

**NEWSLINE***Daily by Faraz***"Questioning  
The Answers"**

# 22A: FIVE JUDGES, 67 PETITIONS — AND ONE QUESTION ABOVE THEM ALL



Can Parliament give sitting judges  
another two years in office,  
or does that decision belong  
ultimately to the **People**?



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## 22A: FIVE JUDGES, 67 PETITIONS - AND ONE QUESTION ABOVE THEM ALL

**Can Parliament give sitting judges another two years in office, or does that decision belong ultimately to the People?**

### NEWSLINE LEAD

Sri Lanka's most consequential constitutional argument in years moved into the Supreme Court yesterday as a five-judge bench began hearing an extraordinary 67 petitions concerning the Government's proposed 22nd Amendment.

The number itself tells part of the story. Sixty-seven Special Determination petitions have been filed over the proposed amendment, reported as the largest number involving a constitutional amendment in Sri Lanka. Forty-one were filed electronically.

The controversy, however, is not really about whether 65 or 67 is the better retirement age for a Supreme Court judge.

It is about something considerably more important: whether Parliament may change the rules governing judicial tenure and allow that change to benefit judges who are already sitting on the Bench.

The Government's Bill proposes increasing the retirement age of Supreme Court judges from 65 to 67 and Court of Appeal judges from 63 to 65. It would also provide that the Chief Justice retires upon reaching 67 or after completing six years as Chief Justice, whichever comes first.

There is nothing inherently unconstitutional about Parliament proposing a different retirement age for judges. Legislatures alter retirement ages from time to time.

The constitutional difficulty arises from **who gets the benefit of the change**.

A law saying that judges appointed after a specified future date shall retire at 67 is one thing. A law which changes the tenure of judges who accepted office under an existing constitutional arrangement is potentially quite another.

That distinction - prospective against retrospective application - now lies close to the heart of the battle before the Supreme Court.

The Court hearing the challenge is headed by Chief Justice Preethi Padman Surasena together with Justices Achala Wengappuli, Arjuna Obeyesekere, Sampath Abeykoon and Gihan Kulatunga.

Before the substantive arguments could properly begin yesterday, however, there was another constitutional elephant in Courtroom 502.

President's Counsel M.A. Sumanthiran, appearing for the Bar Association of Sri Lanka, asked that the cases be heard by a full bench of the Supreme Court.

Other senior counsel supported the request.

Their difficulty was obvious. The judges were being asked to determine the constitutionality of legislation capable of affecting the tenure of members of their own Court.

The Solicitor General, appearing for the Attorney General, submitted that Article 132(3) leaves the constitution of the bench to the discretion of the Chief Justice.

After considering the submissions, the Court rejected the application. The five judges will hear the cases.

There was another, rather more physical indication of the extraordinary interest surrounding the proceedings. Courtroom 502 was simply too small.

Lawyers asked that proceedings be transferred to the larger Courtroom 501 because of the numbers attempting to attend. The Court agreed.

Once the constitutional arguments began, the issue rapidly moved beyond retirement ages.

Sumanthiran argued that the amendment engages Articles 3 and 4 of the Constitution - the provisions dealing with the sovereignty of the People and the manner in which that sovereignty is exercised.

His case is that judicial independence forms part of that sovereignty and that legislation interfering with it therefore requires something Parliament cannot provide by itself: the approval of the People at a referendum.

President's Counsel Ali Sabry, appearing for former Minister Prof. G.L. Peiris, also argued that changing judicial retirement ages can affect judicial independence.

The argument has a potentially uncomfortable symmetry. If a government may extend the tenure of sitting judges by two years today, what prevents another government from attempting to reduce judicial tenure tomorrow?

That is precisely why security of tenure matters.

Judges must neither fear losing office because politicians dislike them nor contemplate remaining in office because politicians favour them.

The constitutional protection is not designed principally for judges.

