrishantha Elpitiya.

### NEW MEMBERS ORIENTATION PROGRAMME

Free for all Lawyers called to the Bar  
on 29th, 30th, 31st March and 1st April 2021

**Keynote Address**  
His Lordship Hon. Justice S. Thurairaja  
Judge of the Supreme Court

**How to become a successful Legal Counsel**  
Mr. Kalinga Indatissa, PC  
Immediate Past President  
of the BASL

**Art of Advocacy and Professional Ethics**  
Mr. Sarath Jayamanne, PC  
Former Senior Additional  
Solicitor General

**Career Opportunities for Lawyers**  
Mr. Rajeev Amarasuriya  
Secretary of the BASL

**Law and Entrepreneurship**  
Mrs. Selyna Pieris  
Attorney-at-Law  
and Director - SELYN

**Panel Discussion**

Hon. Damith Thotawatte  
Judge of the High Court  
of Colombo

Mrs. Haripriya Jayasundara  
Senior Deputy Solicitor  
General

Mr. Sapumal Bandara  
Attorney-at-Law

Venue changed  
At Miloda Academy of  
Financial Studies, Colombo 01.

Date : 23rd April 2021  
Time : From 9.00 am to 4.30 pm

For more information, please contact:  
Sanjeewa Ruwanpathirana - 0777 868 806  
Kaneel Maddumage - 0773 839 947

Participants are advised to  
strictly follow COVID-19 Safety  
Guidelines

Bar Association of Sri Lanka  
No. 153, Mihindu Mawatha, Colombo 12.

Rajeev Amarasuriya  
Secretary

## BASL EXTENDS SUPPORT TO THE MOJ PROGRAMME - “එන්න හිතෙන උසාවියක්”

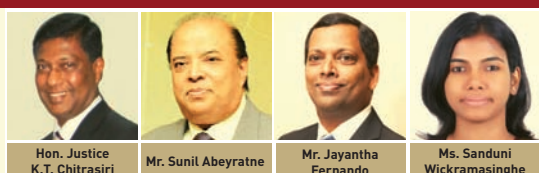
The BASL has been constantly in discussion with the Ministry of Justice (MOJ) informing them of the needs of the Court houses across the country. Recognizing the vital importance of the same, the MOJ initiated a Programme called “එන්න හිතෙන උසාවියක්”. As the first phase a needs assessment is carried out initially in 34 court houses commencing from 20<sup>th</sup> April 2021 onwards.

Under this phase, Officials of the Ministry will visit Court Houses in relevant areas and meet with the Court Officials and the BASL Branch

Office Bearers to identify areas for improvement and issue faced by them in the discharge of their professional duties.

The Zonal Vice Presidents, Branch Presidents and Secretaries are expected to meet the Ministry Officials on the dates assigned to each Branch/Courts and co-operate fully to ensure that the programme is successfully carried out.

### WEBINAR 1.51 : LAW RELATING TO ELECTRONIC TRANSACTIONS



### WEBINAR 1.52 : RELEVANCY AND ADMISSIBILITY OF CONFESSIONS





## A SUMMARY OF ACTION TAKEN BY THE BASL IN THE WAKE OF THE 3<sup>rd</sup> WAVE OF THE COVID-19 PANDEMIC

### 1. RESUMPTION OF COURTS

The BASL having identified the urgent and vital need of the resumption of Court and Court operations (complying with health guidelines) amidst travel restrictions in force, on 8<sup>th</sup> June 2021 submitted detailed proposals to the Judicial Services Commission, seeking that arrangements be made for the Courts to function in terms of the health guidelines issued by the relevant authorities. The first part of the proposals relates to the functioning of Courts amidst travel restrictions and the second relates to pertains to functioning of Courts when travel restrictions are eased.

These proposals of the BASL were prepared after consultation Branch Associations and considering that the Government Circulars imposing travel restrictions have recognized Courts of Law as an essential service.

Inter alia, these proposals included:

1. To give discretion to the Judges in different areas on the functioning of Courts in consultation with the local Bar and the health authorities.
2. Provide transportation facilities to Court staff to enable resumption of Court work.
3. Whenever possible, to use technology for the purpose of Court work.

Thereafter on 15<sup>th</sup> June 2021, the members of the Management Committee of the BASL met with His Lordship the Chief Justice and others members of the Judicial Services Commission for a discussion pertaining to the resumption of Courts and to explain the said detailed proposals submitted by the BASL which were received positively. The Hon. Attorney General and the Senior Additional Solicitor General Indika Demuni De Silva, PC also joined this meeting at the request of the BASL.

The BASL during this time period also made representations to the Hon. Minister of Justice on providing transport for Court Staff and on the use of technology in Courts.

### 2. LAUNCH OF COVID – 19 HELPLINE FOR MEMBERS

A COVID-19 Helpline was launched by the BASL on 29<sup>th</sup> April 2021 for the membership where members who needed support could contact the BASL 24/7. Through this helpline, many members and their families were assisted during this pandemic period in several ways, including finding of treatment facilities, finding necessary drugs from private sector and facilitation of other treatments through the authorities for certain members whose health conditions became

serious and facilitating family members of the condition of their loved ones, when they were unable to obtain information.

The BASL extends its thanks to the Chairman of the BASL COVID-19 and Emergency Situation Response Committee, Mr. Lasitha Kanuwanaarachchi, the Co-Chair Mr. Tenny Fernando, Convenor Mr. Tharindu Rajakaruna, Co-Convenor Mr. Ramzeen Bacha, the Committee Members and Mr. Prakashan Thuraisingham of the BASL Programmes Committee for the hard work put in for an effective response mechanism at the BASL.



**NEW BASL COVID-19 HELPLINE**

**+94 770 229 229**

*For members / immediate family members who are infected with COVID-19 or being first contacts and require BASL assistance.*

*The BASL, with the BASL COVID-19 Response Committee will intervene wherever possible.*

**BAR ASSOCIATION OF SRI LANKA**  
153, Mihindu Mawatha,  
Colombo 12.

**Rajeev Amarasuriya**  
Secretary

### 3. LAUNCH OF THE 'JUNIOR BAR SUPPORT CENTRE' AND 'KIND HANDS PROJECT'

The BASL together with the Junior Bar Committee of the BASL launched a 'Junior Members Support Centre' to support junior lawyers in need of assistance during the COVID-19 pandemic.

