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

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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 July to December 2025 are submitted by this Report under Article 41G (1) of the Constitution.

2. Meetings of the Council

The Council met on fourteen (14) occasions on the following days during the period under review:-

09.07.2025, 23.07.2025, 07.08.2025, 12.08.2025, 19.08.2025, 09.09.2025, 24.09.2025, 08.10.2025, 24.10.2025, 21.11.2025, 28.11.2025, 03.12.2025, 05.12.2025, 17.12.2025

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

3.1. Public Service Commission

The Council called for applications for the existing vacancy in the post of Member of the Public Service Commission, following the removal of a member of the Commission under Article 41B (5) of the Constitution. Accordingly, the Council considered the schedule of applicants and while considering, the Council was informed of another vacancy resulting from the resignation of Prof. N. Selvakkumaran. Therefore, the Council, having discussed, resolved to proceed with filling both vacancies according to the schedule being considered by the Council.

After shortlisting the applicants, the Council called the shortlisted applicants for an interview. Accordingly, having considered the qualifications and suitability of applicants together with requirement to ensure the pluralistic nature including gender and also representation of the officers retired from different public services in the composition of the Commission, the Council recommended Mr Ledchumanan Ilaangovan and Mrs Sonali Nelum Ilangakkone Wijeratne to the vacancies in the post of Member of the Public Service Commission under Article 41B (3) of the Constitution.

3.2. National Police Commission

The Council was informed of a vacancy in the post of Member of the National Police Commission resulting from the resignation of Mrs D. K. Renuka Ekanayake. The Council also referred to its recommendation to appoint seven members to the National Police

Commission at its establishment following the Twenty First Amendment to the Constitution under Article 41B of the Constitution. However, the Council took into consideration that the then President appointed only six out of seven nominees recommended by the Council to the post of Member of the said Commission. Hence, the Council was of the view that the Council would also recommend a suitable person for the vacancy in the composition resulting from the said non-appointment of the seventh nominee recommended by the Council to the post of Member of the said Commission and accordingly, decided to proceed with the selection process to fill both existing vacancies in the post. After shortlisting the applicants, the Council called the shortlisted applicants for an interview.

Having considered the qualifications and suitability of applicants together with requirement to ensure the pluralistic nature including gender, the Council recommended Mr Don Dharshana Udaya Kumara Hettiarachchi and Mrs Buwanekabahu Patabendige Pemawathi Siriwardena Abeygunaratne to the post of Member of the Nation Police Commission under Article 41B (3) of the Constitution.

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

4.1. Appointment to the post of Chief Justice

The Council considered the recommendation of the Hon. President to appoint the Hon. Justice P. P. Surasena, Judge of the Supreme Court to the post of Chief Justice following the scheduled retirement of Hon M. N. B. Fernando, P.C., the incumbent Chief Justice w. e. f. 27.07.2025.

The Council observed that Hon Justice P. P. Surasena is the senior most Judge of the Supreme Court at present and holds an unblemished record in his career. Accordingly, the Council approved the recommendation of the Hon. President to appoint Hon Justice P.P. Surasena Judge of the Supreme Court, to the post of Chief Justice following the scheduled retirement of Hon M. N. B. Fernando, P.C., the incumbent Chief Justice, w. e. f. 27.07.2025, under Article 41C (1) of the Constitution.

4.2. Appointment to the post of Member of the Judicial Service Commission

4.2.1. The Council considered the recommendation of the Hon. President to appoint Hon. Justice M. A. Samayawardhena, Judge of the Supreme Court to the post of Member of the Judicial Service Commission for the vacancy occurred with the retirement of the Hon. Justice E. A. G. R. Amarasekara on 17.06.2025.

The Council took into consideration the requirement to constitute the Judicial Service Commission with the most senior Judge of the Supreme Court who has experience serving as a Magistrate or a District Judge, as stipulated under the provisions of Article 111D (2) of the Constitution. The Council observed that

Hon. Justice M. A. Samayawardhena, Judge of the Supreme Court is the most senior Judge of the Supreme Court who has experience as a Magistrate or a District Judge, at present. Accordingly, having considered the provisions of Articles 41C and 111D of the Constitution, the Council approved the recommendation of the Hon. President to appoint the Hon. Justice M. A. Samayawardhena, Judge of the Supreme Court to the post of Member of the Judicial Service Commission which fell vacant w.e.f. 17.06.2025.

4.2.2. The Council considered the recommendation of the Hon. President to have Hon. Justice S. Thurairaja, P.C., Judge of the Supreme Court appointed for the vacancy occurred in the post of Member of the Judicial Service Commission which fell vacant with the appointment of His Lordship P. P. Surasena to the post of Chief Justice.

The Council observed that Hon Justice S. Thurairaja, P.C. is the most senior Judge of the Supreme Court at present. Accordingly, the Council approved the recommendation of the Hon. President to appoint Hon Justice S. Thurairaja, P.C., Judge of the Supreme Court to the said vacant position under Articles 41C (1) and 111D (1) of the Constitution.