It exists for everyone who may one day have to walk into a courtroom and ask a judge to rule against the State. There is already significant authority confronting the Supreme Court.

In its 2022 determination concerning the Inland Revenue Amendment Bill, the Court considered the constitutional significance of altering judicial tenure. Petitioners challenging 22A are relying heavily upon that determination in arguing that changing the retirement age or period of office in a manner affecting incumbent superior court judges engages judicial independence and therefore Article 3.



That brings the argument back to a deceptively simple distinction.

Parliament makes laws.

But Parliament does not possess the sovereignty of Sri Lanka.

The Constitution says sovereignty is **in the People**.

Parliament exercises legislative power entrusted to it by those People, subject to the Constitution. And some constitutional changes require not merely a two-thirds majority in Parliament but approval at a referendum.

The Government possesses an overwhelming parliamentary majority. Politically, therefore, obtaining two-thirds may not be its greatest difficulty.

The question before the Supreme Court is whether two-thirds is enough.

If 22A applies only prospectively - to judges appointed after the new constitutional arrangement takes effect - the Government's constitutional position may be considerably easier to defend.

If it operates to extend the tenure of judges already holding office, the issue becomes altogether different because the amendment potentially changes the constitutional terms under which judicial office is presently held.

That is where procedure meets substance.

A retirement age written into the Constitution is not merely an administrative number. It forms part of the architecture intended to protect judicial independence from political influence.

Changing 65 to 67 requires only two keystrokes.

Changing the constitutional relationship between Parliament and the judiciary is rather more serious.

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## 22A: FIVE JUDGES...

The Government maintains that increasing retirement ages would retain judicial experience and assist a justice system struggling with delay and an enormous backlog of cases.

Those are legitimate policy objectives.

But a desirable objective does not answer the constitutional question of how it may lawfully be achieved.

Indeed, there is an obvious route which would remove much of the controversy: change the retirement age prospectively.

Future judges would enter office knowing precisely when their tenure ends. No incumbent receives an extension. No government appears to confer additional tenure upon judges already in office. And no sitting judge is placed in the uncomfortable position of deciding whether a constitutional amendment capable of extending judicial tenure is lawful.

Instead, Sri Lanka now has 67 petitions, five Supreme Court judges, some of the country's most senior lawyers and a constitutional controversy which has travelled well beyond Hultsdorp.

The Supreme Court must now determine where Parliament's authority ends and the People's sovereignty begins.

Be that as it may, two additional years have produced one very large constitutional question: whose years are they to give?

## THE SEA BETWEEN US

Another fishermen's strike has been called off in Rameswaram. Another assurance has been given by the Tamil Nadu Government.

Another demand will travel to New Delhi. Another conversation will presumably take place with Colombo. Then, if experience is any guide, another fishing boat will cross the International Maritime Boundary Line, another arrest will be made and the entire performance will begin again.

The Palk Bay fishing dispute has acquired the depressing permanence of a problem which governments on both sides have learned to manage without actually solving.

Rameswaram's mechanised boat fishermen had threatened an indefinite strike following recent arrests and seizures of vessels by Sri Lankan authorities. They withdrew that threat after meeting Tamil Nadu Fisheries Minister A. Srinath, who assured them that the State Government would intervene.

Their demands include the release of detained fishermen and boats, compensation for vessels allegedly damaged while in Sri Lankan custody and, most importantly, a permanent diplomatic solution.

On that last demand at least, there should be agreement on both sides of the Palk Strait.

A permanent solution is long overdue.

The difficulty is that the story changes according to which shore tells it. In Tamil Nadu it is frequently presented as a humanitarian issue involving poor fishermen pursuing traditional fishing grounds only to be arrested by the Sri Lankan Navy.

In northern Sri Lanka it is presented very differently: Indian mechanised trawlers crossing the maritime boundary, engaging in bottom trawling and damaging fishing grounds upon which Sri Lankan fishermen depend.

Both governments then enter the argument carrying their respective political burdens.