The Junior Bar Committee also initiated the 'Kind Hands' Project to offer their support, both financially and otherwise, to junior lawyers below 5 years of practice who are affected by the COVID-19 pandemic. Under this Project, willing and able seniors could extend their financial support to any junior by way of an allowance of Rs. 10,000 to any junior who is having financial difficulties due to the pandemic and has requested assistance from the Junior Bar Committee. With the generous contributions of 21 senior members of the Bar, the Junior Bar Committee through the 'Kind Hands' Project supported 86 junior lawyers during the time period when the courts were closed and travel restrictions were in place.

#### WEBINAR 1.53 : SPORTS LAW AND REGULATIONS



Chandana Liyanapatabendy, PC   Sumathi Dharmawardena, PC   Panduka Keerthinanda   Dhanya Gunawardena

#### WEBINAR 1.54 : KANDYAN LAW



Lakshman Perera, PC   Chandra Jayasekara, PC   Sarath Weragoda   Thishya Weragoda

## A SUMMARY OF ACTION TAKEN BY THE BASL IN THE WAKE OF THE 3<sup>rd</sup> WAVE OF THE COVID-19 PANDEMIC

[Continued from page 9]

The BASL while thanking the senior members for standing by the junior members during these trying times for all, encourages any willing senior member to extend their support to this Project as and when the need arises.



**Junior Members Support Centre**

If you need any assistance in this difficult time, We are ready to assist you, both professionally and otherwise.

Please do not hesitate to contact us at this time of need

**Junior Bar Committee**

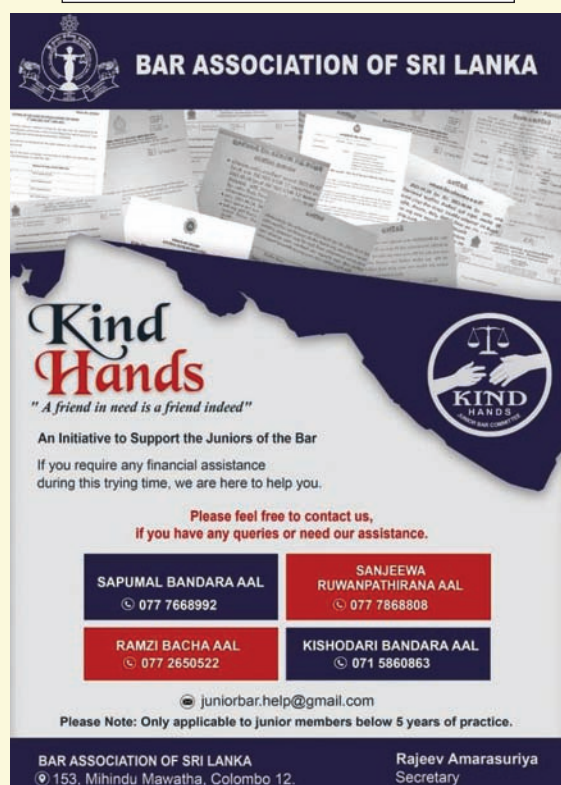
Sapumal Bandara	Chairman	777668992
Chandrasini Wanigapura	Co-Chairman	772258321
Krishantha Elpitiya	Co-Convenor	773487552
Sanjeeva Ruwanpathirana	Co-Convenor	777868808
Kaneel Maddumage	Co-Convenor	773839947
Shehani Alwis		772248480
Piyasha Gurusinghe		711104159
Selvaraja Dushyanthan		775527790

email: [juniobar.help@gmail.com](mailto:juniobar.help@gmail.com) <https://bit.ly/3nOuwg6>

Junior members below 10 years of practice

Bar Association of Sri Lanka,  
153, Mihindu Mawatha,  
Colombo 12.

Rajeev Amarasuriya  
Secretary



**BAR ASSOCIATION OF SRI LANKA**

**Kind Hands**  
"A friend in need is a friend indeed"

An Initiative to Support the Juniors of the Bar

If you require any financial assistance during this trying time, we are here to help you.

Please feel free to contact us, if you have any queries or need our assistance.

<b>SAPUMAL BANDARA AAL</b> ☎ 077 7668992	<b>SANJEEVA RUWANPATHIRANA AAL</b> ☎ 077 7868808
<b>RAMZI BACHA AAL</b> ☎ 077 2650522	<b>KISHODARI BANDARA AAL</b> ☎ 071 5860863

☎ [juniobar.help@gmail.com](mailto:juniobar.help@gmail.com)

Please Note: Only applicable to junior members below 5 years of practice.

BAR ASSOCIATION OF SRI LANKA  
☎ 153, Mihindu Mawatha, Colombo 12.

Rajeev Amarasuriya  
Secretary

### WEBINAR 1.55 : COVID-19 (TEMPORARY PROVISIONS) LAW



### 4. VACCINATION PROGRAMME

The BASL made several representations to relevant Authorities of the need to inoculate the membership in order to facilitate resumption of court work which is an essential service. With positive feedback, the BASL facilitated the provision of COVID-19 vaccines for its members through the BASL and its Branches and this facilitation included the second dose of the Astra Zeneca vaccine (for the members who got the first dose at the Army Hospital), assisting in the provision of the Sinopharm vaccine by collection of data (through Google form) of members that are in need of the same and coordination with Authorities to provide the same and direct coordination and facilitation with authorities on behalf of many Branch Associations to conduct inoculation programmes at the relevant local Bar areas itself for the benefit of the members.

### 5. CIRCULATION OF CIRCULARS/NOTICES ISSUED BY THE JSC AND COURTS

The BASL has circulated all circulars issued by the JSC and the Superior Courts through SMS during this time. A compiled list (with previous Circulars/Notices) was also made available. In addition to this, the BASL has also circulated Circulars issued by the Registrar-General. Wherever possible the BASL has collated dates of cases re-fixed due to the COVID-19 from around the country and disseminated it to the membership.

### 6. TRAVELLING TO COURT

The BASL made representations on behalf of the membership to the Inspector General of Police with regard to travel of Attorneys-at-Law for essential / urgent court work during the period in which travel restrictions are in place. As a result, Attorneys-at-Law were permitted to use their BASL Identity Card for this purpose provided that they were in Court Attire when travelling. The BASL thanks the Senior Deputy Inspector General Mr. Ajith Rohana who is the Head of Legal of Sri Lanka Police and also the Co-Chairman of the BASL Police and Prisons Relations Committee in this regard.

