

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

GOVERNMENT GAZETTES BILL TO EXTEND JUDGES' RETIREMENT AGE

Constitutional amendment proposes longer tenure
for superior court judges, setting the stage for a
fresh legal debate on judicial independence

The publication of the Government's Bill to extend the retirement age of judges of the Supreme Court and Court of Appeal has immediately revived one of the most important constitutional questions likely to arise before Parliament this year.

WHAT THE BILL PROPOSES

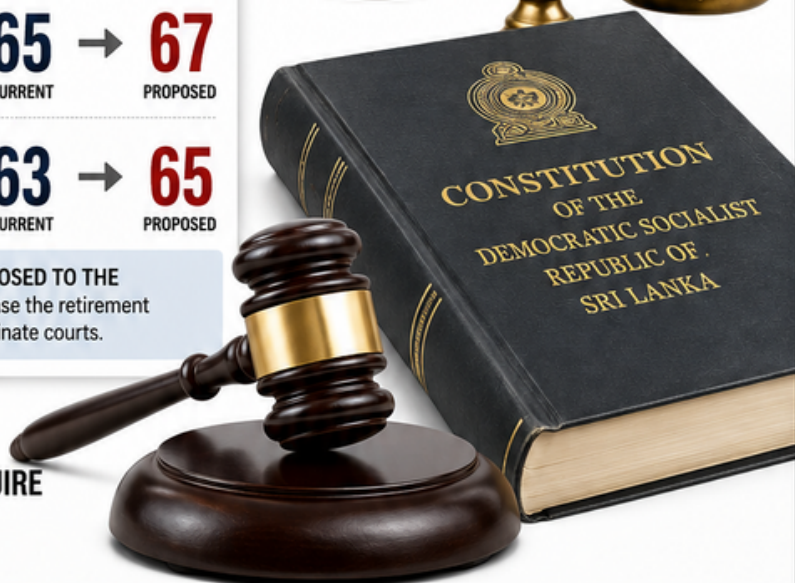
 **SUPREME COURT JUDGES**
RETIREMENT AGE **65** → **67**
CURRENT PROPOSED

 **COURT OF APPEAL JUDGES**
RETIREMENT AGE **63** → **65**
CURRENT PROPOSED

 **AMENDMENTS ALSO PROPOSED TO THE JUDICATURE ACT** to increase the retirement ages of judges in the subordinate courts.



THE BIG QUESTION:
DOES THE BILL REQUIRE
A REFERENDUM?





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CONSTITUTIONAL AMENDMENT PROPOSES LONGER TENURE FOR SUPERIOR COURT JUDGES, SETTING THE STAGE FOR A FRESH LEGAL DEBATE ON JUDICIAL INDEPENDENCE

By Faraz Shauketaly

COLOMBO, Thursday - The Government has taken the next formal step towards extending the retirement age of Sri Lanka's superior court judges by publishing in the Gazette a Bill seeking to amend the Constitution and related legislation, a move that is expected to trigger renewed legal and constitutional scrutiny in the weeks ahead.

The proposed constitutional amendment seeks to increase the retirement age of judges of the Supreme Court while judges of the Court of Appeal would see their retirement age rise from 63 to 65 years. Complementary amendments have also been proposed to the Judicature Act to increase the retirement ages of judges serving in the subordinate courts.

The publication of the Bill follows Cabinet approval granted earlier this year but marks a significantly more important stage in the legislative process. By gazetting the proposed amendments, the Government has formally initiated the constitutional procedure required before Parliament can debate and vote on the measure.

The proposal has generated considerable discussion within legal and constitutional circles, not so much because of the proposed retirement ages themselves, but because of the implications of altering the tenure of judges whose terms of office are presently governed by the Constitution. While many jurisdictions have reviewed judicial retirement ages in response to increasing life expectancy and the value of retaining experienced judges, constitutional experts point out that the manner in which such changes are introduced is equally important.

The Bar Association of Sri Lanka has previously expressed reservations regarding the proposal, arguing that any amendment affecting the tenure of incumbent judges must be approached with great care to ensure that judicial independence is not perceived to have been compromised. Several constitutional commentators have similarly questioned whether extending the tenure of sitting judges could engage entrenched constitutional provisions relating to the sovereignty of the People and the independence of the judiciary.

The Government, however, has maintained that the proposal is intended to preserve judicial experience, promote continuity within the superior courts and strengthen the administration of justice. Ministers have rejected suggestions that the amendment is designed to benefit any individual judge, describing it instead as part of a broader programme of judicial reform.