Tamil Nadu politicians cannot appear indifferent when Indian fishermen are detained in Sri Lanka. Colombo cannot tell northern fishermen, many of whom rebuilt their livelihoods after decades of war, that foreign trawlers should simply be permitted to exploit their waters.



There is also an important distinction which political rhetoric frequently obscures. The Indian fishermen are not the enemy of Sri Lanka, just as the fishermen of northern Sri Lanka are not the enemy of Tamil Nadu. They are communities trying to earn livelihoods from a relatively small and increasingly stressed marine environment.

The problem is the method, the economics and the failure of governments to construct a workable transition.

Bottom trawling is particularly destructive because heavy nets are dragged across the seabed, disturbing habitats and scooping up marine life with relatively little discrimination. Sri Lanka has prohibited the practice in its waters. Northern fishermen therefore have an entirely legitimate grievance when mechanised trawlers cross the maritime boundary and engage in a fishing method they themselves are prohibited from using.

That reality must be acknowledged in Tamil Nadu.

But Colombo should acknowledge another reality. Simply arresting fishermen, seizing boats and sending them through courts cannot constitute a permanent fisheries policy between two neighbouring countries.

Enforcement may be necessary. It is not a settlement.

The geography makes the present arrangement particularly absurd. Sri Lanka and India are separated at their closest points by a remarkably narrow stretch of sea. The communities on either side possess centuries of cultural, religious, commercial and family connections. Yet governments have somehow permitted this relatively confined maritime dispute to become one of the most durable irritants in the bilateral relationship.

There have been talks before. There have been joint working groups, ministerial discussions, diplomatic interventions and promises to examine alternatives. Fishermen's representatives have met. Governments have issued statements. Prisoners have been released as gestures of goodwill.

Then the boats return.

That is because the economics which send them across the boundary have not disappeared.

A durable solution therefore requires considerably more than another diplomatic request for the release of arrested fishermen. Tamil Nadu needs a properly funded transition away from destructive bottom trawling in the Palk Bay. Fishermen who have invested heavily in mechanised trawlers cannot simply be ordered to abandon their livelihoods without viable alternatives.

India possesses the financial capacity to support such a transition. Deep-sea fishing programmes, vessel conversion, alternative gear, compensation and retraining should form part of a serious settlement rather than appearing intermittently after the latest arrests.

Sri Lanka, for its part, must provide clarity and consistency in enforcement. Fishermen should know the consequences of crossing the maritime boundary and those consequences should be proportionate, predictable and focused upon deterring illegal fishing rather than producing diplomatic theatre.

The interests of Sri Lanka's northern fishermen must also be placed at the centre of negotiations. Too often the dispute is described as though it exists principally between Colombo and New Delhi, with Chennai providing political pressure from the side.

The people most directly affected live much closer to the water.

A fisherman from Jaffna whose catch and fishing ground are threatened has as much right to a livelihood as a fisherman from Rameswaram whose family depends upon the boat that has just been seized. Protecting one community by sacrificing the other is not a solution.

There should therefore be a formal, time-bound bilateral transition plan involving New Delhi, Colombo, Tamil Nadu and representatives of fishing communities from northern Sri Lanka.

It should establish measurable reductions in bottom trawling, provide economic alternatives for affected Indian fishermen, strengthen sustainable fishing practices on both sides and create a mechanism for dealing rapidly with accidental or minor incursions without allowing every incident to become a diplomatic crisis.

There should also be honesty about Katchatheevu.

The island is repeatedly resurrected in Indian politics as though transferring sovereignty back to India would magically solve the fishing problem.

It would not.



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## SEA BETWEEN...

Fish do not observe political slogans, and changing ownership of a tiny island would not replenish depleted fishing grounds or make bottom trawling environmentally sustainable.

Sri Lanka should equally resist treating every Indian fisherman as though he were engaged in some hostile territorial enterprise. Most are not interested in changing international borders. They are interested in catching enough fish to make their boats economically viable.