### 7. REPRESENTATIONS TO THE REGISTRAR GENERAL

Representations were made to the Registrar General with regard to the payment of stamp duty and the submission of duplicates. These representations were received positively and a grace period was granted for Notaries with regards to the submission of the duplicates. The BASL thanks the Notarial Practice Committee Chairperson Ms. Shiranthi Gunawardena, Co-Chairperson Ms. C. Ellawala and Convenor Ms. Nirodha Kalansuriya.

### වේඩිනාර් 2.15 : සමාගම් ලේකම් කාර්යභාරය





## A SUMMARY OF ACTION TAKEN BY THE BASL IN THE WAKE OF THE 3<sup>rd</sup> WAVE OF THE COVID-19 PANDEMIC

[Continued from page 10]

### 8. 'SURAKSHA' LOAN SCHEME

The 'Suraksha' Loan Scheme launched by the immediate past Junior Bar Committee (2020/2021) and facilitated by the Bank of Ceylon is a facility where junior lawyers affected by loss of income can apply through the BASL for a long of Rs. 25,000/- at very concessionary rates. Several applications for this facility were received and approved during this the time period when courts were closed and travel restrictions were in place.

**BAR ASSOCIATION OF SRI LANKA**

**ARE YOU A JUNIOR WHO IS AFFECTED BY THE PANDEMIC ?**

*"Suraksha"*

The BASL in partnership with Bank of Ceylon offers the "Suraksha" Special Concessionary Loan Scheme for Juniors at this difficult time.

Please do not hesitate to contact us at this time of need.

**Junior Bar Committee**

Sapumal Bandara	- Chairman	- 0777668992
Chandrasekaran Manjagapala	- Co-Chairman	- 0772258321
Krishantha Elipiyala	- Co-Convenor	- 0773487552
Sanjeeva Ruwanpathirana	- Co-Convenor	- 0777868808
Kaneel Maddumage	- Co-Convenor	- 0773839947
Shehani Alwis	- ExCo Member	- 0772248480
Piyasha Gurusinghe	- Member	- 0711104159
Selvaraja Dushyanthan	- Member	- 0775527790

✉ juniorbar.help@gmail.com  
Junior members below 10 years of practice

**BAR ASSOCIATION OF SRI LANKA**  
153, Mihindu Mawatha, Colombo 12.

**Rajeev Amarasingh**  
Secretary

### 9. DISTRIBUTION OF SANITIZERS AND GLOVES TO BRANCH ASSOCIATIONS

The BASL distributed sanitizers and gloves to the Branch Associations that requested the same. The BASL thanks the BASL COVID-19 and Emergency Situation Response Committee, its Chairman Mr. Lasitha Kanuwanarachchi and Mr. Budhdika Serasinghe who coordinated this distribution. The sanitizers and gloves were donated to the BASL by the Ministry of Justice upon a request made by the BASL.



**වෙනිතාර් 2.16 :**  
**කොරෝනා හමුවේ අධිකරණ ක්‍රියාදාමයට තාක්ෂණික විසඳුම්**



### 10. DONATION OF DISINFECTION CHAMBERS

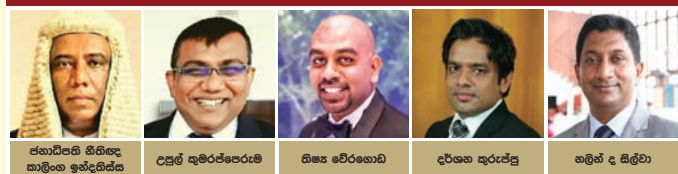
The BASL on 12<sup>th</sup> of May 2021, donated several Disinfection Chambers for the use at the COVID-19 Intermediate Treatment Facility being constructed by the Army at the Seeduwa Brandix Green Factory premises. The BASL thanks the BASL COVID-19 and Emergency Situation Response Committee, its Chairman Mr. Lasitha Kanuwanarachchi, Mr. Tenny Fernando and Ms. Kinkini Nelson for coordinating this handover.



### 11. MORATORIUM ON LOANS

Pursuant to representations made by the BASL on difficulties faced by the membership in making installments in loans and financial instruments during this time in view of the loss of work, the Central Bank issued Circular No. 5 which includes individuals (and therefore covered Attorneys-at-Law) as well. To avail the same, applications had to be made before 21<sup>st</sup> June 2021. The BASL is thankful to the Governor and the Members of the Monetary Board of the Central Bank, including Monetary Board member Mr. Sanjeeva Jayawardena, PC for recognising the difficulties faced.

**වෙනිතාර් 2.17 :**  
**වධහිංසනයට එරෙහි නීතිය**



## BASL DIARIES 2022



The first copy of the BASL 2022 Diary was handed over to His Lordship the Chief Justice Hon. Jayantha Jayasuriya, PC on 4<sup>th</sup> August. As in last year, the Diary for 2022 comes with the soft cover as well as a special limited edition hard cover version, and is available to be purchased at the BASL Secretariat and the BASL Bookshop in Hulftsdorp.

The BASL thanks Chairman of the Diary Committee Mr. Tivanka Ekaratne, the Co-Chairs Mr. Chamath Fernando and Mr. Janaka Basuriya, the Convenor Mr. Amila Egodamahawatte and the other Members of the Diary Committee for the hard work in compiling and publishing next years Slim Diary.

## OBITUARIES

Mrs. Wimala Abesundara, Mr. Rohan Abeygunasekera, Mr. Chitral Amarathunga, Mrs. R. G. Amarawathi, Mr. Kaliyugavarathan Balamurugan, Mr. S. M. A. Ran Bandara, Mr. Veron Cooray, Mr. H. M. Dharmadasa, Mrs. Kamala Dharmapala, Mr. M. N. Farouk, Mr. E. M. George, Mr. Chandana Jayantha Abeywickrama Gunaratne, Mr. Neil Gunathilake, Mr. Anura P. B. Herath, Mr. Karunaratne Herath, Mr. A. P. Kandegama, Mrs. Soma Karunaratne Kapurubandara, Mr. H. M. Deerasiri Herath Kirinde, Mr. Lionel Kulathilake, Mr. Buddhika Kurukularathne, Mr. A. A. Latheef, Mr. A. K. Mahakumarage, Hon. N. Mahendrarajah, Ms. Veneetha Munasinghe, Ms. Manouri Muttetuwegama, Mr. W. K. S. B. Nandana, Ms. Anupama Nissanka, Mr. Anuruddha Panditharathne, Mr. M. K. Perinparaja, Mr. Srimal A. E. Pinto, Dr. S. Rajalingam, Mr. D. P. R. Rajapakse, Mr. Arunasalam Rajendra, Mr. M.H.M. Razvi, Mr. S. S. Sahabandu PC, Mr. M. I. M. Samsudeen, Mr. Kingsley Senadheera, Mr. Elmos Senadhira, Mr. Tilak S. Silva, Mr. E. Somasundaram, Mr. S. Thalagala, Mrs. Rajaroobini Thamboo, Mrs. Gawry Shankary Thavarasha, Mr. Gamini Wanasekera, Mr. L. V. P. Wettasinha, Mr. W. W. D. P. Wickramaratne, Mr. D. S. Wijesinghe PC and Professor H. M. Zafurulla.

