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PART I : SECTION (I) — GENERAL

Government Notifications

GUIDELINES RELATING TO THE APPOINTMENT OF PRESIDENT'S COUNSEL

PS No. : PS/CSA/00/02/48

THE following guidelines relating to the appointment of President's Counsel are hereby published in terms of the Orders of the Supreme Court Case No. : SCFR 302/2019 in the exercise of the powers vested in a President in terms of Article 33(2)(e) of the Constitution.

UDAYA R. SENEVIRATNE,
Secretary to the President.

President's Office,
Colombo 01,
October 29, 2019.

Guidelines for appointment of President's Counsel

01. These guidelines shall be called the Guidelines for appointment of President's Counsel.
02. These guidelines shall apply in the exercise of the powers vested in the President under and in terms of Article 33(2)(e) of the Constitution to appoint President's Counsel and these guidelines are not applicable to State Law Officers who are actively engaged in the profession for, appoint as President's Counsel based on ex officio capacity.



03. The Attorneys-at-law of the Supreme Courts (hereinafter referred to as Attorney-at-law) who reached high eminence in the legal profession and maintained high standards of conduct and professional rectitude and is a citizen of Sri Lanka but has not obtained citizenship of another country and do not engage himself in profession as a Notary Public and do not function as an instructing attorney law of the Supreme Court may be considered by the President for appoint as President's Counsel.
04. Any Attorney-at-law who satisfy the following requirements may consider as a person who has reached high eminence in the legal profession.
- (a) Being an Attorney-at-law who is actively engaged in the legal profession conducting cases on the instruction of a instructing attorney in any Court in Sri Lanka for a minimum period of 20 years immediately proceeding the date of handing over the application ;
- But any Attorney-at-law of the Supreme Court who has not completed 20 years of service but who have fulfilled all other requirements and having 15 years of active practice, may apply.
- (b) Being an Attorney-at-law who has a proven capacity for excellence in advocacy, which has resulted in a tangible contribution to the development of the law ;
 - (c) Being an Attorney-at-law who has trained junior lawyers.
05. An Attorney-at-law who satisfied the following requirements shall be considered to have maintained high standard of conduct and professional rectitude.
- (a) An Attorney-at-law who has demonstrated high standard of professional integrity and independence and ;
 - (b) An Attorney-at-law who has not at any time been subject to any disciplinary order made against him by the Supreme Court or the Bar Association of Sri Lanka and not found to be liable for professional misconduct misdeed by a court of competent jurisdiction and is not bankrupt and convicted of contempt of court and not found guilty by a competent court in or outside Sri Lanka, except for any minor offence under the traffic ordinance and ;
 - (c) An Attorney-at-law of good character and reputation.
06. Consideration may be given for positions held in internationally recognized associations that relates to the field of law and thereby caused honours to Sri Lanka and/or the papers, books (not extracts) published based on research carried out by himself as an Attorney-at-law.
07. Calling for applications
- (a) The President may call for application for the appointment of President's Counsel by a notice published in the Government *Gazette*, from the Attorney-at-law who satisfy the requirements and criteria specified herein, if necessity arises.
 - (b) An application together with copies of documents in proof of the eligibility should be sent under registered cover to the Secretary to the President on or before prescribed date mentioned in the *Gazette*. Delayed applications would not be entertained.
 - (c) A three member Committee headed by the Secretary to the President will be appointed by the President to examine the accuracy of the facts mentioned in the applications and verify and the relevant qualifications and eligibility criteria and the President will take steps to appoint suitable Attorney-at-law as President's Counsel under and in terms of the provisions of the Constitution, after considering the report of the Committee.

08. Before the appointment is being made, the President may seek the opinion of the Chief Justice and/or the Attorney General on the suitability of any applicant to be appointed as a President's Counsel.
09. Canvassing by an applicant, either directly or indirectly, in person or through a third party, will be considered as a disqualifications.
10. If any applicant by his application has furnished false information or submitted forged documents or suppressed information, the said application will *if so facto* be rejected.
11. The names of all President's Counsel appointed by the President in terms of the Constitution shall be published in the *Government Gazette* and posted on the official website of the Presidential Secretariat.

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