That is precisely why governments must solve the economic problem rather than endlessly prosecute its symptoms.

The Rameswaram fishermen have now called off their strike. That is welcome. It should not be mistaken for progress.

The dispute remains exactly where it was before the strike was announced.

Another boat can cross tomorrow. Another crew can be arrested. Another Chief Minister can write another letter to India's External Affairs Minister. Another delegation can seek another assurance. Another group of fishermen in Jaffna can complain that their waters are being plundered.

Sri Lanka and India are capable of considerably more sophisticated diplomacy than this.

The Palk Strait should be one of the great economic and human bridges between the two countries. Instead, every few weeks it becomes a courtroom, a political platform and occasionally a prison route.

That is a failure of policy on both shores.

Be that as it may, the sea between us is narrow. After all these years, it is the political distance that remains unnecessarily wide.

The underlying dispute is very much alive: Sri Lanka's Navy says the August 12 seizure involved a trawler and nine fishermen allegedly crossing the IMBL and engaging in bottom trawling, while the Tamil Nadu side said 49 Indian fishermen remained in Sri Lankan custody as of mid-August.

## HAPPY STORY

### LITTLE TAAVI, BIG RESULT FOR SRI LANKA

**Young table-tennis prospect takes silver in Croatia and continues an international run worth watching**

Sri Lanka has another young sporting name worth remembering.

Taavi Samaraweera has won the silver medal in the Under-11 singles event at the WTT Youth Contender in Varaždin, Croatia, continuing an impressive run on the international junior table-tennis circuit.

The young Sri Lankan reached the final after navigating

an international field before finishing runner-up, giving Sri Lanka another podium finish far from home.

More significantly, it was not an isolated success. The result in Croatia gives Taavi back-to-back international podium finishes and suggests that Sri Lanka may have discovered a genuinely exciting young table-tennis prospect.

There is always a temptation when a very young athlete succeeds internationally to immediately attach enormous expectations to the achievement.

That would be unfair. An 11-year-old should still be allowed to be an 11-year-old, irrespective of how well he handles a table-tennis bat.



What matters now is that the talent is recognised, properly coached and given enough international competition to develop.

Sri Lankan sport has traditionally been rather good at celebrating athletes after they have succeeded and considerably less accomplished at providing everything they require before they succeed.

Taavi's progress offers an opportunity to do it the other way around.

There is plenty of time before anyone starts talking about senior championships, Olympic Games or national records. For now, a young Sri Lankan travelled to Croatia, competed against some of the world's emerging talent and came home with silver.

In a newspaper containing constitutional battles, corruption cases, mass graves and fishermen being arrested in the Palk Strait, we are perfectly entitled to enjoy that.

Well played, young man.

Be that as it may, at 11 years old Taavi Samaraweera has already discovered something many of us spend considerably longer looking for: how to put Sri Lanka on the right side of the scoreboard.

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## AND FINALLY...

### 250 JAPANESE ARRIVE - ALL AT ONCE

**Sri Lanka welcomes its largest-ever single Japanese tourist group with Kandyan dancers and, naturally, Ceylon Tea**

There was an unusually large Japanese contingent walking through Bandaranaike International Airport this week, and for once it had nothing to do with an international conference, diplomatic delegation or infrastructure loan.

Two hundred and fifty Japanese tourists arrived in Sri Lanka on Monday in what authorities described as the largest single Japanese tourist group ever to visit the country.

They were welcomed at the airport with Kandyan dancers and presented with packets of Ceylon Tea, which is probably as close as Sri Lanka can get to saying ayubowan without actually saying it.



The arrival is more important than the ceremony surrounding it.

Japan represents precisely the sort of tourism market Sri Lanka should be cultivating: visitors with relatively strong spending power travelling considerable distances and interested in culture, heritage, nature and experiences rather than merely finding the cheapest available beach holiday.