## BASL E-SHOP

The BASL has introduced an E-Shop at the BASL Website and members are encouraged to make use of this facility.

## DIGITAL HEARINGS OF THE COURT OF APPEAL

Although the travel restrictions imposed since 3<sup>rd</sup> May in view of the 3<sup>rd</sup> Wave of the pandemic were lifted, the Court of Appeal for a further time period continued to entertain only a limited number of cases designated as urgent, in Open Court, in view of the guidelines issued by the Director General of Health Services at the time.

However, taking into account the amount of cases which were due to be re-fixed on fresh dates for several steps, the Court of Appeal, as an interim measure, conducted Digital Virtual Hearings (in Zoom platform) as prescribed by Court of Appeal Notice No. 23/2021. The Court of Appeal (Electronic Filing and Urgent Digital Virtual Hearings) (Special Provisions) Rules, 2021 published in the Extraordinary Gazette 2216/08 dated 23<sup>rd</sup> February 2021 formed the basis for the conducting of Digital Hearings. The BASL communicated with the membership a Notice in this regard which included the guidelines that has to be followed in Digital Hearings.

## NOTICE TO MEMBERS DIGITAL HEARING BY THE COURT OF APPEAL

**BAR ASSOCIATION OF SRI LANKA**

### වෙබ්නාර් 2.18 : ප්‍රමා අයිතිවාසිකම් හා කොවිඩ් 19



මහාචාර්ය වසන්ත සෙනෙවිරත්න, ආචාර්ය දයානි පානාගොඩ, ප්‍රියා සකලකුරු, වතුරා අතුරුගොඩ, ලක්මන රත්නායක

### වෙබ්නාර් 2.19 : බෞද්ධ ශාසනානුගත සහ ශාසනික දේපල නීතිය



ජනාධිපති නීතිඥ සේනක වරුණසිරි, ජනාධිපති නීතිඥ ලක්මන් පෙරේරා, ජනාධිපති නීතිඥ වත්සා පයඳිසේන, හේමන් සේනානායක, අනුරාද්ධ ධර්මරත්න



## BASL ONLINE CERTIFICATE COURSES

The BASL launched the first of its Online Certificate Courses in June 2020 (the first being the Certificate Course in Commercial Arbitration) as an alternative to Physical Courses which could not be conducted due to the Covid-19 pandemic and restrictions in place, and as a means of adjusting to the new normal wherein our membership is able to engage in Continuous Professional Development despite the constraints. The Online Courses proved to be a massive success over the past year (with a total of 6 Online Certificate Courses completed) and generated a large appeal for the same particularly due to the elimination of geographical barriers in attending these Courses, which barrier was also causing difficulty to our members in outstation and abroad.

The launch of the first Online Certificate for this year was on the topic of 'Intellectual Property Law' and commenced on the 30<sup>th</sup> of April 2021 and concluded on the 30<sup>th</sup> of July 2021. Over 150 participants were enrolled for this programme and were awarded with Certificates at the successful completion of the same.

The BASL thanks Dr. Sampath Punchihewa who designed this Programme and the panel of lecturers and resource persons which included several eminent members of the legal profession including Dr. K. Kanag-Isvaran PC, Dr. Harsha Cabral PC, Mr. Dinal Phillips PC, Mr. Chandaka Jayasundera PC, Ms. Geethanjali Ranawaka (Director General of NIPO), Dr. D. M. Karunaratne (former Director General of NIPO), Prof. Naazima Kamardeen, Dr. N. S. Punchihewa, Mr. Menaka Herankaha, Dr. Darshana Sumanadasa, Mr. Chanakya Jayadeva, Dr. Chamila Talagala, and Ms. Lihini De Silva.

Thereafter, the second Online Certificate for this year (8th Overall Online Certificate Course) was launched on the topic of 'Legal Drafting' and this programme commenced on 14<sup>th</sup> July 2021 with over 440 participants. It is also noteworthy that this Online Course earned the highest ever revenue for Certificate Courses in the history of the BASL.

The BASL thanks the panel of lecturers and resource persons which included several imminent members of the legal profession including Mr. Saliya Peiris PC, Mr. Vasantha Gajanayake PC, Mr. Paul Ratnayake, Mr. G. G. Arulpragasam, Mr. Hiran de Alwis, Mr. Mohamed Adamaly, Mr. Senany Dayaratne, Mr. Rajindra Jayasinghe, Mr. Rajeev Amarasuriya, Mr. Shehan Gunawardena and Mr. Chathura Galhena.

It is also pertinent to note that this is the first time where both the Intellectual Property Law and Legal Drafting Certificate Courses were held in Online form, both previously having been held in the physical format.

The BASL Online Certificate Courses were initiated and are being continued by Secretary Mr. Rajeev Amarasuriya and co-ordinated together with Assistant Secretary Mr. Pasindu Silva and the BASL Programme Office Staff comprising Mr. Kalinga De Silva and Mr. T. Prakashan and with the support of the IT Division headed by Mr. Saranga Hettiarachchi and with the guidance of the rest of the members of the Management Committee.



