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வருடாந்த அறிக்கை

**ANNUAL REPORT**

**2014**



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இலங்கை நீதிபதிகள் நிறுவனம்  
**SRI LANKA JUDGES' INSTITUTE**



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**1.DIRECTOR'S STATEMENT**

On behalf of the Board of Management of the Sri Lanka Judges' Institute, I am pleased to present to you the annual report and final audited accounts of the Sri Lanka Judges' Institute for the financial year ended December 31, 2014.

The year 2014 was a year of success for Sri Lanka Judges' Institute, as we expanded the academic and research activities of the Institute and reposition ourselves as a significant provider of services to judicial officers in training and providing other facilities with a view to improving the professional expertise of judges and advancing their knowledge in the administration of justice.

The past year has been an important period in the Judges' Institute of Sri Lanka, having regard to four major developments. First, the Judges' Institute emphasized on the importance of training judges on judicial case management for avoiding delays in our courts and conducted several workshops on contemporary practices for effective case management and avoiding laws delays for Judges in 2014. The Institute also conducted a training program for District Judges on Judicial Case Management and Mediation with the assistance of two eminent Judges of the United States. The Institutes is grateful to Hon. Justice John Clifford Wallace Senior Judge and Chief Judge Emeritus of the United States Court of Appeal and Senior Judge Roger L. Hunt, United States District Judge for the District of Nevada for conducting these training programs.

Secondly, the Institute drafted amendments to the Civil Procedure Code on Judicial Case Management and Mediation in consultation with Justice Clifford Wallace and Senior Judge Roger Hunt and submitted to the Ministry of Justice and the Law Commission the draft amendments to the Civil Procedure Code for consideration. The suggestions made by Judges at the said workshops and training sessions and also recommendations of Justice Clifford Wallace and Judge Roger Hunt were included in the said amendments on Judicial Case Management and Mediation. The Sri Lanka Judges' Institute also drafted Court-based or Court-referred Mediation Rules and submitted to relevant parties for appropriate action.

Thirdly, this year, the Institute provided international training facilities to 197 Judges by sending them on foreign training in 2014 to Judicial Institutes of Malaysia, Civil Service College of Singapore and Delhi Judicial Academy. The foreign training included Judicial Ethics and case Management, Civil Law Reforms & Family Law Reforms.

Finally, one of our most challenging tasks for the Institute is to provide e-learning facility to judges. The platform for e-learning at the Institute was introduced with the launching of e-library

of the Sri Lanka Judges' Institute. E-library of the Institute contains circulars, unreported judgments, course materials, reports, e books and training manuals.

This year Institute recruited a librarian, Assistant Accountant, House Keeper and 2 minor employees in accordance with the approval granted by the Department of Management Services.

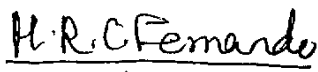
Our objective is to continually enhance the quality of judges and provide not only judicial training but also library, e –learning and other facilities to judges in order to achieve the objectives of establishing the Institute.

I wish to record my thanks and appreciation to the Chairman of the Board of Management of the Sri Lanka Judges' Institute His Lordship the Chief Justice and other honourable members of the Board of Management of the Sri Lanka Judges' Institute. Without their vision, determination and guidance, none of the achievements would have happened.

I will be failing in my duty if I do not mention the wholeheartedly support given by Mrs. Kamalini de Silva, the Secretary to the Ministry of Justice and her staff, especially the administrative and accounting officers of the Ministry and I wish to pay a special tribute to them all.

Our achievements this past year was possible because of the support of our staff at the Institute. They worked tirelessly to achieve the goals of the Institute several people amidst many difficulties. I would like to extend my appreciation to the officers of the Sri Lanka Judges' Institute for their dedicated efforts and cooperation.

We are certain to grow in strength in the coming year.



Ruwan Fernando

LL.M (Cardiff), U.K., Post Attorney Diploma in Intellectual Property Rights (S.L)  
High Court Judge &  
Director, Sri Lanka Judges' Institute

## 2. ABOUT THE SRI LANKA JUDGES' INSTITUTE

### Vision

We will serve as an institute of excellence for the judicial training and providing most advanced training and research facilities for Judges with a view to improving the professional expertise of judges and advancing their knowledge to achieve the justice system that is credible, impartial, independent, user-friendly and accessible to all.

### Mission

We will work towards achieving our vision by providing judicial officers with advanced knowledge and skills to improve the professional expertise of judicial officer and the quality of justice through various programs and activities. The Sri Lanka Judges' Institute will seek to fulfill its **MISSION** by contributing to the following goals:

- providing continuous training for judicial officers ;
- providing support for judicial officers through research, publications and technical assistance;
- providing facilities for the exchange of views and ideas on judicial and legal matters by judicial officers
- organizing and holding seminars, conferences, lectures, workshops with a view to improving the professional expertise of judicial officers and advancing their knowledge and skills
- contributing to the development of guidelines for best practices in delay reduction by way of case management and case flow management
- conducting research activities on various aspects of administration of justice
- providing library and web-based educational facilities and dissemination of legal information and material for judges

- maintaining interact with international judicial institutions
- Contributing to the law reforms towards providing redress to litigants in order to uphold public trust and confidence in the judicial system
- Contributing to the development and implementation of national policy and procedures regarding administration of justice and access to justice.

