

**SPEECH BY MR. SALIYA PIERIS PC, PRESIDENT OF THE BAR ASSOCIATION OF
SRI LANKA AT THE CEREMONIAL SITTING TO WELCOME JUSTICE VIKUM
ATHULA KALUARACHCHI, JUDGE OF THE COURT OF APPEAL**

12th January 2022

My Lords and My Ladies,

We gather here today to welcome Your Lordship Justice Vikum Athula Kaluarachchi, as Your Lordship takes your rightful place in the Court of Appeal of Sri Lanka, a court which has for over four decades played a pivotal role in the legal history of this nation.

As the President of the Bar Association of Sri Lanka, it is my privilege to welcome Your Lordship at this ceremonial sitting of this Court, which is one of the only two superior courts of record in terms of the Constitution of this country. This is the court where for many litigants in reality their quest for justice ends.

Your Lordships' long tenure of 27 years in the judiciary of Sri Lanka will no doubt enrich this court. Your Lordship has had vast and varying experience in the original courts – the first sixteen years as a judicial officer serving in both the civil and criminal courts throughout the length and breadth of this country and the next 11 years as a Judge serving on the civil and criminal benches of the High Court.

Your Lordship has served in many areas including Matara, Kuliyaipitiya, Bandarawela, Colombo, Mount Lavinia, Welimada, Rathnapura, Kaluthara, Panadura and Galle.

Your Lordship was called to the Bar in October 1988 and Your Lordship apprenticed and was a junior in the chambers of Mr. Ranjan Mendis. The time of practice in the private bar has no doubt given Your Lordship an insight of which too would be of immense value during Your Lordships' tenure in this Court.

Your Lordship had your education at Royal College, Colombo. There you were a College Prefect in 1979 and excelled in oratory and debating winning prizes including the Best Junior Speaker's Prize in the Sinhala medium in 1976 and the N.E.Weerasooriya memorial prize for the Best Senior Speaker in 1979.

Your Lordship led the Senior and Junior Debating Teams of Royal College in 1976 and 1978 and notably was the Leader of the Royal College Sinhala debating team that won the "Ethel Fernando Memorial Shield" as champions in the All-Island inter-school debating competition held in 1979.

Your Lordship entered Sri Lanka Law College in 1985 and in your very first year became the leader of the Sinhala Debating Team and secured the Best Speaker's prize in the Sinhala medium in 1986.

Your Lordship's leadership is demonstrated by the positions you held as the President of the Judicial Service Association of Sri Lanka in 2008, Vice President of the High Court Judges' Association in 2017 and the President of the High Court Judges' Association in 2018.

Your Lordship has made many presentations to lawyers and judges including foreign judicial officers on a range of subjects including partition, debt recovery, High Court Criminal Practice, Execution of Decrees and Adjudication of claims and objections, and the National Framework on Preventing Violent Extremism Through Effective Rehabilitation and Reintegration of Offenders.

Your Lordship has participated in numerous workshops and conferences both in Sri Lanka and overseas and authored many articles to law journals published in English language and Sinhala language for the benefit of many stakeholders engaged in the field of law.

Your Lordship Justice Kaluaarachchi assumes office at a time, where more than ever public institutions including the judiciary and the legal profession are under public scrutiny.

My Lords may I quote from the words of Professor Balram Gupta:

"The Constitution belongs to the people.... The courts also belong to the people. Courts are human institutions as any other institution. The other

institutions may survive by the power of purse and sword. Not the courts. Courts survive on the strength of public trust and confidence."

In a sense My Lords all those involved in the administration of justice- be they judges, members of the Attorney General's Department or the members of the unofficial bar- perform a public trust and in discharging our duties it is necessary that we must create a climate where there is public confidence in our institutions. Our Institutions, My Lords and My Ladies cannot survive If there is a loss of public confidence. In that context and in this day and age the superior courts of this country including this apex court has an onerous task in the days, months, and years to come.

Your Lordship Justice Kaluarachchi has always been known for the courtesy you have extended towards the members of the Bar. The bench and the bar My Lords are integral components of our system, and our interests are intrinsically interwoven.

The Bar will always seek to safeguard the independence of the Judiciary. It is equally important my Lord for the rule of law that the rights and privileges of the Bar be also secured for which the support of the Judiciary at all levels is essential.

On 31 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...*

Your Lordship will play a key role in deciding the fate of the lives, rights and properties of the people who come before this court, and it is our fervent wish that Your Lordship will dispense justice according to law with wisdom, integrity, strength, and moral courage.

Thank you,