**CERTIFICATE COURSE IN  
INTELLECTUAL PROPERTY LAW**
ONLINE


[Click Here to Register](#)

**Areas Covered**

Introduction to Intellectual Property Rights | Copyright Law | Related Rights, Neighbouring Rights | Patent and Industrial Design Protection | Branding and Protection of Marks | Protection of Geographical Indications | Protection Against Unfair Competition | Protection of Trade Secrets

**Resource Persons**


Dr. K. Kanag Isvaran President's Counsel	Ms. Geethanjali Ranawaka Director General, NIPO	Dr. Darshana Sumanadasa Senior Lecturer, Faculty of Law, UOC
Mr. Dinal Phillips President's Counsel	Dr. D. M. Karunaratne Former Director General, NIPO	Mr. Chanakya Jayadeva Attorney-at-Law
Dr. Harsha Cabral President's Counsel	Professor Naazima Kamardeen Faculty of Law, UOC	Dr. Chamila Talagala Attorney-at-Law
Mr. Chandaka Jayasundera President's Counsel	Dr. N.S. Punchihewa Senior Lecturer, Faculty of Law, UOC	Ms. Lihini De Silva Senior Lecturer, KDU
	Mr. Menaka Herankaha Senior Lecturer, Faculty of Law, UOC	

Commencement Date	Time	Duration
30 <sup>th</sup> April 2021	2:30 PM to 4:00 PM	10 Weeks (Every Friday)


**Course Fee :** BASL Members above 5 yrs Rs. 14,500/- Non Members Rs. 18,500 /-  
BASL Members below 5 yrs / Apprentices / Law Students Rs. 12,000 /-

Hosted by  
**Bar Association of Sri Lanka**  
Contact : 077 776 0057  
BASL Programme Office for further details

**Rajeev Amarasuriya**  
Secretary



**CERTIFICATE COURSE IN  
LEGAL DRAFTING**
ONLINE


[Click Here to Register](#)

**Areas Covered**

Drafting Criminal Appeals and Applications before Criminal Courts | Drafting of Pleadings in Civil Courts | Drafting of Deeds | Drafting of Appeals in Appellate Courts | Drafting of Writs and FR Applications | Drafting of Commercial Agreements | Drafting and Execution of Digital Contracts | Drafting of Pleadings before Labour Tribunals | Drafting of Actions for Dissolution of Marriage | Drafting of Letters of Demand | Applicability of the Supreme Court and Court of Appeal Rules

**Resource Persons**

Mr. Saliya Peiris President's Counsel	Mr. Vasantha Gajanayake President's Counsel	Mr. G. G. Arulpragasam Attorney-at-Law
Mr. Paul Ratnayake Attorney-at-Law	Mr. Hiran de Alwis Attorney-at-Law	Mr. Mohamed Adamaly Attorney-at-Law
Mr. Senany Dayaratne Attorney-at-Law	Mr. Rajindra Jayasinghe Attorney-at-Law	Mr. Rajeev Amarasuriya Attorney-at-Law
Mr. Shehan Gunawardena Attorney-at-Law	Mr. Chathura Galhena Attorney-at-Law	

Commencement Date	Time	Duration
14 <sup>th</sup> July 2021	3:00 PM to 5:00 PM	10 Weeks (Every Wednesday)

**Course Fee :** BASL Members above 5 yrs Rs. 14,500/- Non Members Rs. 17,500 /-  
BASL Members below 5 yrs / Apprentices / Law Students Rs. 12,000 /-

Hosted by  
**Bar Association of Sri Lanka**  
Contact : 076 440 8335  
BASL Programme Office for further details

**Rajeev Amarasuriya**  
Secretary

### වෙබ්නාර් 2.20 : අපරාධ විමර්ශනයට අදාළ කාර්ය පටිපාටිමය නීතිය



### වෙබ්නාර් 2.21 : තාර නීතිය



# CONTINUOUS LEGAL EDUCATION

## 1. ELECTRONIC EVIDENCE AND CYBERCRIME

A Workshop on Introduction to Electronic Evidence and Cybercrime hosted virtually by the United States Department of Justice in coordination with the Continuous Legal Education Committee of the BASL was held on the 30<sup>th</sup> and 31<sup>st</sup> of July, 2021.

## 2. නීති නීති සැසි (TO BE LAUNCHED)

The Continuous Legal Education Committee of the BASL is launching “නීති නීති සැසි”, a continuous legal education programme for lawyers to be conducted physically at the district level.

The BASL thanks the Continuous Legal Education Committee of the BASL Chaired by Mr. Upali Mohotti, PC, Co-Chaired by Mr. Jayaranga Gunasekara, and Mr. Dulip Gooneratne, Convenor Mr. Harshana De Silva and Co-Convenors Mr. R. Lakshan Abeywardena, Mr. Samith Kalhara Liyanage, Mr. Theekshana Ratnayake for taking this initiative which will greatly benefit our membership across the country.

# CAPACITY BUILDING SEMINARS FOR LAWYERS ON ‘ECONOMIC SOCIAL AND CULTURAL RIGHTS’.

The Bar Association of Sri Lanka in partnership with the Max Planck Foundation for International Peace and Rule of Law (MPFPR) will conduct six (06) Capacity Building Seminars for Members to increase their understanding of Human Rights Law, particularly the understanding on Economic, Social and Cultural Rights. Since these rights are not included as justiciable rights in the constitution, these workshops will facilitate detail discussions on challenges in enforcing them while elaborating on both theoretical and practical elements, comparative examples and International Jurisprudence on Human Rights Law.

The first Capacity Building Seminar of this Series was successfully held from 12<sup>th</sup> to 15<sup>th</sup> July 2021 virtually, and this opportunity was provided to 40 Members (who have an interest / experience in International Human Rights, Economic, Social and Cultural Rights and the intersectionality of human rights, National Law and Public Interest Litigation) in the Western and North-Western Provinces to follow this Four-Day seminar (3 hours per day).

## වෙනිනැර් 2.22 : කම්කරු නීතිය - සේවය අවසන් කිරීම



## වෙනිනැර් 2.23 : තෘතීයික ධර්ම හා තෘතීයික ධර්ම අවලංගු කිරීම පිළිබඳ නීතිය





## WEBINARS

### LAUNCH OF BASL WEBINAR SERIES 3 :

The BASL having commenced its weekly Webinar programmes initially in English, thereafter with the intention of transcending language barriers commenced the Webinar Series 2 comprising Sinhala Webinars and now has launched the Webinar Series 3 comprising of Tamil Webinars which is to run weekly every Thursday at 7.00pm on Zoom and BASL Social Media platforms. The first BASL Webinar 3.1 was held on 24<sup>th</sup> June 2021 on the topic of 'அரசு காணிகளும் காணி அபிவிருத்தி சட்டமும் / State Lands and Land Development Law'. The BASL thanks Mr. V. Puvitharan, PC for supporting the BASL Seminars Committee in this Series.

