



Statement regarding the extension of the retirement age of Judges in Sri Lanka

The Commonwealth Lawyers Association (CLA) notes the letter of the Bar Association of Sri Lanka (BASL) issued on 25th May 2026 to His Excellency the President of Sri Lanka. The BASL has expressed grave concern that the Government of Sri Lanka is considering the introduction of an amendment to the Constitution to increase the retirement age of the Judges of the Court of Appeal and the Supreme Court.

The retirement age of senior judges is presently fixed by Article 107(5) of the Constitution. Any amendment would require a Constitutional Amendment Bill. Constitutional amendments should not be made in a piecemeal or ad hoc manner as this could reduce the sanctity of the Constitution. Further, constitutional reform must be foreshadowed by adequate public and stakeholder consultation, as a requirement of due process in a democracy.

The Constitution of Sri Lanka recognizes the Independence of the Judiciary and its importance in preserving and maintaining the rule of law.

The Commonwealth (Latimer House) Principles on the three Branches of Government state in Principle IV that:

“An independent, impartial, honest and competent judiciary is integral to upholding the rule of law, engendering public confidence and dispensing justice.”

The CLA’s Goa Declaration 2023 states that:

“The independence and impartiality of the judiciary must be upheld and protected by governments, including under domestic laws, regulations and policies “

The CLA considers that any steps to diminish public confidence in the judiciary is antithetical to the rule of law and must be avoided.

The letter from BASL to the His Excellency the President of Sri Lanka states:

“Extending the retirement age of the sitting Judges of these Courts at this point of time is likely to be viewed by the public as a blatant attempt to interfere with the judiciary.”

The BASL letter goes on to state:

“The independence of the Judiciary and the public confidence reposed in it, are indispensable pillars of the rule of law and the democratic framework of (Sri Lanka). In that regard it is of paramount importance that the Judiciary must not only remain

independent in fact but also must be seen by the public to be wholly independent, impartial, and free from even the slightest perception of influence, favour, accommodation, or impropriety.”

The CLA supports the reasoned and principled position adopted by BASL and calls upon the authorities in Sri Lanka:

- To refrain from proceeding with the proposed constitutional amendments seeking to increase the retirement age of members of the Judiciary;
- To resist piecemeal and ad hoc amendments to the Constitution of Sri Lanka.
- To adhere to due process of consultation and stakeholder engagement in constitutional reform;
- To desist from taking any steps which would undermine confidence in the Judiciary and irreparably diminish the independence of the judiciary; and
- To ensure adherence to the rule of law and respect for the independence of the judiciary.

11th June 2026

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