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

The Council considered the recommendation of the Hon. President, under Article 41C (1) of the Constitution, to appoint Hon. Justice K. M. G. H. Kulatunga, Judge of the Court of Appeal for an existing vacancy in the post of Judge of the Supreme Court.

Accordingly, the Council approved the recommendation of the Hon. President to appoint Hon. Justice K. M. G. H. Kulatunga, Judge of the Court of Appeal to the post of Judge of the Supreme Court, under Article 41C (1) of the Constitution.

4.4. Appointment to the post of Inspector-General of Police

The Council considered the recommendation of the Hon. President to appoint Mr W. L. A. S. Priyantha, Senior Deputy Inspector-General of Police who acts in the post of Inspector-General of Police for the post of Inspector-General of Police for the vacancy created in the post with the removal of Mr T. M. W. D. Tennakoon from the post of Inspector-General of Police.

Accordingly, the Council decided to obtain a report from the Hon. Attorney-General in respect of the Fundamental Rights Applications filed in the Supreme Court citing the nominee as a respondent and any other cases filed before the Courts against the nominee including the cases which have already been concluded, for consideration of the Council. The Council also decided to obtain reports in respect of the past records on convictions, pending investigations including disciplinary matters and any complaints in relation to

the nominee from the Human Rights Commission of Sri Lanka and the National Police Commission.

Having considered the qualifications and experience of the nominee along with the reports obtained from the Hon. Attorney-General, Human Rights Commission of Sri Lanka and the National Police Commission, the Council approved the recommendation of the Hon. President to appoint Mr. W. L. A. S. Priyantha to the post of Inspector-General of Police as per the provisions of Article 41C (1) of the Constitution.

4.5. Appointment to the post of Auditor-General

The Council considered the recommendation of the Hon. President, under Articles 153 and 41C (1) of the Constitution, to appoint Mr O. R. Rajasinghe for the vacancy in the post of Auditor-General. Accordingly, the said recommendation of the Hon. President to appoint Mr O. R. Rajasinghe to the post of Auditor-General was not approved by the Council.

The Council considered the recommendation of the Hon. President, under Article 41C (2) of the Constitution, to appoint Mr G. H. D. Dharmapala, Senior Deputy Auditor-General to act in the post of Auditor-General for a period of three (03) months commencing from 23.11.2025 until a permanent appointment to the post of Auditor-General is made. Accordingly, having considered and discussed the matter at length, the Council, supported by not less than five members of the Council, did not approve the said recommendation of the Hon. President.

The Council considered the recommendation of the Hon. President, under Article 41C (2) of the Constitution, to appoint Mrs L. S. I. Jayaratna, Senior Deputy Auditor-General to act in the post of Auditor-General for a period of three (03) months commencing from 07.12.2025. However, the Council could not make a decision supported by not less than five members of the Council present at this meeting in respect of the recommendation of the Hon. President to appoint Mrs L. S. I. Jayaratne, Senior Deputy Auditor-General to act in the post of Auditor-General for a period of three (03) months commencing from 07.12.2025.

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

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

The Council shortlisted the applicants among the applicants who had applied for the vacancy created in the post of Member of the Right to Information Commission and called them for interviews.

Having considered the qualifications and suitability of the candidates, the Council recommended Mr Dayaratne Lankapura to the post of Member of the Right to Information Commission for the vacancy created with the resignation of Justice Upaly Abeyrathne (Retd) in terms of Section 12 of the Right to Information Act, No. 12 of 2016.

5.2. Appointment to the post of Member of the Public Utilities Commission of Sri Lanka (PUCSL)

The Council had a discussion on 09.07.2025 with the nominee recommended for the post of Member of the Public Utilities Commission of Sri Lanka.

After consideration, the Council resolved to make a decision under Article 41E of the Constitution. However, the Council, as required under Article 41E (4) of the Constitution, could not make a decision supported by not less than five members of the Council present at this meeting in respect of the said recommendation of the Hon. Minister of Finance, Planning and Economic Development for the appointment to the post of Member of the PUCSL.

5.3. Appointment of members to the National Commission on Women

The Council conducted interviews for the shortlisted applicants/ nominees to carry out a detailed evaluation. Having considered the suitability, qualifications and competencies of the candidates and giving due regard to their respective fields of expertise as revealed in the interview and in the applications submitted by the candidates, the Council, at its meeting held on 07.08.2025, recommended the following candidates in terms of the provisions of Section 5(2) (a) of the Women Empowerment Act, No. 37 of 2024:

- Dr (Mrs) Ramani Devika Jayasundere;
- Mrs Abdul Saroor Sithara Shreen;
- Dr (Mrs) Padma Sriyani Gunaratne;
- Miss Weerahennedige Jayanthi Kuru-Utumpala; and
- Dr Molligoda Liyanage Kalana Chaminda Kumar Senaratne

The Council also referred to the provisions of Section 5(5) of the Women Empowerment Act in respect of the requirement to appoint three members as full time members, and inquired the willingness of the above candidates and Miss Janaha Selvaras, Attorney-at-Law and Ms Dammika Somarathna, Executive member of Gampaha District "Women for Rights" Association and the Organizer of the National Centre for Trade Zone Workers of Biyagama who were the nominees of Women Parliamentarians' Caucus in terms of Section 5(2) (b) of the said Act, to be appointed as full time members. Accordingly, Dr (Mrs) Ramani Devika Jayasundere, Ms Abdul Saroor Sithara Shreen and Miss Janaha Selvaras, Attorney-at-Law had indicated their willingness to be appointed as full time members of the Commission.