### LAUNCH OF BASL WEBINAR SERIES 4 :

The BASL launched a brand new series of BASL Webinars focusing on Professional and Career Development of Members; BASL Webinar Series 4 : which runs weekly every Sunday at 7.00pm on Zoom and BASL Social Media platforms. The first BASL Webinar 4.1 was held on Sunday 18<sup>th</sup> June 2021 on "Careers in Banking" with a distinguished panel from the Banking Sector.

This Series is organised by the BASL Seminars Committee and the BASL Professional and Career Development of Women Lawyers' Committee. The BASL thanks the Seminars Committee as well as the Professional and Career Development of Women Lawyers' Committee Chaired by Ms. Indika Nagarathne and Co-Chaired by Ms. Nalani Manathunga and the Convenor Ms. Aparajitha Ariyadasa and the Co-Convenors Ms. Umeshika Dalpathadu and Ms. Vindica Subasinghe and the members for the initiative taken.

### BASL WEBINAR SERIES 1 : SPECIAL MILESTONE

The Webinar Series 1 reached a momentous milestone of having completed 50 Webinars overall, and the 50th BASL Webinar was held on the topic "Enthralling Path - Building a Professional Practice" on Saturday, 3<sup>rd</sup> July 2021 with a very distinguished panel of experts, namely Mr. Faisz Musthapha PC, Dr. K. Kanag-Isvaran PC, Mr. Gamini S. Marapana PC, Mr. Reinzie Arsekularatne PC and was moderated by Mr. Mohamed Adamaly.

### 2<sup>nd</sup> WEBINAR - OVERSEAS RELATIONS COMMITTEE

The BASL Webinar "The X-Press Pearl Disaster and the Legal Relations Managing Environmental Harm" took place on Wednesday 14<sup>th</sup> July at 4.00pm with a panel of experts which includes international resource persons as well. This is the second Webinar organised by the BASL Overseas Relations Committee and also in collaboration with the Bar Council of Maldives. The BASL thanks the BASL Overseas Relations Committee Chaired by Dr. Asanga Gunawansa with the Co-Chairman Mr. Anuruddha Perera and the Convenor Mr. Manjuka Fernandopulle for organising this Webinar.

### RUNNING OF FOUR WEBINARS WEEKLY

It is further significant that the BASL Weekly Webinar Series is currently running 4 Webinars a week and these Series of Webinars have greatly helped the Continuous Professional Development (CPD) requirements for its members whereof the members are kept abreast with new trends and application of Law on various topics (in all three languages) and is also benefited from knowledge pertaining to other ancillary Skills required for career development.

Series 01 : Tune in every Saturday from 5.30pm to 7.00pm  
Series 02 : Tune in every Tuesday from 7.00pm to 8.30pm  
Series 03 : Tune in every Thursday from 7.00pm to 8.30pm  
Series 04 : Tune in every Sunday from 7.00pm to 8.30pm



The BASL thanks all the resource persons who have shared their knowledge in these Webinars and the many Comperes who have supported and added a lot of value, Mr. Saranga Hettiarachchi of the BASL who provides IT Support and the other staff members of the BASL who have helped.

The BASL also deeply appreciates the Seminars Committee of the BASL chaired by Mr. Rajeev Amarasuriya and the Convenor Mr. Pasindu Silva and the Co-Convenors Mr. Pandula Wanniarachchi, Mr. Oshan Ubhayaratne, Ms. Anne Devananda and Ms. Nikini Mapitigama for their untiring and unstinted efforts given in the continuity of the BASL Webinar Series.



All BASL Webinars can be accessed and viewed anytime through the  
BASL Youtube Channel : <https://www.youtube.com/c/BARASSOCIATIONOFSRILANKA>  
and also through the Members Area of the BASL Website : [www.basl.lk](http://www.basl.lk)

BASL invites and encourage members to make use of this opportunity for Continuous Professional Development.

### වෙබින් 2.24 : නඩත්තු නීතිය



### වෙබින් 2.25 : පරාවේ ක්‍රියාදාමය හා සම්බන්ධ නීතිය



## JUDGMENTS

### **Hondamuni Chandima Samanmalee de Zoysa Siriwardena and Another vs. Inspector Malaweera and 5 Others.**

**SC/FR Application No. 242/2010**

**Decided on 30<sup>th</sup> April 2021**

**B.P. Aluwihare PC, J; L.T.B. Dehideniya, J and S. Thurairaja PC, J;**

FR Application - Article 11, 12(1) and 14(1)(g) of the Constitution - Police Rules 2012- Section 55 of the Police Ordinance.

Ms. Hondamuni Chandima Samanmalee de Zoysa Siriwardena (the 1st Petitioner), and Mr. Sudusinghe Liyanage Pubudu Kumara (the 2nd Petitioner), are Attorneys-at-Law of the Supreme Court of Sri Lanka.

The facts in brief relate to the Petitioners being subject to derogatory remarks, humiliation, harassment and intimidation / threats by the 1st and 2nd Respondents (who are Police Officers) when they had visited the Amabalangoda Police Station to represent a client who had been wrongfully accused of kidnapping his grandchild by the child's father in the circumstances where there was an existing Court Order which granted the temporary custody of the child to the said Client. Threats inter alia had included action being filed against the Petitioners for offering 'wrong advice regarding the kidnapping of the child' and also of arrest of the Petitioners if the child was not produced immediately. Furthermore, further incidents of harassment and intimidation towards the 1st Petitioner has taken place after the primary incident at the Police Station.

The Supreme Court granted Leave to Proceed for the alleged violation of Fundamental Rights guaranteed under Article 12(1) and 14(1)(g) of the Constitution by the 1st-5th Respondents and also for the alleged violation of Article 11 of the Constitution by the 1st and 2nd Respondents.