### 3. ESTABLISHMENT OF THE SRI LANKA JUDGES' INSTITUTE

The Sri Lanka Judges' institute was established by an Act of parliament titled "Sri Lanka judges' Institute Act No; 46 of 1985 to provide for the establishment of a judges' institute and for matters connected therewith or incidental thereto.

#### Objectives of the Sri Lanka Judges' Institute

The objectives of establishing the Sri Lanka Judges' Institute are as follows:

- (i). providing facilities for the exchange of views and ideas on judicial and legal matters by judicial officers;
- (ii). Organizing and holding meetings, conferences, lecturers, workshops and seminars with a view to improving the professional expertise of judicial officers and advancing their knowledge and skills;
- (iii). Formulating and conducting training and research courses in various aspects of the administration of justice; and
- (iv). Providing library facilities and other educational material for judicial officers.

#### 4. HISTORY OF THE JUDGES INSTITUTE

Sri Lanka Judges' Institute holds the rare distinction of being the only judicial institution in Sri Lanka in providing judicial education and training for Sri Lankan Judicial officers and enhancing their professional standards.

Before the Judges' Institute was established, the only training the judicial officers had, before they assumed their judicial duties, was a few weeks of court observation sitting with the presiding judge. It was strongly felt that judges who administer justice must have the training not only before they commence their judicial career, but that the training be a continuous process throughout their judicial career. It was then realized that an in-depth and a regular training institute for judicial officers should be designed and set up where judicial officers of all ranks would get judicial training on regular basis.

The idea of a Judge's Institute was first mooted by Mr. P.B. Herath, then Secretary, Ministry of Justice who having seen such an institute in France had written an article to the Newsletter of the Bar Association of Sri Lanka in 1982. But, as is usual, nothing was done about it and it was a voice in the wilderness. Mr. P.B. Herat who was the first to think of the Judges Institute as Secretary, Justice was a steady source of encouragement to the Institute and became a very strong ally of the Institute.

Together they mooted the forming of a Judge's Institute for the provision of in-service continued legal education for Judges and Justice J.F.A. Soza was appointed the Director of the Sri Lanka Judges' Institute on 02 May, 1984. The question of funding had already been discussed with Mr. John Guyer, the Resident Representative of Asia Foundation. The first thing to be done was to find premises to house the new Institute. After looking at various alternatives, the Annex of Sri Lanka Foundation was taken on rent for one year. Steps were taken to furnish it. This was all done through the munificence of Asia Foundation. Some Seminars were held thereafter but only ad hoc programs could be put through as approval of the Government had to be obtained. A Cabinet Paper was prepared, but it was not clear whether the Government's approval was available.

Some excellent addresses were delivered and the discourses were of a very high standard. A Guest Speaker at this Seminar was Judge Clifford Wallace, AsiaFoundation's Senior Advisor on Legal Systems and Judicial Administration and a distinguished Judge of the 9th circuit of United States Court of Appeals.

The nascent Judge's Institute had its birth pangs. It was fortunate that Dr. A.R.B. Amerasinghe an outstanding intellect and a man of vision was there to espouse its cause. His name has to be writ large in the genesis of the Judge's Institute as efforts resulted in the eventual establishment of the Sri Lanka Judges Institute by an Act of parliament titled "Sri Lanka Judges' Institute Act No.46 of 1985 which was certified on 20<sup>th</sup> November, 1985. Justice Soza was formally appointed the Director with effect from 1<sup>st</sup> January, 1986. Since then the judges' institute has by organizing Seminars, Workshops, and Practice Notes and with an on-going advisory Service served the judges in every possible way. In 1990, justice Soza was fortunate to be given the assistance of Justice K. Viknarajah, who joined as Deputy Director and Mr. P. Neville A. de Silva who joined the institute as its secretary on retirement from the Chief Justice's Secretariat.

The Judges Institute is run by a Board of Management headed by the Chief Justice as Chairman ex-officio, and two appointed members, generally the two most senior Judges of the Supreme Court. The Administration and management of the Judges' Institute was vested in the Board of Management.

The objectives of the Institute are –

1. To provide facilities for the exchange of views and ideas on judicial and legal matters by judicial officers;
2. To organize and hold meetings, conferences, lectures, workshops and seminars with a view to improving the professional expertise of judicial officers and advancing their knowledge and skills;
3. To formulate and conduct training and research courses in various aspects of the administration of justice;
4. To provide library facilities and other educational material for judicial officers.



The first Chairman of the Board of Management of the Judges' Institute was Chief Justice S. Sharvananda who was a keen supporter of the Institute. He was followed by Chief Justice Parinda Ranasinghe. He had himself been a member of the Judiciary and he threw himself wholeheartedly into the affairs of the Institute. He participated in all its seminars and activities. He held discussions with Lawyers and Surveyors at the seminars and set up Monitoring Committees with a view to establishing cordial relations between bench and bar. The Institute will always remember him.

Thereafter Justice H.D. Tambiah became the chairman of the board of management having been appointed the Chief Justice who by that time had already served as a member of the Board of Management and made an important contribution in the progress of the institute. Mr. A.S. Wijethunga who as the then Secretary of the judicial Service Commission also played a key role in the pioneering efforts of the institute to get on its feet. He was then the president of the Court of Appeal and still evinced an abiding interest in the institute. His successor Mr. Lalperis and his assistant Mr. S. Withanachchi also maintained an unflinching interest in the institute. They have bestowed a solicitous concern for the welfare of the institute and they are a tower of strength to the institute.

