The Fifth Report of the Constitutional Council submitted under Article 41G (1) of the Constitution of the Democratic Socialist Republic of Sri Lanka

For the period from January to June 2025

Contents

1. Introduction 1

2. Meetings of the Council 1

3. Secretary-General to the Constitutional Council 1

4. Duties and functions of the Council under Article 41B of the Constitution 1

4.1. Public Service Commission 1

4.2. Delimitation Commission 2

5. Duties and functions of the Council under Article 41C of the Constitution 3

5.1. Appointment to the post of Judge of the Supreme Court 3

5.2. Appointment to the post of President of the Court of Appeal 3

5.3. Appointment to the post of Judge of the Court of Appeal 4

5.4. Appointment to the Post of Auditor-General 4

6. Discharging Duties and functions imposed or assigned to the Council by written laws other than the Constitution 6

6.1. Appointment of members to the Welfare Benefits Board (WBB) 6

6.2. Appointment of members to the Office on Missing Persons (OMP) 6

6.3. Appointment of the members to the Office for Reparations 6

6.4. Appointment to the post of Member of the Right to Information Commission 7

6.5. Appointment to the post of Members of the Public Utilities Commission of Sri Lanka (PUCSL) 8

6.6. Recommendation of the Council for the appointment of Director-General to the Commission to Investigate Allegations of Bribery or Corruption 9

6.7. Appointment of members to the National Commission on Women 9

7. Formulation of Rules relating to the performance and discharge of duties and functions of the Council 9

8. Responding to requests for information under Right to Information Act, No. 12 of 2016 10

9. Fundamental Rights Applications filed in the Supreme Court citing the members of the Council as Respondents 10

1. Introduction

Under the provisions of the Constitution of the Democratic Socialist Republic of Sri Lanka (hereinafter also referred to as 'the Constitution'), the Constitutional Council (hereinafter also referred to as 'the Council') is mandated to perform and discharge duties and functions entrusted by the Constitution and other Laws. The activities performed and discharged by the Council during the period from January to June 2025, are submitted by this Report under Article 41G (1) of the Constitution.

2. Meetings of the Council

The Council met on twenty (20) occasions on the following days during the period under review:-

03.01.2025, 07.01.2025, 10.01.2025, 23.01.2025, 05.02.2025, 14.02.2025, 16.02.2025, 19.02.2025, 05.03.2025, 06.03.2025, 11.03.2025, 12.03.2025, 28.03.2025, 22.04.2025, 08.05.2025, 20.05.2025, 21.05.2025, 22.05.2025, 13.06.2025, 18.06.2025

3. Secretary-General to the Constitutional Council

- The Council at its meeting held on 08 May 2025, considered the letter of resignation tendered by the incumbent Secretary-General to the Constitutional Council w.e.f. 14 May 2025. The Council appreciated the long service rendered by Mr. Dhammika Dasanayake, Secretary-General to the Constitutional Council who has served as the Secretary-General of Parliament, the Secretary of the Parliamentary Council, Acting Secretary-General to the Constitutional Council and Secretary-General to the Constitutional Council.

- At the same meeting, the Council unanimously decided and appointed Mr Hansa Abeyrathne, Assistant Secretary-General, Parliament to act in the post of Secretary-General to the Constitutional Council w.e.f. 14 May 2025 until a suitable/permanent appointment is made to the post of Secretary-General to the Constitutional Council.

4. Duties and functions of the Council under Article 41B of the Constitution

4.1. Public Service Commission

- The Council at its meeting held on 23 January 2025, considered the evaluation report of the interview conducted on 07.01.2025 in respect of the appointment to the post of Member of the Public Service Commission.

  Accordingly, having considered the qualifications, fitness and propriety of the candidates and also the representations of the different professional services, in the current composition of the Commission which fall under its purview, the Council, unanimously

decided to recommend Eng. (Dr) Preethi Sanath Panawennage for the appointment to the post of Member of the Public Service Commission for the vacancy which was created on the resignation of Mr Chandraratne Pallegama.

- The Council at its meeting held on 19 February 2025, considered the communication received from the Secretary to the President, seeking the approval of the Council for the recommendation of the Hon. President to remove Mr. N. H. M. Chithrananda from the post of Member of the Public Service Commission, under Article 54 (4) of the Constitution.

  Having considered the recommendation and the reasons specified by the Hon. President, the Council unanimously approved the recommendation of the Hon. President to remove Mr N. H. M. Chithrananda from the post of Member of the Public Service Commission, under Articles 41B (5) and 54 (4) of the Constitution.