S. Thurairaja PC, J allowing the Application inter alia held:

1. In the instant case, the trauma caused is a form of mental suffering inflicted intentionally by public officials in the discharge of their duties. Thus, it is imperative that such action should be condemned by this Court.
2. Treatment meted out to the Petitioners by the 1st and 2nd Respondent is a violation of their rights under Article 11 of the constitution. Further it is a violation of the Petitioners rights under Article 12 and 14 (1) (g) of the constitution as it is an interference with their freedom to engage in their occupation, particularly given that this incident was an occurrence during their exercise of duties as are demands of their occupation, in the best interest of the 1st Petitioner's Client
3. It is indeed for the sake of upholding the integrity of the entire body of police officers that we must condone incidents of misconduct such that the reputation of the police forces may not be tarnished by the misdemeanors of a few. It would be great injustice if the actions of a few were to discredit the valuable services of the dedicated and disciplined officials dutifully ensuring the safety and peace of all citizens.
4. As in the instant case, when an Attorney-at-Law acts in a reasonable, non-provocative and rational manner, unruly behavior by a police officer directed towards her is an unacceptable response.
5. In order for those of the legal profession to safeguard the dignity of their office, Police officers and other members bearing public office must be of assistance, exercising their duties by respecting codes of ethics as well as respecting the unwritten rules of human decency.

B.P. Aluwihare PC, J also allowing the Application inter alia held:

1. Article 11 of the Constitution endows every person with absolute protection from torture, or cruel, inhuman or degrading treatment or punishment. Article 12 (1) stipulates that everyone is equal before the law and is entitled to the equal protection of the law.
2. The identity or the status of the person whom the police is dealt with should have no bearing whatsoever on the fair and courteous treatment that they are entitled to, as of right. Police officers are bound to treat every person with dignity and respect.
3. The Rules (Police Rules 2012) referred to have only restated the Fundamental Rights enshrined in the Constitution and referred to them expansively with the objective of enlightening the police officers of the need to respect Fundamental Rights.
4. Police officers are required to take extra care in the discharge of their duties in view of the fact that they are endowed with coercive powers to perform their functions.

5. The conduct of the 1st and the 2nd Respondents had resulted in an infringement of Article 14 (1) (g) of the Constitution. Obstructing an Attorney-at-Law from representing or looking into the interests of a client or surrendering a client to the police, which are duties that a lawyer is professionally entitled to carry out, is certainly a violation of that right.

**BASL/REF/1/1/2022**

### **Suriarachchige Raju vs. Barbeyn Reef Hotel Ltd.**

**SC/Appeal 132/2016**

**Decided on 6<sup>th</sup> August 2021**

**B.P. Aluwihare PC, J; V.K. Malalgoda PC, L and E.A.G.R. Amarasekara J;**

Industrial Dispute – Unlawful Termination – Duty to Hold Domestic Inquiry – Natural Justice – Charge Sheet on Final Incident – Could it be Taken in Isolation? – Industry Demands – Application of Just and Equitable Order – Termination Justified.

In this Appeal, the Applicant-Respondent-Petitioner [hereinafter referred to as "the Petitioner"] had been employed with the Respondent-Appellant-Respondent Hotel [hereinafter "the Respondent"], as a Chef from 1992 to 2010.

The facts in brief relate to the Petitioner having been found sleeping on 21/04/2010 whilst on duty (Further, evidence also indicated that the Petitioner had been warned on several previous instances on reporting to work late, to which disciplinary action had also been taken.). The reason attributed by the Applicant for the conduct alleged, was the aggravation of his diabetic condition. When the Petitioner reported to work on the following day, he had been served with a letter suspending him from service with effect from the said date and thereafter was served with a Charge Sheet and after a lapse of month had been terminated from service.

Petitioner went before the Labour Tribunal and the Labour Tribunal Ordered the reinstatement of the Petitioner based on the fact that the Respondent had not afforded an opportunity for the Petitioner to offer his explanation to the allegations. The Respondent thereafter appealed to the High Court which set aside the Order of the Labour Tribunal and held that the Respondent was justified in terminating the service of the Petitioner.

On appeal by Petitioner thereafter, the Supreme Court granted Leave to Appeal inter alia on the following questions:

- a) In the circumstances pleaded, is the judgment of the High Court which had dismissed the application of the applicant just and equitable in terms of law?

B.P. Aluwihare PC, J dismissing the Appeal inter alia held:

1. There is no duty to hold a domestic inquiry unless there was a special provision to do so in terms of the contract of employment or the collective agreement. It is accepted that a domestic inquiry will, however, be useful in establishing the bona fides of the employer.
2. It is generally accepted that judicial decision-making in any case, regardless of its nature, should be governed by the principles of natural justice, in order to guarantee a just decision-making process, by ensuring the right to a fair trial and avoid prejudice.
3. The Applicant had been excused and issued warning letters on 3 occasions. When he failed to mend his ways, he had been sent on compulsory leave, with the incident on 21st April finally leading to his termination. It would not be fair by the employer to consider the final incident which led to the termination, in isolation.
4. The unreasonable conduct of one party in the employer-employee relationship, should not burden the other party.
5. The employees are not only expected but are under a duty to rise up to industry demands and to act reasonably and with a sense of responsibility.
6. It is clear that equity is not sympathy and that a court is barred from reaching a just and equitable decision based solely on sympathetic considerations. A just and equitable decision in an industrial matter is one which takes into consideration the situations of both the employer and the employee and assumes a holistic approach to the issue at hand based on the existing legal framework.

**BASL/REF/2/1/2022**



## STATEMENTS RELEASED / REPRESENTATIONS MADE BY THE BASL ON VARIOUS ISSUES

1. STATEMENT ON REPORTS OF INCIDENTS INVOLVING THE USE OF FORCE BY CERTAIN POLICE OFFICERS
2. STATEMENT ON THE MOTION BEFORE PARLIAMENT SEEKING TO IMPLEMENT CERTAIN DECISIONS OF THE PRESIDENTIAL COMMISSION OF INQUIRY (ON POLITICAL VICTIMIZATION)
3. STATEMENT ON KILLING OF SUSPECTS IN CUSTODY OF THE POLICE
4. LETTER TO THE IGP – RE : VIOLATION OF THE RIGHTS OF ATTORNEYS-AT-LAW AND THEIR CLIENTS UNDER DETENTION
5. STATEMENT ON THE POLICE MEDIA RELEASE ON CIRCULATION OF FAKE NEWS, PHOTOGRAPHS, VIDEOS CAUSING DISUNITY, HATE AND OBSTRUCTING THE COVID-19 PROGRAMME
6. CAUTIONARY NOTICE – PROVIDING LEGAL ADVICE THROUGH ONLINE / SOCIAL MEDIA PLATFORMS
7. STATEMENT ON THE PARDON GIVEN BY HIS EXCELLENCY THE PRESIDENT TO DUMINDA SILVA
8. LETTER TO THE DGHS AND IGP – RE : ARREST AND QUARANTINING OF PERSONS ENGAGED IN PEACEFUL PROTESTS
9. LETTER TO THE ARMY COMMANDER, DGHS AND IGP – RE : IMPORTANCE OF ADHERENCE TO HEALTH GUIDELINES WHEN EASING TRAVEL RESTRICTIONS