Attention is now expected to turn to the constitutional process itself. Once placed on the Order Paper of Parliament, the Bill may be challenged before the Supreme Court, which will be called upon to determine whether any of its provisions are inconsistent with the

Constitution and, if so, the manner in which Parliament may lawfully proceed. Depending upon that determination, the legislation could require approval by a two-thirds majority in Parliament, while certain constitutional questions may also raise the issue of whether approval at a Referendum is necessary.

Whatever the eventual outcome, the publication of the Bill ensures that one of the most important constitutional debates of recent years has now formally begun.

The issue extends beyond the retirement age of judges themselves. It touches upon the relationship between Parliament and the judiciary, the security of judicial tenure and the constitutional safeguards designed to preserve public confidence in the independence of the courts.

For that reason, the debate that now lies ahead is likely to be measured not merely by the number of years added to judicial service, but by whether the process adopted strengthens - or weakens - public confidence in one of the Republic's most important democratic institutions.

THE BIG QUESTION

DOES THE BILL REQUIRE A REFERENDUM?

The publication of the Government's Bill to extend the retirement age of judges of the Supreme Court and Court of Appeal has immediately revived one of the most important constitutional questions likely to arise before Parliament this year.

The issue is not whether judges should retire at whichever age. Many countries have reviewed judicial retirement ages in response to increasing life expectancy and the growing value of retaining experienced judges on the Bench.

The real question is whether Sri Lanka's Constitution permits the retirement age of judges already appointed under the existing constitutional framework to be altered without first obtaining the approval of the People.

The Constitution presently specifies the retirement ages of judges of the Supreme Court and Court of Appeal. Critics of the Government's proposal, including the Bar Association of Sri Lanka, have argued that changing those constitutional provisions in a manner that affects incumbent judges may have implications for judicial independence and, by extension, the sovereignty of the People protected under Article 3 of the Constitution.

Their argument is that security of judicial tenure is a fundamental component of judicial independence.

If Parliament is able to alter the terms of office of serving judges after their appointment, questions arise as to whether such a change affects entrenched constitutional principles which, under certain circumstances, require approval not only by a two-thirds majority in Parliament but also by the People at a Referendum.

The Government takes a different view. It maintains that the proposal is a general constitutional reform designed to strengthen the administration of justice by retaining experienced judges for a longer period. Ministers have rejected suggestions that the Bill is intended to benefit any individual judge and argue that Parliament possesses the constitutional authority to amend these provisions in accordance with the amendment procedure laid down in the Constitution.



Ultimately, it will not be politicians who answer this question. Once the Bill is placed on the Order Paper of Parliament, it may be challenged before the Supreme Court. The Court will then determine whether any provision of the Bill is inconsistent with the Constitution and, if so, the manner in which Parliament may lawfully enact it.

The Supreme Court's determination will therefore be watched closely not merely because of its effect on judicial retirement ages, but because it will clarify the constitutional limits of Parliament's power to alter the tenure of judges and the circumstances in which the People themselves must be consulted through a Referendum.

Whatever the Court ultimately decides, its ruling is likely to become an important constitutional precedent extending well beyond the immediate question of judicial retirement ages.

FACTS TO BE PLACED BEFORE COURT OF APPEAL IN ALLEGED CONTEMPT MATTER

Proceedings concern statements allegedly capable of interfering with the administration of justice

COLOMBO, Wednesday - The facts relating to allegations of contempt involving former Ministers Wimal Weerawansa and Udaya Gammanpila, Member of Parliament Dilith Jayaweera, Sugeeshwara Bandara, Asanka Navaratna and Mahinda Pathirana are to be placed before the Court of Appeal for its consideration under the Contempt of a Court, Tribunal or Institution Act.

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FACTS TO BE PLACED...

The matter arises from statements allegedly made in relation to the ongoing Easter Sunday investigations, which investigating authorities contend may have had the effect of undermining public confidence in the judicial process or interfering with the administration of justice.

The Court of Appeal will be invited to consider the material placed before it and determine whether any further proceedings are warranted.

The development follows investigations conducted by the Criminal Investigation Department into statements made through electronic and social media.

The investigation has centred on whether those statements merely constituted political comment or whether they crossed the threshold established by law for contempt of court.

The proceedings have renewed discussion within legal circles regarding the scope of Sri Lanka's relatively recent contempt legislation.



While freedom of speech and expression remains a constitutionally protected right, courts have long recognised that such freedom carries responsibilities, particularly where comments concern pending judicial proceedings or are capable of influencing the administration of justice.