Having considered the suitability, qualifications and competencies of the above candidates and two nominees of the Women Parliamentarians' Caucus, and the requirement stipulated under the provisions of Section 5 (5) of the Women Empowerment Act, the Council recommended Dr (Mrs) Ramani Devika Jayasundere to be appointed as the Chairperson of the National Commission on Women in terms of the provisions of Section 9(1) of the said Act.

5.4. Appointment to the post of Member of the Office for Reparations

The Council called for applications to fill a vacancy which had arisen in the post of Member of the Office for Reparations w.e.f. 12 June 2025, and that three (03) more vacancies were to occur on 06 July 2025 and 25 August 2025. Accordingly, the Council shortlisted the applicants among the applicants who applied for the vacancy and called them for interviews.

Having considered the performance at the interview together with the requirements to be satisfied in terms of Section 4 (4) of the Office for Reparations Act, the Council decided to recommend the following applicants to the Hon. President to be appointed to the post of Member of the Office for Reparations in terms of Section 4 (1) of the said Act:

- Mrs Wasantha Perera;
- Mr Joseph Terence Gnananandan Sundaram;
- Mr Sanjeewa Wimalagunarathna; and
- Mrs Mohamed Ansar Marikar Ummul Khair Nadheeha

Furthermore, the Council, in terms of Section 4 (2) the said Act, also recommended the following three names, in the order listed below, for the appointment to the post of Chairperson of the Officer for Reparations:

1. Mrs Wasantha Perera
2. Mr Joseph Terence Gnananandan Sundaram
3. Mr Sanjeewa Wimalagunarathna

5.5. Appointment to the post of Member of the Office on Missing Persons (OMP)

The Council called for applications to fill a vacancy in the post of Member of the Office on Missing Persons (OMP) following the scheduled expiration of the term of Mr Parakrama Jayantha Kumar Silva Wijewansa Wickramasinghe, member of the OMP w. e. f. 10.10.2025. Accordingly, the Council shortlisted the applicants among the applicants who applied for the vacancy.

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

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 Mr. Nimal Kotawelagedara, Mrs Ayanthi de Silva, Dr (Mrs) T. M. S. P. K. Thennakoon and Mr Sameera Udayantha Alwis and to re-appoint Ms Noor Rizna Anees for the post of Member of the Welfare Benefits Board.

Having discussed, the Council decided to call the above nominees for a discussion with the Council.

Accordingly, having considered the suitability of the nominees and given due consideration to the selection criteria forwarded by the Hon. Minister of Finance, Planning and Economic Development in terms of Section 4 (2) of the Welfare Benefits Act, No 24 of 2002, the Council concurred with the nominations to appoint Mr Nimal Kotawalagedara as the Chairperson and to appoint Mrs Ayanthi de Silva and Dr (Mrs) T. M. S. P. K. Thennakoon as members and to re-appoint Ms Noor Rizna Anees as a member of the Welfare Benefits Board. However, the Council decided not to concur with the nomination to appoint Mr Sameera Udayantha Alwis due to a conflict of interest involving him.

5.5. Appointment to the post of Member of the Governing Board of the Central Bank of Sri Lanka

The Council considered the recommendation of the Hon. President in terms of Sections 8 (2) (b) and 15 (3) of the Central Bank of Sri Lanka Act, No 16 of 2023 to appoint Mr Maithri Evan Wickremesinghe, P.C. for the vacancy occurred in the post of Member of the Governing Board of the Central Bank of Sri Lanka which fell vacant with the resignation of Mr Rajeev Amarasuriya, along with the Curriculum Vitae of Mr Wickremesinghe, P.C.

Accordingly, the Council, referring to the past precedence of the Council in making approval for similar appointments, obtained an affidavit to ascertain the requirements stipulated in Section 17 of the said Act.

Having considered the suitability of the nominee and the affidavit submitted by the nominee, the Council approved the recommendation of the Hon. President to appoint Mr Maithri Evan Wickremesinghe, P.C. for the said vacancy, in terms of Section 15 (4) of the said Act.

6. 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. Accordingly, the Council obtained the observations of the Hon. Attorney-General in respect of

the draft Rules. The Council also decided to forward the amended rules for consideration of the Hon. President in accordance with the principle of comity.

7. 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 were received and responses were sent as indicated:

No of requests received	5
No of requests info provided fully/ partially	0
No of requests refused or denied	5
No of appeals	1
No of appeals replied	0
No of appeals rejected	1

8. Fundamental Rights applications filed in the Supreme Court citing the members of the Council as Respondents

i. SC FR 164/2025