Judges' Institute expresses our gratitude to Asia Foundation earlier headed by Mr. John Guyer and thereafter by Mr. Nick Langton to whose support the Institute owes its very existence. Our Institute, we are proud to say, is one of the prime concerns of the Foundation and a beneficiary of its largesse. The Institute was thereafter located in the premises of the Supreme Court at Hulftsdorp and the expenses of the maintenance were borne by the State. The Institute has drawn on the expertise and experience of Senior Judges of the appellate Courts on judicial matters and Senior Officials of the Ministry of Justice on Administrative matters in formulating Training programs for trial court Judges. In November 1990 Dr. Paul M. Li, Executive Director, California Centre for Judicial Education and Research visited Sri Lanka and formulated a project to enable the Sri Lanka Judges' Institute to provide, on a three-year pilot basis, a comprehensive educational training system for the judiciary as follows:

1. A six-month, professional education program for new members of the Sri Lanka Judiciary, with later continuing education to update and enhance their judicial knowledge and skills;

2. Separate one-month, in-service orientation programs for judges newly elevated to District Courts and High Courts;
3. Annual in-service continuing education conferences for, respectively, Magistrates, District Court Judges, High Court Judges, and Appellate Court Judges, to assist them in keeping up-to-date on new legal developments, meeting common and individual court problems, and standardizing local court practices and procedures.
4. Periodic one-week, advance judicial studies programs on such important judicial subjects as court management, communication skills, courtroom fairness to women and minorities, judicial fact finding and decision-making and jurisprudence and the humanities and in handling specialized court duty assignments involving matters of family law, juvenile law, criminal law, civil law, probate and mental health law, land and partition law, and human rights law;
5. The initiation of comprehensive set of everyday working tools (bench books, check lists with spoken words and written forms, manuals, and other reference materials) for the judiciary, including audio and video taped educational materials (with basic library facilities for Judges in the Courts);
6. An effective judicial faculty development program for Judge-teachers;
7. On-going research and development programs for improving court operations and overcoming court delay, and for enhancing the ethical conduct and public accountability of judges;
8. The design and possible rental or future construction of a training facility, with appropriate classrooms, offices, audio-visual equipment and other resources, to implement the above judicial education system.

The purpose of this project was to promote quality justice and strengthen the rule of law as for the fair, speedy and effective administration of justice it is an imperative that the members of the judiciary be properly equipped for their roles and responsibilities. This required

not only proper training for judges at the time of assuming office, but also continuing education throughout their tenure of office. The quality of justice will depend on how good the judges are. Laws alone are not enough. The justice administered will be lonely as good as the Judges who administer it. Countries all over the world committed to the rule of law have realized this and have training and education programs for the Judges.

During this period, the Institute was accommodated in the premises of the Supreme Court in Room No. 1308. The Board of Management of the Sri Lanka Judges' Institute appointed Justice K. Viknarajah, retired Judge of the Court of Appeal as the Deputy Director who along with Justice J.F.A. Soza conducted in-service training for judicial officers. After Justice K. Viknarajah left the Institute, Justice S.J.D. de S. Wijeyeratne, retired Judge of the Court of Appeal assumed duties as the Deputy Director In 1986. Thereafter Justice P.H.K. Kulathilake, retired Judge of the Court of Appeal was appointed as the Deputy Director in 2002, who with his immense knowledge and experience as a member of the Attorney-General's Department, a High Court Judge and a Judge of the Court of Appeal was an asset to the Judges' Institute and a mentor to judicial officers.

After the retirement of Chief Justice G.P.S. de Silva, Justice Sarath N. Silva was appointed as the Chief Justice in 2000. Chief Justice Sarath N. Silva was a tower of strength to the Judges' Institute. He permitted his official Bungalow at WijeramaMawatha to be used as the Judges' Institute and made the funds of the Legal and Judicial Reforms Project available for conducting training for judicial officers.

Chief Justice Sarath N. Silva initiated long term judicial training by initiating foreign scholarships for judicial officers with the support of the Legal and Judicial Reforms project of the Ministry of Justice, Law Reforms and National Integration in association with the World Bank. One of the objectives of this Project was to establish a modern judicial system capable of efficiently and competently adjudicating disputes. The integral part of the project was to fund, training for the judiciary and to develop comprehensive training program for both new and in-service judges, with special focus on commercial law. To this end, the project funded the total costs of studying for a LLM program for 3 members of the Judiciary per year including tuition, travel, accommodation and reasonable costs of subsistence.

Chief Justice Sarath N. Silva also initiated computer training for judicial officers and the court staff at the Institute which was located at that time in his official Bungalow at Wijerama Mawatha. During his period the construction of a new building to the Ministry of Justice was made and the Institute was allotted the 5th floor and a part of the 4th floor was allotted as the Judges' Residences. The Institute is grateful to Chief Justice Sarath Silva for supporting the Institute and throwing himself wholeheartedly into the affairs of the Institute during his tenure of office from 2000 to 2009. The Institute always remembers him.

Justice J.F.A. Soza who was the founder Director and served the Institute as its Director for more than 21 years retired in 2008 having rendered a yeoman service to the Judges' Institute and Judicial officers. Justice J.F.A. Soza continues to be our inspiration and he will be in our memories for ever.