Equally, the law has consistently recognised that judicial decisions remain open to fair and reasoned criticism.

The issue for the Court of Appeal will not be whether public debate is permissible, but whether the material placed before it discloses conduct amounting to contempt within the meaning of the statute.

At this stage, no finding has been made against any of the individuals concerned. The proceedings remain at a preliminary stage, with the Court of Appeal first required to consider the facts and determine whether there is a legal basis for initiating contempt proceedings.

Any person against whom proceedings are subsequently instituted will be entitled to be heard before the Court reaches any determination.

The matter is expected to attract considerable public interest, not only because of the individuals involved, but because it raises broader questions concerning the relationship between freedom of expression, public confidence in the judiciary and the proper administration of justice in a constitutional democracy.

FORMER MINISTER AKILA VIRAJ KARIYAWASAM REMANDED

Bribery Commission investigation proceeds as Court fixes August 18 for further proceedings

COLOMBO, Wednesday - Former Minister Akila Viraj Kariyawasam was arrested by officers of the Commission to Investigate Allegations of Bribery or Corruption and produced before Court, which ordered that he be remanded until **August 18** pending further proceedings.



The arrest forms part of an investigation being conducted by the Bribery Commission. At this stage, the Commission has not concluded its inquiries and the matter remains before Court. As is the case with all criminal proceedings, the remand order does not amount to a finding of guilt, and the investigation will continue in accordance with the law.

The case is among a series of investigations currently being pursued by the Commission as Sri Lanka continues efforts to strengthen public confidence in the enforcement of anti-corruption legislation.

Successive governments have pledged to enhance accountability in public office, while recent legislative reforms have expanded both investigative powers and the range of penalties available upon conviction for corruption-related offences.

The remand of a former Cabinet Minister inevitably attracts significant public attention. However, legal practitioners point out that the criminal justice process requires allegations to be tested in open court, with the prosecution bearing the burden of proving any charges beyond reasonable doubt should the matter proceed to trial.

The Commission's recent activity reflects a broader emphasis on institutional accountability and the enforcement of standards expected of holders of public office. Whether those efforts ultimately translate into sustained public confidence will depend not only on investigations and arrests but also upon the timely conclusion of cases through the judicial process.

The matter is scheduled to be taken up again on **August 18**, when the Court is expected to consider the next steps in the proceedings. Until then, the investigation remains active and the former Minister continues to be entitled to the presumption of innocence guaranteed under Sri Lankan law.

INDIA'S FOREIGN SECRETARY ARRIVES AS COLOMBO-NEW DELHI TIES GATHER PACE

Vikram Misri's visit expected to focus on connectivity, investment, security and regional cooperation

By Faraz Shauketaly

COLOMBO, Wednesday - Indian Foreign Secretary Vikram Misri arrived in Colombo on Wednesday for an official visit expected to reinforce the rapidly expanding partnership between Sri Lanka and India, with discussions likely to cover economic cooperation, connectivity, maritime security and the implementation of several bilateral projects.

Mr Misri's visit comes at a time when relations between the two neighbours are widely regarded as being at one of their strongest points in recent years. Since the election of President Anura Kumara Dissanayake, both governments have maintained a steady programme of high-level engagement aimed at accelerating cooperation in infrastructure, renewable energy, digital connectivity, trade facilitation and regional security.

Diplomatic sources expect the Foreign Secretary to hold discussions with senior Sri Lankan Government officials on the progress of projects already agreed between the two countries, while also reviewing avenues for expanding cooperation in areas such as energy connectivity, port development and cross-border investment. Fisheries, people-to-people exchanges and regional stability in the Indian Ocean are also expected to feature on the agenda.

The visit takes place against a backdrop of increasing geopolitical competition in the Indian Ocean. Sri Lanka continues to pursue a policy of maintaining constructive relations with all major partners while balancing its strategic interests.

For New Delhi, Sri Lanka remains an important maritime neighbour situated along one of the world's busiest sea lanes, making close cooperation on security and economic matters a continuing priority.

India has emerged as one of Sri Lanka's principal development partners in recent years, extending financial assistance during the economic crisis, supporting debt restructuring efforts and investing in infrastructure and renewable energy initiatives. Both governments have repeatedly emphasised that future cooperation should be based upon mutual benefit, respect for sovereignty and shared regional prosperity.

Observers believe the significance of Mr Misri's visit lies less in the signing of new agreements than in ensuring that previously announced projects continue to move from policy to implementation.

As both countries seek to deepen economic integration while addressing shared security concerns, sustained diplomatic engagement at senior official level is expected to remain a defining feature of the bilateral relationship.