- The Council, having noted the vacancy arisen in the post of Member of the Public Service Commission on the aforesaid removal, decided to call for applications through a fresh advertisement for the said vacancy.

- The Council, at its meeting held on 05 March 2025, considered the communication received from the Secretary to the President requesting a suitable recommendation in respect of the appointment to act in the post of Chairman of the Public Service Commission for the period from 02.03.2025 to 14.03.2025 during which Mr Sanath Jayantha Ediriweera, the Chairman of the Commission, would be travelling overseas and the Council was further informed that Prof. N. Selvakkumaran, member of the said Commission had indicated his consent to act in the post of the Chairman, during the aforesaid period.

  Accordingly, having considered, the Council unanimously recommended to appoint Prof. N. Selvakkumaran to act in the post of the Chairman of the Public Service Commission for the period from 02.03.2025 to 14.03.2025 during which Mr Sanath Jayantha Ediriweera, the Chairman of the Commission, would be travelling overseas, under Articles 41B (1) and 41B (2) of the Constitution.

4.2. Delimitation Commission

- The Council, at its meeting held on 23 January 2025, noted the communication dated 10.01.2025 received from the Secretary to the President, in respect of the appointment to act in the post of Chair of the Delimitation Commission. Accordingly, the Council recommended Dr (Mrs) A. D. Bandaranaike, member of the Delimitation Commission, to act in the post of the Chair of the Delimitation Commission for the period from 20.01.2025 to 13.02.2025.

5. Duties and functions of the Council under Article 41C of the Constitution

5.1. Appointment to the post of Judge of the Supreme Court

- The Council at its meeting held on 10 January 2025, considered recommendations of the Hon President made under Articles 41C (1) and 107 of the Constitution, to appoint Hon. Justice R. M. Sobhitha Rajakaruna, Hon. Justice Menaka Wijesundera, Hon. Justice S. B. Abayakoon and Hon. Justice M. S. K. B. Wijeratne, Judges of the Court of Appeal, for the vacancies in the post of Judge of the Supreme Court.

  Having considered the qualifications and seniority of the nominees along with the views of the Hon. Chief Justice obtained under Article 41C (4) of the Constitution, the Council unanimously approved the recommendations of the Hon President to appoint Hon. Justice R. M. Sobhitha Rajakaruna, Hon. Justice Menaka Wijesundera, Hon. Justice S. B. Abayakoon and Hon. Justice M. S. K. B. Wijeratne, Judges of the Court of Appeal for the vacancies in the post of Judge of the Supreme Court, under Article 41C (1) of the Constitution.

5.2. Appointment to the post of President of the Court of Appeal

- The Council considered a recommendation of the Hon President made under Articles 41C (2) and 109 (1) of the Constitution, to appoint Hon M. T. M. Laffar, Judge of the Court of Appeal for the appointment to act in post of the President of the Court of Appeal for the period from 16.02.2025 to 15.06.2025 during which Hon. Justice N. B. P. D. S. Karunarathna, incumbent President of the Court of Appeal has been granted approval to obtain leave prior to retirement from 01.02.2025 to 15.06.2025, by the Hon. President.

  The Council considered the views of the Hon. Chief Justice which were obtained under Article 41C (4) of the Constitution, along with a clarification on the matters referred to therein.

  After having discussed at length, the majority of the Council, at its meeting held on 16 February 2025, decided to approve the recommendation of the Hon. President to appoint Hon. Justice M. T. M. Laffar, Judge of the Court of Appeal, to act in the post of President of the Court of Appeal for the period from 16.02.2025 to 15.06.2025, during which the Hon. Justice N. B. P. D. S. Karunarathna, incumbent President of the Court of Appeal, had been granted leave prior to retirement.

- The Council, at its meeting held on 18 June 2025, considered the recommendation of the Hon. President to appoint Mr Nalin Rohantha Abeysuriya, P.C., Senior Additional Solicitor General, to the post of President of the Court of Appeal, under Articles 41C (1) and 107 (1) of the Constitution.

  Having considered the said recommendation together with the views of the Hon. Chief Justice obtained under Article 41C (4) of the Constitution, the Council unanimously

approved the recommendation of the Hon. President to appoint Mr Nalin Rohantha Abeysuriya, P.C., Senior Additional Solicitor General to the post of President of the Court of Appeal, under Article 41C (1) of the Constitution.

5.3. Appointment to the post of Judge of the Court of Appeal

- The Council considered the recommendations received from the Hon President under Article 41C (1) of the Constitution, to appoint Mr K. M. S. Dissanayake and Mr R. P. Hettiarachchi, Judges of the High Court for the appointment to the vacancies in the post of Judge of the Court of Appeal.

