

Honourable The Attorney General

Mr. Kalinga Indatissa, PC, President of the Bar Association,

I thank both of you for the gracious words of welcome afforded to me and my brother and sister Judges. I also wish to have my debt of gratitude recorded for the kind presence of the members of the Bar and all our well-wishers amidst a pandemic. The pandemic incidentally, has shaken the whole world, both strong and the weak nations alike. It has quite effectually reminded the world the bitter truth that the whole world is one family. What covid 19 reminds us? It reminds us that COVID-19 virus, like the law and justice, does not discriminate men on the basis of man-made distinctions.

The disruption of society as a result of the pandemic has obviously affected our system of justice. In this state of affairs, we assume office as Judges of the Court of Appeal, at a juncture when the challenges to justice system have posed serious concerns over not only in the health sector, but also in the *domains* of human rights, justice and fair play, and also to the expeditious disposal of cases. Therefore, innovative and

meaningful improvements in the fields of justice and fair play, are called for, so as to show respect and sympathy towards everyone particularly the oppressed. As a result of the pandemic, we have seen that family disputes and domestic violence are disturbingly on the rise. Labour disputes, social security benefits and insolvency are alarmingly on the increase . Emergency measures taken in response to the pandemic are also creating new problems, as they have an impact on the rights and liberties, including the right to a fair trial and transparency.

It is clear that preserving the rule of law and delivering justice against human rights violations, particularly during the pandemic, based on principles of trust, accountability and justice have become the challenges of the day.

As far as the Judiciary and the Bar are concerned, we must all remember that we have a common goal to achieve, that is to dispense justice to the litigants who come before our courts seeking redress. Whatever may be the obstacles that stand in our way to do justice, we should continue to stand committed

to deliver justice both to the citizens and the State without fear or favour.

In so far as the Judiciary is concerned, its conduct must be transparent and there shouldn't be any room for any doubt of compromise. Where the lawyers are concerned, they must guide and advise those who sit in Judgment. To achieve this end, we need a strong Bar. As often said, strong Bar begets a strong Bench. It must also be mentioned, that as a Judge you cannot satisfy all the parties to an action. Invariably, the losing party will be disappointed. But as judges, we must give both parties a good hearing before arriving at a decision. All parties will be satisfied only when there is a settlement by the parties.

For the last 25 years, I as a District Judge and High Court Judge have worked in many parts of the country. I have done my best, at all times been honest and true to my conscience. I may have made mistakes, but never acted against my conscience.

I would be failing in my duty if I do not mention with affection the assistance extended to me by the members of the Bar and my senior Judges particularly His Lordship Asoka de Silva,

former Chief Justice, who gave me the grounding and thus paved the way to this present position.

I thank my parents for instilling in me good qualities of life. I also recollect the guidance shown to me by all my teachers. I must also mention here my appreciation of my wife, Rihana and children Afra, Afkar and Fathima for their patience and understanding and their wholehearted encouragement to me in this long journey.

Let me conclude optimistically with the observation that strict observance of the Code of Conduct and holding on to the deep rooted etiquettes of the judicial ethics by the bench and to the professional conduct by the Bar would indeed bring about the desired result in the form of relief to everyone concerned.

Let me be given courage to always look up to satisfy only my conscience in administering justice. In this respect I am reminded of the words of great Indian freedom fighter Mahatma Ghandi.

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**“There is a higher court than courts of justice and that is the court of conscience. It supersedes all other courts”**

Unquote.

I once again thank you for your good wishes and presence. May God bless you.

M.T. Mohamed Laffar

Judge of the Court of Appeal.

23-03-2021.