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CONSULTANT PHYSICIAN DR HARSHA FERNANDO APPOINTED CENTRAL PROVINCE GOVERNOR

President names senior medical professional to head Provincial administration

COLOMBO, Wednesday - President Anura Kumara Dissanayake has appointed Consultant Physician Dr Harsha Fernando as the new Governor of the Central Province, entrusting the experienced medical professional with the constitutional responsibility of representing the President within one of Sri Lanka's most strategically important provinces.

Dr Fernando's appointment brings to the office a figure whose professional career has been rooted primarily in public health and clinical medicine rather than conventional party politics. His elevation reflects a continuing trend of appointing professionals from outside traditional political structures to positions of public responsibility.



The office of Governor occupies a unique position within Sri Lanka's constitutional framework.

Appointed by the President, Governors serve as the Head of the Provincial Executive and exercise a range of constitutional functions, including summoning, proroguing and dissolving Provincial Councils when they are in existence, appointing the Chief Minister and Board of Ministers where appropriate, and acting on matters assigned under the Thirteenth Amendment to the Constitution.

Although Provincial Councils are presently not functioning owing to the prolonged absence of elections, Governors continue to play an important administrative and supervisory role in coordinating provincial administration and facilitating the implementation of national policies within their respective provinces.

The Central Province occupies a significant place within Sri Lanka's administrative landscape.

Home to the historic city of Kandy, extensive plantation districts and major tourism attractions, the Province presents a diverse range of governance challenges spanning healthcare, education, agriculture, infrastructure and environmental management.

Dr Fernando's appointment is expected to attract attention not only because of his medical background but also because it raises broader questions about the role professionals can play in public administration.

As governments increasingly seek specialised expertise in addressing complex policy challenges, appointments of

this nature may indicate a continuing preference for technical competence alongside administrative experience.

The effectiveness of the office, however, will ultimately be judged not by the professional background of its holder but by the quality of governance delivered to the people of the Province.

In that respect, Dr Fernando assumes office at a time when issues ranging from disaster preparedness to regional economic development continue to demand close attention from provincial authorities.

EDITORIAL

THE RULE OF LAW MUST BE SEEN TO APPLY EQUALLY

The events of the past week have once again reminded us that the true strength of a democracy is measured not by the prominence of those who appear before its institutions, but by the consistency with which those institutions discharge their responsibilities.

The proposed presentation of facts before the Court of Appeal in relation to alleged contempt proceedings involving several well-known public figures, together with the arrest and remand of a former Cabinet Minister by the Commission to Investigate Allegations of Bribery or Corruption, have inevitably generated widespread public discussion.

They should also prompt reflection on a more enduring principle.

The rule of law does not exist to favour governments, oppositions or individuals. Nor does it exist to produce outcomes that satisfy one political constituency or another.

Its purpose is more fundamental: to ensure that every allegation is examined according to law, every person receives due process and every judicial determination is reached independently of political influence or public pressure.

Equally important is the recognition that legal proceedings are not convictions. Investigations are not findings of guilt.

Allegations, however serious, remain allegations until tested in accordance with the law. The presumption of innocence is not an inconvenience within the justice system; it is one of its defining safeguards.

The same principle applies to the administration of justice itself. Courts must remain open to fair and reasoned criticism. Judicial decisions are debated every day in democratic societies.

Yet there remains a clear distinction between legitimate criticism and conduct that risks undermining confidence in the administration of justice.

Maintaining that distinction protects not judges as individuals, but the integrity of the judicial process upon which every citizen ultimately depends.

Sri Lanka has spent many years debating accountability, institutional independence and public confidence.

Those objectives are achieved not through rhetoric but through consistency.

The law must be capable of reaching the powerful just as readily as the powerless. It must be administered fairly, transparently and without fear or favour. When citizens are able to see that principle operating in practice, confidence in democratic institutions naturally follows.

The coming weeks will see further investigations, court hearings and public debate. Some decisions will satisfy sections of the public; others will not.

That is the nature of an independent justice system. The enduring measure of its success is not whether every outcome proves popular, but whether every person receives equal treatment before the law.

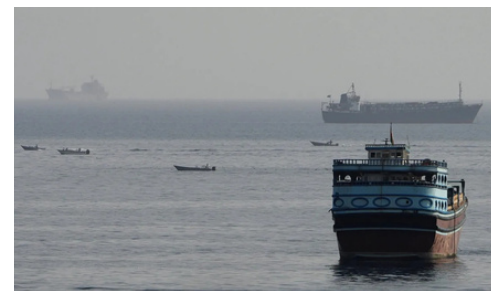
Be that as it may.