Sri Lanka has spent years measuring tourism success principally by counting heads at the airport. Visitor numbers certainly matter, but what visitors spend, how long they remain and how widely that money travels through the economy matter considerably more.

A group of 250 will not transform the industry. It does, however, demonstrate the potential of organised higher-value tourism from markets Sri Lanka has not always exploited as effectively as it might.

The trick now is making sure they enjoy themselves sufficiently to go home and persuade another 250 to come.

And perhaps, before they leave, sell them rather more Ceylon Tea.



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## SEVEN YEARS FOR FORMER MINISTER IN CORRUPTION CASE

**Piyankara Jayaratne conviction gives the anti-corruption drive something it badly needs: an actual result**

Former Minister Piyankara Jayaratne was sentenced to seven years' imprisonment after being convicted in a corruption case, providing another significant test of Sri Lanka's renewed promises to hold former holders of public office accountable.

The conviction comes at a particularly interesting moment. The Government has repeatedly promised that the era in which political position offered protection from investigation and prosecution is over. The public, having heard variations of that promise from successive administrations, will probably be more interested in convictions than declarations.

Jayaratne's sentence therefore carries significance beyond one former minister.

Sri Lanka has spent decades watching investigations begin with considerable noise, proceed through years of litigation and sometimes disappear almost unnoticed. A functioning anti-corruption system must do something considerably more mundane but more important: investigate properly, prosecute fairly and allow the courts to decide.

The conviction is also a reminder that anti-corruption cannot become political theatre. Justice requires precisely the same standard whether the accused belongs to the former Government, the present Government or whichever government comes next.

That is the real test.

Be that as it may, seven years is considerably more persuasive than another press conference about zero tolerance for corruption.

## 580 SKELETONS - AND THE DEAD ARE STILL ASKING QUESTIONS

**Chemmani becomes Sri Lanka's largest known mass grave as unresolved disappearances return to the national agenda**

More than 580 skeletal remains have now been recovered from Chemmani in Jaffna, according to Human Rights Watch, turning an excavation site into one of the most disturbing unfinished chapters of Sri Lanka's past.

Human Rights Watch describes Chemmani as the largest mass grave discovered in the country.

The numbers are terrible enough. The objects emerging alongside the remains make them harder to reduce to statistics: personal possessions and other material which investigators hope may eventually help identify some of those buried there.

The existence of Chemmani has been part of Sri Lanka's consciousness for decades. In 1998 a soldier convicted over the rape and murder of schoolgirl Krishanthi Kumaraswamy told a court that hundreds of bodies had been buried in the area during the military occupation of the Jaffna peninsula in the 1990s.



When skeletal remains were subsequently uncovered, the ground began surrendering some of its secrets.

Human Rights Watch says Sri Lankan government data identifies numerous mass-grave sites around the country and argues that investigations into disappearances and serious abuses have repeatedly suffered from delay, insufficient forensic capacity and political interference.

The present Government has pledged something different. President Anura Kumara Dissanayake has committed his administration to investigating mass graves and confronting unresolved crimes, while the authorities have acknowledged that international expertise may be required for specialised forensic work.

That is precisely why Chemmani is now a test of more than history. It is a test of whether the Government's promise of accountability applies even when the answers may be painful, politically difficult or institutionally embarrassing.

There must also be care about what the evidence does not yet establish. A skeleton establishes a death. A mass grave raises profound questions. Neither by itself identifies the killer, establishes the circumstances of death or determines criminal responsibility.

That is what a credible investigation must discover.

Sri Lanka has spent too many years allowing its dead to become political property, claimed by one side and denied by another. The people buried at Chemmani deserve something rather simpler.

They deserve names. Their families deserve answers. And if crimes were committed, those responsible deserve a courtroom.

Be that as it may, after more than 580 bodies, looking away is no longer an available national policy.