After the retirement of Justice Soza, Justice Nissanka Udalagama, retired Judge of the Supreme Court was appointed as the Director in 2008 and Justice Udalagama functioned as the Director till 2011. During his period, Justice Nissanka Udalagama initiated the first web site of the Sri Lanka Judges' Institute. Justice J.F.A. Soza, Justice Udalagama and Justice P.H.K. Kulatilake were instrumental in publishing more than 10 Course materials on criminal, civil, commercial matters, Case Management and Alternative Dispute Resolution for judicial officers with the assistance of Judges of the Supreme Court, Court of Appeal and High Court. Justice Nissanka Udalagama! We salute you for all you did to the Institute.

After the retirement of Chief Justice Sarath Silva, Justice Asoka Silva was appointed the Chief Justice in 2009. During his period, Justice P.H.K. Kulatilake was appointed the Additional Director in 2009 and in 2011 he was appointed as Co- Director with Justice T.B. Weerasuriya, retired Judge of the Supreme Court. Justice T.B. Weerasuriya and Justice Kulatilake served the Institute with distinction and trained both civil and criminal judges with their immense experience and knowledge as judges of the Superior Courts. The Institute takes this opportunity to pay tribute to both of them for rendering a yeoman service to the Institute and the Judiciary. We always remember them as our great mentors.

Chief Justice Asoka Silva concentrated more on judicial education and training. Chief Justice Asoka Silva restructured training programs and training contents with the

assistance of the Institute. Several workshops were conducted for High Court Judges and Judicial Officers. Chief Justice Asoka Silva himself participated in several such seminars and supported all activities of the Institute. During this period several training modules were published and Chief Justice Asoka Silva obtained the services of both in-service judges and retired judges as resource persons for judicial training. Chief Justice Asoka Silva instructed the Institute to invite High Court Judges to train trainee judges.

Also during this period the Judges' Institute was located in the New Building of the Ministry of Justice and the Institute is grateful to Mr. Suhada Gamlath, the then Secretary to the Ministry of Justice for taking steps to establish a Judges' Institute with a new auditorium, a computer lab, a library and Judges' Residences. The Institute will remember you for your efforts to provide the judicial officers with a new Judges' Institute. The Institute is indebted to the UNDP for donating all equipment required for the computer lab, auditorium and the library and providing furniture for the Judges' Residences.

After the retirement of Chief Justice Asoka Silva, Justice Shirani A. Bandaranayaka was appointed as the Chief Justice in 2011 and she became the Chairperson of the Board of Management of the Institute. Justice T.B. Weerasuriya and Justice P.H.K. Kulathillake also functioned as Co-Directors of the Institute till May 2012. Thereafter the Board of Management of the Judges' Institute appointed Mr. Ruwan Fernando, a sitting High Court Judge as the Director of the Judges' Institute in June 2012 and appointed Mr. Mahie Wijeweera, a sitting Magistrate as the Academic Coordinator of the Judges' Institute.

The Board of Management headed by Chief Justice Shirani A. Bandaranayaka supported the affairs of the Institute and made an important contribution to the progress of the Institute. During this period the Accountant of the Judicial Service Commission was appointed as the Acting Accountant of the Judges' Institute on an acting basis. Also a Court Registrar and 3 Management Assistants were appointed to the Judges' Institute to efficiently perform the functions of the Judges' Institute. The Institute is also grateful to Mr. Suhada Gamlath, the then Secretary to the Ministry of Justice for attaching 2 minor employees from the Ministry of Justice to the Judges' Institute.

In 2012, the Institute prepared a Corporate Plan and an Action Plan and got the

approval for the delegation of Authority in respect of income and expenditure under Financial Regulations of the Sri Lanka Judges' Institute. The Institute submitted annual reports to Parliament, prepared the Cadre of the Institute and extended training programs to the presidents of Labor Tribunals. During this period, the Institute began restructuring the training programs and modernization of the available facilities at the Institute to make the Institute a well-equipped modern training and research facility.

The priorities were given to find a suitable place to locate the secretariat of the Institute, extension of training programs, improving the library facility by making the library a fully equipped computer lab with Wi-Fi facility, reactivation of the Web site with the assistance of the Information and Communication Technology Agency (ICTA), collection of unreported judgments of the Superior Courts, providing residential facilities to Judges within the Institute, commencement of the work on developing a training Manual for Judicial officers at the request of the UNDP, recruiting required staff, providing the required physical resources such as Computer server and commencing print outs and photocopying facility and putting the administrative matters in order by complying with the requirements of the Public Administration and Financial Circulars.

The Institute wishes to pay tribute to the Members of the Board of Management of the Judges' Institute in this regard and wishes to express its sincere gratitude to the Staff of the Institute especially Academic Coordinator Mr. Mahee Wijeeeweera and Mr. Gnanapala, the Registrar of the Institute in this regard.

In January 2013, Hon. Mohan Peiris was appointed the Chief Justice of Sri Lanka and Chief Justice Mohan Peiris became the Chairman of the Board of Management of the Sri Lankan Judges' Institute. Chief Justice Mohan Peiris threw himself wholeheartedly into the affairs of the Institute from the very outset and is a tower of strength to the Judges' Institute. In April 2013, the Institute got a section of the New Building of the Ministry of Justice to be used as its office and the Institute is thankful to Chief Justice Mohan Peiris for taking initiative in this regard. The Institute is also indebted to the Secretary, Ministry of Justice Mrs. Kamalini de Silva for providing the building of the Ministry of Justice to be used as the Office of the Institute. Chief Justice Mohan Peiris expanded the Cadre of the Institute from 9 to 23 and invited Academics, professionally qualified legal personalities and experts in various fields to share their knowledge and experience with Judges. Chief Justice Mohan Peiris regularly invited foreign Judges and legal experts to address Judges at the Institute and thereby giving the opportunity to Judges to interact

with them on legal and judicial issues. Chief Justice Mohan Peiris himself participated in many seminars, lectures, presentations at the Institute and other places and actively shared his knowledge and experience with judges.