  Having considered the qualifications and seniority of the nominees together with the views of the Hon. Chief Justice which were obtained under Article 41C (4) of the Constitution, the Council, at its meeting held on 03 January 2025, approved with one abstention, the recommendations of the Hon. President to appoint Mr K. M. S. Dissanayake and Mr R. P. Hettiarachchi, Judges of the High Court to the vacancies in the post of Judge of the Court of Appeal, under Article 41C (1) of the Constitution.

- The Council, at its meeting held on 05 March 2025, considered the recommendations of the Hon. President made under Article 41C (1) of the Constitution, to appoint Mr W. K. S. U. Premachandra, Mr K. Priyantha Fernando and Mr A. Premashankar, Judges of the High Court for the post of Judge of the Court of Appeal which fell vacant.

  Accordingly, having considered the recommendations of the Hon. President together with the views of the Hon. Chief Justice which were obtained under Article 41C (4) of the Constitution, the Council unanimously approved the recommendations to appoint Mr W. K. S. U. Premachandra, Mr K. Priyantha Fernando and Mr A. Premashankar, Judges of the High Court for the post of Judge of the Court of Appeal under Article 41C (1) of the Constitution.

- The Council, at its meeting held on 13 June 2025, considered the recommendations of the Hon. President made under Article 41C(1) of the Constitution, to appoint Mr D. F. H. Gunawardhana and Mr A. K. M. Patabendige, Judges of the High Court for the post of Judge of the Court of Appeal which fell vacant.

  Accordingly, having considered the recommendations of the Hon. President together with the views of the Hon. Chief Justice which were obtained under Article 41C (4) of the Constitution, the Council unanimously approved the recommendations to appoint Mr D. F. H. Gunawardhana and Mr A. K. M. Patabendige, Judges of the High Court for the post of Judge of the Court of Appeal under Article 41C (1) of the Constitution.

5.4. Appointment to the Post of Auditor-General

- The Council, at its meeting held on 22 April 2025, considered the recommendation of the Hon. President, under Article 41C of the Constitution to appoint Mr. G. H. D.

Dharmapala, Senior Deputy Auditor-General to act in the Office of the Auditor-General for a period of thirty (30) days commencing from 23.04.2025, until an Auditor-General is appointed permanently.

After discussion, the Council unanimously decided to approve the recommendation of the Hon. President to appoint Mr. G. H. D. Dharmapala, Senior Deputy Auditor-General to act in the Office of the Auditor-General for a period of thirty (30) days commencing from 23.04.2025, until a permanent appointment is made to the Office of Auditor-General.

- The Council, at its meetings held on the 20th and 21st May 2025, considered the recommendation of the Hon. President to appoint Mr. Pushpika Chandana Hewa Thondilage to the Office of Auditor-General, under Article 41C of the Constitution.

  Accordingly, having considered the Curriculum Vitae of the nominee, the professional qualifications and experience possessed by the nominee during his previous employment as well as the educational qualifications required for appointment to the Office of Auditor-General, the Council supported by not less than five members of the Council, disapproved the recommendation of the Hon. President to appoint Mr Pushpika Chandana Hewa Thondilage to the Office of Auditor-General, under Articles 41C (1) and 41E of the Constitution.

- The Council, at its meeting held on 22 May 2025, considered the recommendation of the Hon. President under Article 41C of the Constitution to appoint Mr. G. H. D. Dharmapala, Senior Deputy Auditor-General to act in the Office of Auditor-General for a period of 06 months commencing from 23.05.2025 until a permanent appointment to the Office of Auditor-General is made.

  The Council observed that the nominee is currently acting in the Office of Auditor-General and the term of his current office was for a period of thirty days w.e.f. 23.04.2025 and would lapse w.e.f. 23.05.2025.

  Accordingly, the Council, under Article 41C (2) of the Constitution, supported by not less than five members, approved the recommendation of the Hon. President to appoint Mr G. H. D. Dharmapala, Senior Deputy Auditor-General to act in the Office of Auditor-General for a period of 06 months commencing from 23.05.2025 until a permanent appointment to the Office of Auditor-General is made.

6. Discharging Duties and functions imposed or assigned to the Council by written laws other than the Constitution

6.1. Appointment of members to the Welfare Benefits Board (WBB)

- The Council, at its meeting held on 12 March 2025, considered the communication received from the Hon. Minister of Finance, Planning and Economic Development, seeking the concurrence of the Council for the recommendation of the Hon. Minister to appoint Mr. Nimal Kotawelagedara, Mr Thilak Pathirage, Mr Bala Manage Sumanaratne, Mr Sameera Udayantha Alwis and Ms Noor Rizna Anees for the post of Member of the Welfare Benefits Board.