## 68 PORT CITY BUSINESSES HEAD FOR PARLIAMENT

**Cabinet moves regulations covering businesses designated strategically important as the long-promised financial city searches for momentum**

Sixty-eight businesses operating within Colombo Port City are to be formally brought before Parliament under

regulations designating them as secondary businesses of strategic importance.

Cabinet approved submitting the regulations to Parliament following an earlier decision taken on March 30. The designations were subsequently published in an Extraordinary Gazette on April 10.

The businesses span information technology, consultancy, business process outsourcing, logistics, infrastructure and other commercial activities.

On paper, it sounds encouraging. But Port City is now sufficiently mature for Sri Lanka to begin asking harder questions than how many businesses have registered.

The project was sold as a transformational international financial and commercial centre capable of attracting billions of dollars of foreign investment, creating high-value employment and establishing Colombo as a serious regional business hub.

The relevant measure is therefore not merely the number of entities designated strategically important. It is how much capital they have actually brought into Sri Lanka, how many people they employ, how much economic activity they generate and how much of that activity would not otherwise have occurred.

NewsLine has previously raised questions about transparency surrounding the Port City Commission and its operations.

Those questions become more important, not less, as businesses receive special designations and associated incentives.

Sixty-eight companies sounds impressive.

Now Parliament should ask what the 68 actually bring to the country.

## THIS IS NOT ABOUT TWO YEARS

The argument before the Supreme Court over the 22nd Amendment risks being reduced to a convenient question: should Sri Lanka's superior court judges be allowed to work for another two years?

That is not the real issue before the Court, nor is it the question that ought to concern the public most.

There may be perfectly sensible reasons for increasing the retirement age of judges. People live longer, professional careers last longer and judges frequently reach the height of their experience just as the Constitution requires them to retire.

If Parliament believes Supreme Court judges should retire at 67 instead of 65, and Court of Appeal judges at 65 instead of 63, there is nothing inherently objectionable about Parliament proposing such a change.

The difficulty is not necessarily the new retirement age. It is whether the new retirement age should apply to judges already holding office.

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## NOT ABOUT TWO YEARS...

There is a considerable constitutional difference between telling future judges that they will retire at 67 before they accept appointment and telling judges who accepted office under an existing constitutional arrangement that Parliament has subsequently decided to give them another two years.

The first changes the rules for the future. The second potentially changes an existing tenure.

That distinction is one of the reasons why the proposed amendment has attracted an extraordinary 67 petitions before the Supreme Court. It also explains why this controversy cannot responsibly be dismissed as opposition politics or resistance to judicial reform.

The Constitution does not protect judicial tenure because judges require particularly secure employment. It protects their tenure because citizens require independent judges. Anyone standing before the State must be able to believe that the judge hearing the case neither owes the Government anything nor fears losing anything from it.

Consider the principle from the opposite direction. Suppose a future Parliament decided that Supreme Court judges should retire at 60 instead of 65 and attempted to apply that change immediately to the existing Court. There would rightly be alarm because Parliament would effectively possess the ability to shorten the tenure of judges presently exercising judicial authority over the State.

The fact that 22A travels in the opposite direction does not make that constitutional concern disappear. If political power should not be capable of taking years away from sitting judges, there is good reason to examine extremely carefully whether political power should be capable of giving years to them either.

The Government says the proposal forms part of wider judicial reform rather than an attempt to prolong the tenure of particular judges. That explanation deserves to be considered fairly. Sri Lanka certainly has a serious problem with court delays, and retaining experienced judges while increasing the number of judges may contribute towards reducing an enormous backlog.

Good intentions, however, cannot by themselves answer constitutional questions. Constitutions exist precisely because governments are not permitted to decide for themselves that an objective is sufficiently desirable to overcome constitutional restraints.

There is also an obvious way of achieving the Government's stated policy objective while avoiding much of the present controversy. Parliament could increase the retirement age prospectively.

Judges appointed after the amendment takes effect would enter office knowing precisely when their tenure ends. No sitting judge would gain another day and no sitting judge would lose another day.