During this period, two committees were appointed to update the Bench Book on Law of Evidence and Civil Law reforms. Chief Justice Mohan Peiris is at present in the process of formulating law reforms to the civil justice system in the area of case management with the assistance of eminent foreign Judges. The Institute takes the pleasure in supporting the efforts of the Chief Justice Mohan Peiris in bringing the required law reforms to the civil justice system.

After the Chief Justice Mohan Peiris assumed Office, over 200 judges have been given foreign training in Malaysia, India, Singapore and India mainly on case management, court administration and judicial ethics. During this period the Institute got the services of Mr. Lakmal Wickremasuriya as its Academic Coordinator who dedicated himself in finding foreign training opportunities to Judges and organized all foreign training programs of the Institute. The Institute wishes to take this opportunity to thank him for his dedication and commitment in organizing and coordinating all foreign training programs on behalf of the Institute. We are proud to say, that the Judges' Institute is progressing rapidly during the period of Chief Justice Mohan Peiris.

We have to express our gratitude to all Judges of the Superior Courts, High Court, Academic Community and professionals for extending their support to the Institute as resource persons and other activities of the Institute. We must also mention Mr. Sisira Ratnayake who as the Secretary of the Judicial Service Commission plays a key role in supporting the training programs of the Institute.

Today, the Institute is a member of the International Organization for Judicial training (IOJT). It has its own web site with an E-library in order to disseminate legal and judicial information to judicial officers. The Institute has a video conferencing facility linking the Institute with the High Court of Jaffna, Tangalle and the Chief Justice's Chambers. The Institute has purchased the Indian web site "Manupatra," the first international data base which has access to more than million judgments from the Indian Supreme Court and High Court, USA Supreme Court and the judgments of the House of Lords. The Institute wishes to place on record the support

extended by the Federal Judicial Center of the U.S.A, Judges Institute of Malaysia, Singapore and India for training Sri Lanka judicial officers and providing training modules including electronic training material to the Institute.

The Institute wishes to thank the Board of Management of the Institute, Secretary, Ministry of Justice and her staff, the UNDP, Asia Foundation, Asian Development Bank and other funding agencies and also the Staff of the Institute for contributing to the progress of the Sri Lanka Judges' Institute.

(History from 1985-1991 (Courtesy Judges' Journal Vol. 1)



## 5. MANAGEMENT AND THE STAFF OF THE SRI LANKA JUDGES' INSTITUTE

The Institute is a body corporate with perpetual succession and a common seal and its administration and management is vested in the Board of Management. The Board of Management comprises of the Chief Justice and two Judges of the Supreme Court appointed by the President and the Chief Justice is the chairman of the Board of Management. After the re-structuring plan of the Institute, the organizational structure of the Institute will be as follows:

### Board of Management

The board of Management of the Sri Lankan Judges' Institute for the year 2014 consists of:

The Chief Justice of Sri Lanka, Hon. Mohan Peiris, P.C. Chairman

Hon. Justice Saleem Marsoof, Member

Hon. Shiranee Tilakawardane, Member (up to April 2014)

Hon. K. Sripavan, Member (from May 2014)

### Staff of the Institute

The Board appoints the Institute's Director and such other officers and servants, in its necessary for carrying out the objects of the institute and to exercise disciplinary control (including the power of dismissal) over the Director, officers and servants of the institute. The board also has the power to determine the remuneration and terms of service of the Director, officers and servants of the institute.

- |                          |                                                        |
|--------------------------|--------------------------------------------------------|
| 1. Director -            | Mr. Ruwan Fernando                                     |
| 2. Consultant -          | Hon. Ranjith Ranaraja,<br>Justice Shirani Thilakawarda |
| 3. Academic Coordinator- | Mr. Lakmal Weerasooriya                                |
| 4. Accountant-           | Ms. Lakshika Chathurani                                |

## 5. Management Assistants-

Mr. Kapila Jayashri  
Mrs. Dilini Gannoruwa  
Ms. S.C.P. Lakmali  
Ms. K.A.C.P.P. Gunawardane

## 6. Librarian -

Ms. Nilanthika Lakmali

## 7. Minor Employees-

Mr. D. Lakshan Welikala  
Mr. R.L.A.P.Malinda  
Mr. H.K.T.M. Senevirathne  
Ms. W.A Menaka Padmaseeli  
Ms. Nadeesha Chathurangani

## 8. Driver-

Mr. G.W. Ranjith



## 6. FUNDS OF THE INSTITUTE

The institute has its own fund which is administrated by the Board of Management of the institute. The institute is mainly financed from the treasury grants channeled through the Ministry of Justice both for its capital and recurrent expenditure. The ministry of justice/treasury places the ceiling for this expenditure and the institute has to operate within these ceilings.