  The Council observed that there are five members who are currently serving in the Board, and they may have to vacate their Offices either by resignation or by removal in terms of Section 5(2) of the Welfare Benefits Act, No. 24 of 2002, prior to new members being appointed to the Board.

  Therefore, the Council decided to bring the above observation of the Council to the attention of the Hon. Minister of Finance, Planning and Economic Development.

6.2. Appointment of members to the Office on Missing Persons (OMP)

- The Council at its meeting held on 12 March 2025, considered the evaluation reports in respect of the interviews conducted on 05 and 11 February 2025 for the shortlisted candidates with regard to the appointments for vacancies in the post of Member of the Office on Missing Persons (OMP) due to the resignation of Mr. H. M. M. B. Jayawardena and Mr. P. M. W. Sampath Perera from the post of Member of the OMP.

  The Council reviewed the current composition of the OMP and emphasized the importance of ensuring adequate pluralistic representation within the Office, given the nature of its duties and functions as outlined in the Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016.

  Having considered the qualifications and suitability of the candidates, the Council unanimously recommended Mr. Mirak Wijeyesekera Raheem and the Council by the decision of the majority recommended Mr Vadivel Krishnamoorthy for the appointment to the post of Member of the OMP in terms of Section 4 of the aforesaid Act.

6.3. Appointment of the members to the Office for Reparations

- The Council, at its meeting held on 18 June 2025, noted that a vacancy had arisen in the post of Member of the Office for Reparations consequent to the expiration of the term of Office of a member w.e.f. 12 June 2025, and that three (03) more vacancies will occur on 06 July 2025 and 25 August 2025, respectively, within the next two months.

Accordingly, under the Office for Reparations Act, No. 34 of 2018, the Council unanimously decided to call for applications from qualified individuals for consideration for appointment to the existing vacancy and the forthcoming vacancies in the post of Member of the Office for Reparations.

6.4. Appointment to the post of Member of the Right to Information Commission

- The Council was informed of the resignation of Justice P. Rohini Walgama (Retd), from the post of Member of the Right to Information Commission. Accordingly, the Council noted that the vacancy in the post of Member of the Commission had been arisen on the said resignation under the category of the organizations of publishers, editors and media persons in terms of Section 12 (1) (b) of the Right to Information Act, No. 12 of 2016. Accordingly, the Council published a newspaper advertisement calling for nominations from such organizations to be considered for the appointment as a member of the Right to Information Commission.

  Accordingly, having considered the qualifications, suitability and performance of the persons nominated following the said advertisement, the Council at its meeting held on 12 March 2025, unanimously decided to recommend Justice Dushmanta Nihal Samarakoon (Retd) for the appointment to the post of Member of the Right to Information Commission in terms of Section 12 of the Right to Information Act.

- The Council was informed of the resignation of Justice Upaly Abeyrathne (Retd), from the post of Chairman/ Member of the Right to Information Commission.

  Accordingly, the Council published a newspaper advertisement dated 21.03.2025 calling for applications from suitable individuals to be recommended for the appointment as a member of the Right to Information Commission, under the Right to Information Act, No. 12 of 2016. Sequel to the advertisement, twenty (20) duly completed applications and five (05) applications which are not in prescribed format were received. Accordingly, the Council, at its meeting held on 22 April 2025, decided to inquire from the applicants whether they were willing to comply with Section 12 (2) a (iii) and (v) of the Right to Information Act, No. 12 of 2016, as in making recommendations, the Council shall ensure that the persons who are being recommended by the Council shall not hold any public or judicial Office or any other Office of profit or are not carrying on any business or pursuing any profession.

  Subsequently, the Council, at its meeting held on 20 May 2025, decided to shortlist the candidates and to call them for an interview on 04.06.2025.

  Having discussed, the Council at its meeting held on 18 June 2025, decided to further consider this matter at the next meeting.

6.5. Appointment to the post of Members of the Public Utilities Commission of Sri Lanka (PUCSL)

- The Council, as decided at the meeting held on 31.12.2024, had a discussion with the nominees recommended for the post of Member of the Public Utilities Commission of Sri Lanka (PUCSL).

  The Council, at its meeting held on 03 January 2025, considered the nominations and however, having considered the suitability of nominees, decided to request fresh nominations from the Hon. Minister of Finance, Planning and Economic Development in their place, for the said post, which had fallen vacant due to the non-acceptance of the appointments by Justice W. A. Kaluarachchi and Prof. W. D. A. S. Rodrigo, taking into consideration the expertise and competencies required for the performance of the responsibilities of the PUCSL.