Such an arrangement would permit Parliament to reform the retirement-age structure without creating the appearance that political power is conferring additional tenure upon members of the judiciary already in office. It would also avoid placing judges in the uncomfortable position now confronting the Supreme Court.

Five Supreme Court judges are presently hearing challenges to legislation concerning the retirement age of Supreme Court judges. Senior counsel asked that the matter be placed before the full Court.

That application was rejected and the five-member bench will determine the petitions. The decision must be respected, but the fact that the application arose at all illustrates the institutional sensitivity created by the amendment.

Their task is not to decide whether another two years would be useful to judges, whether the Government's policy is attractive or whether Parliament possesses enough votes to enact it. Their task is to determine what the Constitution permits.

That takes the argument back to the foundation upon which Sri Lanka's constitutional order rests. Sovereignty is in the People.

Parliament exercises legislative power because the People have entrusted it with that power, while judicial power is exercised through the constitutional institutions created under that same sovereign arrangement. Neither Parliament nor the judiciary owns sovereignty.

That is why the referendum question matters. If the proposed amendment falls within Parliament's constitutionally delegated authority, Parliament may enact it according to the procedure prescribed by the Constitution.

If, however, it affects something protected by Article 3 and the sovereignty of the People, even an overwhelming parliamentary majority cannot substitute itself for the electorate where the Constitution requires their approval.

Two-thirds of Parliament represents formidable political power. It does not transform Parliament into the People. The danger lies in allowing today's personalities to obscure tomorrow's precedent. Governments change, Presidents change, Chief Justices change and judges retire. Constitutional precedents have a considerably longer life.

Whatever power is found to exist today will not belong exclusively to the present Government. It will be available to governments yet to be elected and politicians whose names we may not even know.

That provides perhaps the simplest test of all constitutional power. We should never decide whether a government ought to possess a particular power merely because we trust the people presently exercising it. We should ask whether we would willingly give precisely the same power to a government we profoundly distrust.

If the answer is no, the safeguard matters.

Sri Lanka does not need weaker judges, judges beholden to politicians or politicians beholden to judges. It needs a judiciary whose independence is not merely real but is seen by the public to be beyond reasonable suspicion.

The Government may ultimately persuade the Supreme Court that 22A satisfies the Constitution. The petitioners may persuade the Court that the amendment requires the approval of the People at a referendum. That determination properly belongs to the judges hearing the case.

But one principle ought already to be clear. Judicial independence is not a privilege belonging to judges. It is a protection belonging to every citizen who may someday need an independent judge.

Be that as it may, this was never really about giving judges another two years. It is about who possesses the constitutional power to give them.

## VIJAY WANTS TAMIL NADU TO MAKE THE CHIPS

**Semiconductor park, Coimbatore fintech hub and Tiruchy logistics centre form part of ambitious industrial expansion**

Tamil Nadu is preparing another major push into advanced manufacturing with plans for a semiconductor and electronics manufacturing park at Maduranthagam in Kancheepuram district.

The project was announced together with plans for a multi-modal logistics hub in Tiruchy and a digital finance or fintech centre in Coimbatore.



The semiconductor park is intended to attract investment and increase Tamil Nadu's share of India's rapidly developing electronics and semiconductor industry.

For Sri Lanka, the development should be watched particularly closely.

Tamil Nadu sits immediately across the Palk Strait, possesses a population several times Sri Lanka's, already has a substantial manufacturing base and increasingly competes for precisely the foreign investment Sri Lanka says it wants to attract.

The comparison is therefore uncomfortable but useful. Investment does not arrive merely because a country declares itself open for business. Investors look for infrastructure, skills, logistics, predictable regulation and an ecosystem capable of supporting large industrial projects.

Sri Lanka need not compete with Tamil Nadu in every sector. It does, however, need to understand what its closest large economy is building.

The Palk Strait may separate the two economies geographically.

Capital has no obligation to respect the distance.

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