IRAN SAYS DEAL WITH OMAN ON STRAIT OF HORMUZ IS IN FINAL STAGES

Iran says it has reached an agreement with Oman on a route for shipping through the Strait of Hormuz.

Foreign ministry spokesman Esmail Baqaei did not give any further details on the agreement, which he said was "in the final stages".

Baqaei warned, however, that a deal with Oman would not guarantee safe navigation through the strait, arguing security remained impacted by the US blockade of Iran's ports. The US and Oman have not commented on the proposal.



Since the US and Israel attacked Iran in February, Tehran has largely blocked the Strait of Hormuz through which about a fifth of the world's oil and liquefied natural gas usually passes.

On Tuesday, US President Donald Trump warned that Iran would be "hit very hard" if the strait did not open "very soon".

His comments came after senior US officials said talks had progressed to allow shipments to potentially resume later this week, though Iran has maintained that it is not negotiating with the US and has no plans to do so.

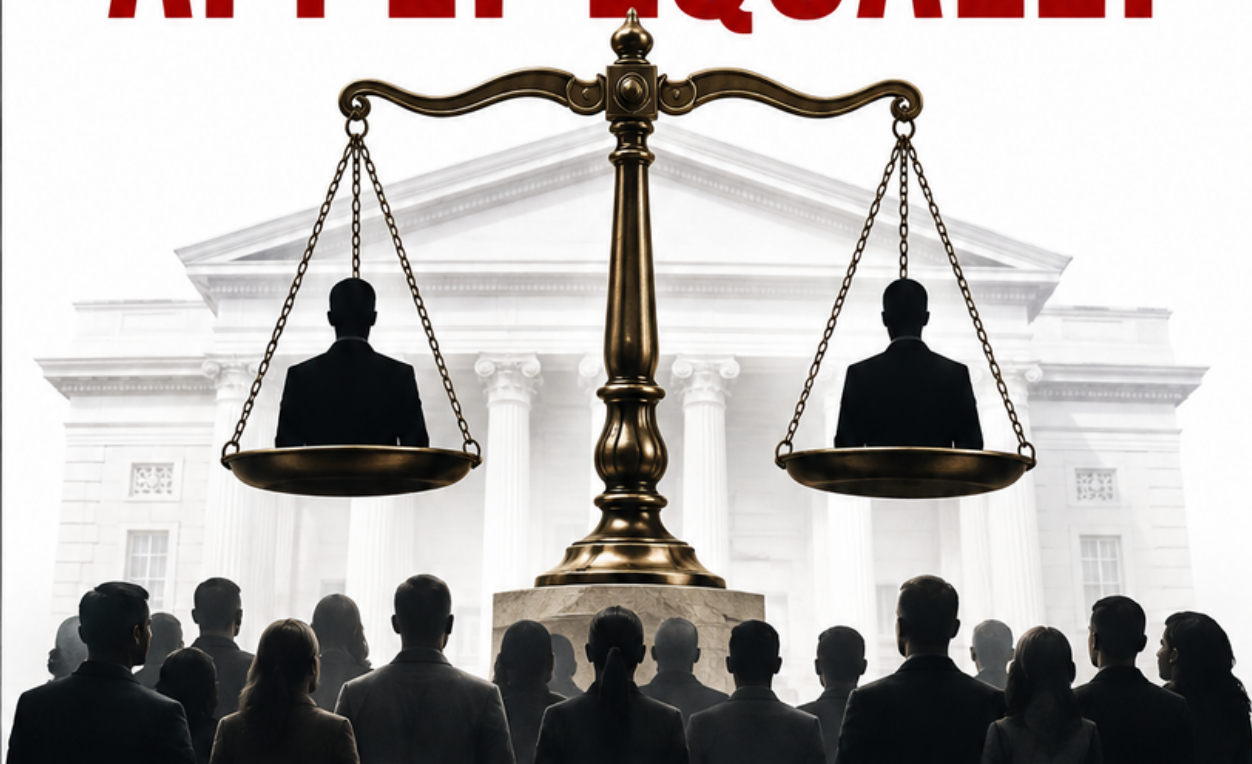
Reopening the strait has been a key point in discussions between the two countries and mediators.

In his statement, the Iranian foreign ministry spokesman said the "geographical coordinates of the route" had been agreed with Oman.

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EQUALITY BEFORE THE LAW

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A STRONG DEMOCRACY DEPENDS ON AN INDEPENDENT JUDICIARY

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