In terms of the provisions of the Sri Lanka Judges' Institute Act No.46 of 1985, the institute has authority to accept donations, gifts and grants from any source approved by the president and all such donations, gifts and grants received by the institute from any source shall be paid in to the fund. All expenses incurred in the administration and management of the institute (including the payment of remuneration) shall be paid out of the fund of the institute.

The treasury has granted through the Ministry of justice Rs. 7 million capital expenditure and Rs. 19 million as the recurrent expenditure for the year 2014.

## 7. TRAINING PROGRAMS

Since the establishment of the judges' institute in 1985, a number of training courses and events have been held in the institute. However, with the expansion of the institute in 2013, the programs of the institute are intended to cater to High Court Judges and Presidents of Labor Tribunals, judges of Kathie Courts (Quazis) and Court Registrars. In order to achieve the aforesaid objectives, the Judges Institute is committed to ensuring a high standard of judicial performance through programs designed with the focus on judicial education, capacity enhancement (including skills development), attitudinal change and social commitment. It is also committed to further developing and adopting improved judicial administration and management through education and research. The programs of the institute are intended to cater to original court judges and presidents of Labor Tribunals who come within the purview of the judicial service

Training requirements vary depending on the training modules and types of training participants, although there are common training programs relevant to all participants. A training program can be mandatory, voluntary or optional depending on the type of training and the experience of the judicial officer or his acquired knowledge at earlier training sessions. It also covers the question of who has the authority control the training and how training programs are financed, target groups and the time of training.

In Sri Lanka, all judicial officers are required to take part in mandatory in-service training as a means of improving the professional expertise of judicial officers and advancing their knowledge throughout their judicial careers. They are required to attend in-service training programs conducted by the judges' institute on each Saturday in the Judges' Institute of Sri Lanka and in case of any inability: they are required to inform the authorities of their inability to attend mandatory in-service training sessions.

In the case of newly recruited trainee judicial officers, introductory and preliminary training programs are conducted on a day to day basis and such training programs are mandatory. They do not have any option of not attending training sessions conducted by the judges' institute. The other type of training requirement arises in the case of a decision taken by the judicial Service Commission to attach an in-service judicial officer to the judges' institute for further training.

### **Training Resources and Facilities**

The institute has a State of the art training facilities to deliver judicial training courses as identified in this manual including:

1. State of the art auditorium;
2. State of the Art Library with Wi-Fi facilities- open from Monday to Saturday;
3. Web site;
4. Video conferencing;
5. Photocopying and print out facility;
6. Reference Law Books;
7. Course Materials;
8. Reference Materials;
9. Law reports;
10. Unreported judgments;
11. Residential facilities;
12. Legal information data bases.

**Aim and objectives of the courses**

1. To understand the prestige of judicial office and role of judges in the administration of justice;
2. To understand the importance of a code of ethics for judicial officers in the administration of justice to minimize erosion of public confidence in their judicial and extra judicial activities;
3. To understand the basic norms for the management of personal affairs, beyond the suspicion of the litigants and the public;
4. To understand the rules of Court behavior and court craft including with officers of courts, litigants and public etc.
5. To develop code of ethics for judicial officers (where under a written code of conduct or unwritten self-imposed code of ethics)

**Training content for in-service courses**

1. judicial behavior, ethics and conduct;
2. core legal knowledge (substantive and procedural Law – criminal, Civil, Constitutional, Commercial Law, Criminal and Civil procedure, Law of Evidence)
3. special Laws and Acts;
4. personal Laws;
5. Human Rights;
6. Anti-Corruption Laws;
7. Computer skills and information technology;
8. Intellectual property;
9. Court Administration and Court Management;
10. Case management and Case flow Management;
11. Accounts & Finance;

12. Disciplinary procedure;
13. Juvenile justice;
14. Access to justice and Legal Aid;
15. Forensic Science and Forensic Medicine;
16. judgment writing;
17. Sentencing policy and exercises;
18. Research methodology and Online Research Methodology;
19. Alternative Dispute Resolution;
20. Personality and Skills Development;
21. Health Development and Stress Management;
22. Practical Training-judgment writing exercises, drafting of issues, framing of charges, identification parades, holding of inquests, recording confessions and statements, preparation of inspection notes.

**Types of training methods**

1. Centralized face-to-face method;
2. Decentralized/provincial based face to face method;
3. Court based Mentoring method;
4. Centralized mentoring method by appointed Mentors (appointed Resource Persons;)
5. Streamed methods for individual officers;
6. IT and web-based distance learning methods;
7. Everyday working tools, bench books, audio and video taped educational materials;
8. Modules;
9. Course Materials;
10. Reference Materials;
11. Research papers;
12. Video-conferencing;
13. Practical-methods-moot courts;
14. Visits;
15. Presentations;
16. Essay writing;
17. Research Work;
18. Preparation of individual course materials;
19. Foreign training methods;
20. Mentoring;

The mentoring training consists of two types of programs, both court-based mentoring

program by the chief-justice, and centralized mentoring program by resource persons. In Sri Lanka mentoring is used as training at a personal; level without any official recognition. The new training manual however, introduces a mentoring training program by which two eminent resource persons who is either retired Supreme Court judge or Court of Appeal judges, advise judicial officers, high Court Judges and Presidents of Labor Tribunals. The mentors (consultants) deal with the following functions;

1. Criminal law and evidence – Original and appeals-mentor(Consultant) retired judge of the A Supreme Court or Court of Appeal
2. Civil Law and Labor Law – Original and appeals- 1 mentor (Consultant)- retired judge of the Supreme Court or Court of Appeal.