- The Council considered the communication received from the Hon. Minister of Finance, Planning and Economic Development, seeking the concurrence of the Council for the recommendation of the Hon. Minister to appoint Prof. L. Samaranayake and Mr. G. A. S. Galagama Arachchi for the post of Member of the Public Utilities Commission of Sri Lanka (PUCSL), which fell vacant due to the non-acceptance of the appointments by Justice W. A. Kaluarachchi and Prof. W. D. A. S. Rodrigo.

  Having considered the said recommendations, the Council, at its meeting held on 22 April 2025, unanimously agreed to concur with the nomination of the Hon. Minister to appoint Prof. L. Samaranayake as a Member of the PUCSL, considering the competencies, qualifications, and disqualifications in terms of Section 5 of the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002. However, in respect of the remaining vacancy, the Council decided to request another nomination from the Hon. Minister representing the field of Law, for appointment as a Member of the PUCSL.

- The Council, at its meeting held on 18 June 2025, considered the communication received from the Hon. Minister of Finance, Planning and Economic Development, seeking the concurrence of the Council for the recommendation of the Hon. Minister to appoint Mr. A. T. Hewage to the post of Member of the Public Utilities Commission of Sri Lanka (PUCSL). Having considered the matter, the Council agreed to obtain an affidavit from the nominee to ascertain whether the nominee meets the required qualifications and is not disqualified from being appointed as a Member of the PUCSL, in terms of Section 5 of the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002, and unanimously decided to invite the nominee for a discussion with the Council.

6.6. Recommendation of the Council for the appointment of Director-General to the Commission to Investigate Allegations of Bribery or Corruption

- The Council considered a comprehensive evaluation report of the interview held on 30.12.2024 and further evaluated all candidates by members of the entire Council as per the criteria and procedure for the selection, adopted by the Council.

  Having discussed at length, the Council resolved to call a vote in respect of the candidate to be recommended to the Hon. President for the appointment to the post of Director-General to the Commission to Investigate Allegations of Bribery or Corruption.

  Accordingly, the majority of the Council, at its meeting held on 07 January 2025, decided to recommend Mr. Ranga Srinath Abeywickrama Dissanayake for the post of Director-General to the Commission to Investigate Allegations of Bribery or Corruption under the Anti-Corruption Act, No. 9 of 2023, as amended by Act, No. 28 of 2023.

6.7. Appointment of members to the National Commission on Women

- The Council published a newspaper advertisement to call for applications/ nominations from suitable individuals to be recommended for the appointment of members to the National Commission on Women for the five available positions of the post of Member of the National Commission on Women. Sequel to the advertisement, a total of One hundred and eighty one (181) applications/ nominations including late, duplicates, incomplete and those were not submitted in the prescribed format had been received.

  Having discussed, the Council categorized the candidates based on their field of expertise (Law or Legislation, trade Unionism, Management and Administration, Economic Development, Health, Education, Empowerment of Women or have committed to increase the employment potential of women) as per the requirement stipulated in the Women Empowerment Act, No. 37 of 2024.

  Accordingly, having considered the competencies, qualifications and suitability of the candidates, the Council shortlisted the candidates and decided at its meeting held on 18 June 2025, to call shortlisted candidates for an interview to be held on 09 July 2025.

7. Formulation of Rules relating to the performance and discharge of duties and functions of the Council

As mandated by Article 41G (3) of the Constitution, the Council is in the process of revisiting the drafted Rules relating to the performance and discharge of its duties and functions.

Subsequently, the Council, at its meeting held on 20 May 2025, had a discussion with Justice Brenda Marjorie Hale, Lady Hale of Richmond, and former Chief Justice of the Supreme Court of the United Kingdom regarding the process followed in the United Kingdom in making appointments to the Judiciary under the Constitutional Reform Act of 2005.

The Council, at its meeting held on 18 June 2025, decided to forward the draft Rules to the Hon. Attorney-General for the observations of the Hon. Attorney-General. The Council also decided to consider the outcome of the pending policy decision regarding legal representation for the members of the Council and to incorporate the same once the said policy decision is made.

8. Responding to requests for information under Right to Information Act, No. 12 of 2016

During the period under review, the following number of requests for information under Right to Information Act, No 12 of 2016 had been received and responses were sent as indicated:-

No of requests for information received	2
No of requests for information provided fully/ partially	2
No of requests refused or denied	0
No of appeals	0
No of appeals replied	0
No of appeals rejected	0

9. Fundamental Rights Applications filed in the Supreme Court citing the members of the Council as Respondents

i. SC FR 29/2025

--//--