The full text of these Statements / Representations has been previously circulated among the members. Further, the members can also access the same through the following Link : <https://bit.ly/33hJQwm>

## BASL INTERVENTIONS ON BILLS

### INTERVENTION ON THE PORT CITY ECONOMIC COMMISSION BILL

The Executive Committee of the BASL on 31<sup>st</sup> March 2021 appointed a Committee to study and make recommendations to the BASL in respect of the Colombo Port City Economic Commission Bill gazetted in Gazette Supplement Part II of March 19, 2021 issued on 24<sup>th</sup> March 2021.

The Committee was chaired by Mr. Ikram Mohamed PC and comprised of Mr. Uditha Egalahewa PC, Mr. Chandaka Jayasundera PC, Mr. Eraj De Silva, Mr. Manjuka Fernandopulle and Mr. Dhanya Gunawardena. Convenor of the Committee was Mr. Shivan Cooray and Ms. Yoshani Demuni was the Co-Convenor.

The Committee whilst noting that the proposed Bill is of national importance and can carry tremendous and significant economic benefit to the country, however in its Report recommended that the BASL challenge this Bill on the basis of the findings of Report which inter alia highlighted many issues pertaining to several Clauses / Provisions of the Bill (that made them inconsistent with several Articles of the Constitution) and also of the lack of consultation, transparency, the insufficient time granted to stakeholders to examine the Bill and its effects in detail.

At a special meeting held on 12<sup>th</sup> April 2021, the Executive Committee whilst conveying its deep appreciation to the members of the Committee, resolved to Petition the Supreme Court to challenge this Bill.

The BASL is also greatly appreciative and thank Mr. Ikram Mohomad PC and Mr. Uditha Egalahewa, PC who appeared for Mr. Saliya Pieris, PC, President BASL and Mr. Rajeev Amarasuriya, Secretary BASL (the Petitioners to the Supreme Court on behalf of the BASL), and to Mr. G.G. Arulpragasam who was the Registered Attorney-at-Law.

### INTERVENTION ON THE INLAND REVENUE (AMENDMENT) BILL

Upon representation made by the Tax Committee of the BASL, the Executive Committee of the BASL were apprised of several possible unconstitutional Provisions in the 'Inland Revenue (Amendment) Bill' gazetted in Gazette Supplement Part II of March 12, 2021 issued on 18<sup>th</sup> March 2021.

Particularly Clause 40 and 47 of the said Bill appeared to violative of Articles 12(1) and 14(1)(g) of the Constitution, and if enacted would have been seriously violative and prejudicial to the rights of Professionals including Attorneys-at-Law.

Therefore, and given the inadequacy of time to place this before the Bar Council, at a special meeting held on 12<sup>th</sup> April 2021, the Executive Committee whilst conveying its deep appreciation to the members of the Tax Committee, resolved to Petition the Supreme Court to challenge this Bill.

The BASL is also greatly appreciative and thank Dr. K. Kanag-Isvaran, PC with Mr. Lakshmanan Jayakumar who appeared for Mr. Saliya Pieris, PC, President BASL and Mr. Rajeev Amarasuriya, Secretary BASL (the Petitioners to the Supreme Court on behalf of the BASL), and to Ms. Lanka Dharmasiri who was the Registered Attorney-at-Law.

The BASL is further happy to state that the offensive provisions challenged by the BASL had been duly amended.

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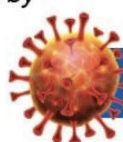
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## WEBINARS

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இ. ச. ச வெபினர் தொடர் 3.1 :  
அரசு காணிகளும் காணி அபிவிருத்திக் கட்டடைகள் சட்டமும்



இ. ச. ச வெபினர் தொடர் 3.2 :  
நொத்தாரிகம் ஆளும் சட்டங்களும்



இ. ச. ச வெபினர் தொடர் 3.3 :  
குடியியல் மேன்முறையீடு மற்றும் மீளாய்வு



இ. ச. ச வெபினர் தொடர் 3.4 :  
பிணைச் சட்டங்கள்



இ. ச. ச வெபினர் தொடர் 3.5 :  
முஸ்லிம் வழியுரிமைக் கட்டளைச் சட்டம்



இ. ச. ச வெபினர் தொடர் 3.6 :  
விவாகரத்தம் அது சார்ந்த சட்டங்களும்



இ. ச. ச வெபினர் தொடர் 3.7 :  
தேசவழமைச் சட்டம்



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YOGA FOR  
WELL-BEING

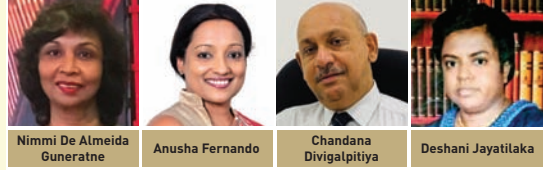


WEBINAR 4.4 :  
YOGA FOR STRESS  
RELIEF

WEBINAR 4.6 :  
LAWYERS AS  
NEGOTIATORS



WEBINAR 4.3 :  
CAREERS IN INSURANCE FOR LAWYERS



WEBINAR 4.5 : FROM A COMPANY "LEGAL OFFICER" TO  
AN IN-HOUSE "LEGAL COUNSEL" : THE CONVERSION



WEBINAR 4.7 :  
CONQUERING THE CORPORATE WORLD  
WITH A LEGAL BACKGROUND



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Members are encouraged to make use of these exclusive offers, details of which are regularly communicated (as and when they are obtained) and are also available for reference on the BASL Website.

BASL is thankful to its Social and Welfare Committee, its Chairman Mr. Harin Gomes, Co-Chairman Mr. Gayan Salwathura and Mr. Rohana Muthumala, Convenor Mr. Lahiru Welgama and the Co- Convenor Mr. Buddhika Thilakaratne and Members for their efforts in this regard.

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