This type of training method will be conducted mainly through pre-arranged telephone calls, e-mails; web based methods as well as pre-arranged face-to-face institutional sessions.

E- LIBRARY



OE library offers.....

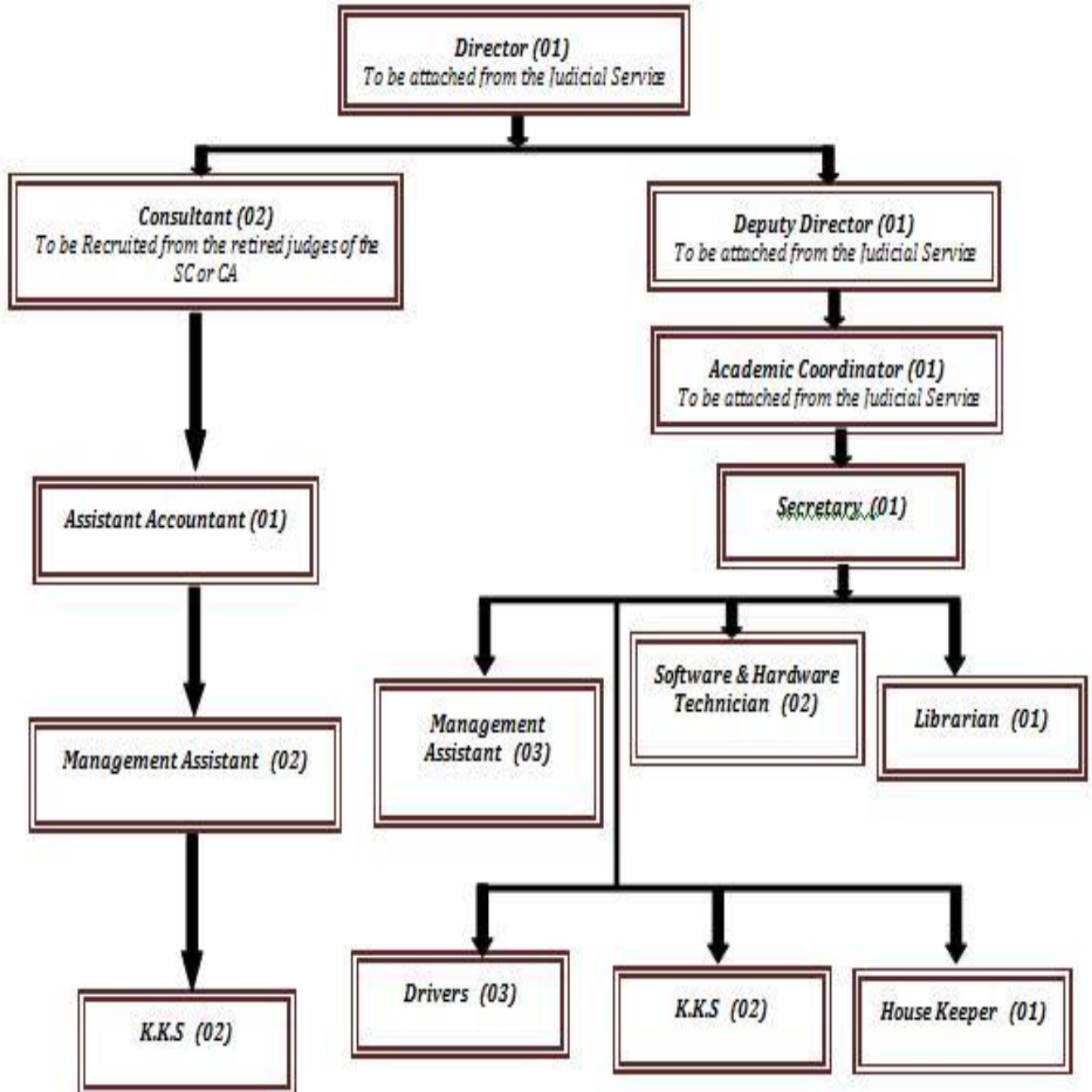
Course Materials	Circulars	Unreported Judgments	Judges' Manual	Acts from 2008
FAQ Data Base	SLJI Training Manual 2013	Reports	Practice Notes	Resource Packs
Training Modules	Foreign Judgments	E Books	Latin Maxims	Trainee Judges
Gazettes	Presentation a-z			



**8. PERFORMANCE OF THE INSTITUTE**

1. Cadre of Sri Lanka Judges Institute was approved by Department of management service as follows,

CADRE OF THE SRI LANKA JUDGES' INSTITUTE PREPARED UNDER MANAGEMENT CIRCULAR 30/2006



2. Recruited new staff for the Sri Lanka Judges' Institute after the Scheme of recruitment (SOR) was approved by the Department of Management Services ,

Date of appointed	Name of the Post	No of staff Recruited
2014.03.10	K.K.S (Contract Basis)	02
2014.07.10	House Keeper (Contract Basis)	01
2014.10.01	Librarian (Permanent )	01
2014.11.03	Assistant Accountant (Permanent)	01

3. Recruitment and Promotion Scheme approved by the Department of Management Service for the post of Librarian, Assistant Account, and Driver.
4. Purchased *MANUPUTRA LEGAL DATA BASE* for the use of the Judges and installed at the Sri Lanka Judges' Institute.
5. 52 Books on Judicial Ethics by Justice A.R.B. Amarasinghe were purchased and distributed to Judges.
6. Purchased new Law Books for the Library.
7. E-Library was launched.

## RESEARCH ACTIVITIES

### Draft proposals on case managements and mediation

8. Drafted amendments to the Civil Procedure Code on Case Management and Mediation. Two forms have been introduced to reflect the judicial case management and scheduling conference for Pre-Trial Steps. The suggestions have been discussed with the secretary of the Ministry of Justice.
9. Drafted Supreme Court Rules on Case Management and Mediation for Commercial High Court.

**09. ACTIVITIES OF THE SRI LANKA JUDGES INSTITUTE FOR THE PERIOD 01.01.2014-31.12.2014**

**1. Saturday programs for in-service judges**

Saturday seminars had been held for the period beginning from 01.01.2014 to 31.12.2014 with the participation of 67 High court judges 216 judicial officers and 37 presidents of Labour Tribunals. The following were some of the major activities carried out by the institute in the year 2014.

30 Saturday seminars were conducted for Magistrates and District Judges as follows;

No	Date	Speaker	Topic	Judges
1	2014.01.18	Dr.B.M.S.Batagoda, Deputy secretary to the treasury	Role and functions of the treasury in financial control including financial regulations	65
2	2014.01.25	Justice Ranjith Ranaraja, retired judge of the Court of Appeal	Case management and case flow management in Labour Tribunal cases	34
3	2014.02.01	Hon. Justice K. Sripavan	Court of Appeal (Appellate Procedure ) rules	67
4	2014.02.08	Dr.B.M.S.Batagoda, Deputy secretary to the treasury	Role and functions of the treasury in financial control including financial regulations	65
5	2014.02.22	Mr.Jayantha Jayasuriya, Additional Solicitor General	Computer Crimes Act	55

6	2014.03.01	Professor Sharya Scharenguivel	Family Law and international standerds	46
7	2014.03.08	Mr.Jayantha Jayasuriya,Additional Solicitor General	Computer Crimes Act	54
8	2014.03.15	Mr. A.Sarveswaran, Senior Lecturer and Course Director , department of private and comparative Law, University of Colombo	Contract employment of and recent developments	34
9	2014.03.22	Professor Sharya Scharenguivel	Family Law and international standards	45
10	2014.04.26	Dr. Wickrama Weerasooriya	Insurance Law	43
11	2014.05.10	Dr. Wickrama Weerasooriya	Insurance Law	42
12	2014.05.24	Hon.Jusrice Rohini Marasinghe	Sentencing policy	55
13	2014.06.07	Hon.Jusrice Rohini Marasinghe	Sentencing policy	55
14	2014.06.21	Dr. d.M. Karunaratne	Intellectual Property	51
15	2014.07.05	Mr. A.Sarveswaran, Senior Lecturer and Course Director , department of private and comparative Law, University of Colombo	Just and equitable jurisdiction of the labor tribunals	34
16	2014.07.26	Hon. Justice K. Sripavan	Writ jurisdiction of the provincial High Courts	37
17	2014.08.02	Dr. RuwanI lleperuma	D.N.A. Technology	58

18	2014.09.06	Dr. Ajiththennakoon	Role of the JMO in criminal justice system	58
19	2014.09.13	Hon. Justice K. Sripavan	Writ jurisdiction of the provincial High Courts	31
20	2014.09.20	Dr. Ajiththennakoon	Role of the JMO in criminal justice system	60
21	2014.09.27	Mr. J.M.R. Jayasundara	Examination on Questioned Documents.	44
22	2014.10.04	Mr. J.M.R. Jayasundara	Examination on Questioned Documents.	43
23	2014.10.11	Mr. Uditha Agalhewa, President Counsel	Outsourcing	36
24	2014.10.18	Hon. Justice Rohini Marasinghe	Sentencing guidelines	70
25	2014.10.25	Justice Ranjith Silva	Post Trial Procedure in the District Court	46
26	2014.11.01	Mr. Sarath Jayamanne, Deputy Solicitor General	Protection of victims and Witnesses	60
27	2014.11.15	Hon. Justice Priyasath Dep	Evaluation of Evidence and role of the judge in the high court	70
28	2014.11.22	Mr. Sarath Jayamanne, Deputy Solicitor General	Protection of victims and Witnesses	61
29	2014.11.29	Justice P.A. Rathnayake	Admiralty Jurisdiction	67
30	2014.12.13	Justice Ranjith Silva	Post Trial Procedure in the district courts	50

## 2. Workshops

1. Work shop conducted on “**financial system stability; the regulatory and supervisory functions of the central bank**” for 51 judicial officers at auditorium of the Sri Lanka Judges Institute on 31<sup>st</sup> of January 2014. Lecture was delivered by **Mr. Ajith Nivad Kabral, governor of the Central Bank of Sri Lanka.**
2. Justice J.F.A. Soza commemorative oration on “**justice delivery system-delays and remedies**” held for 41 judicial officers at the Auditorium of the Sri Lanka Judges Institute.

## 3. Guest lectures by foreign judges and foreign resource persons



1. On 24<sup>th</sup> and 25<sup>th</sup> July 2014, **judge Roger hunt**, senior district judge of Nevada, United States addressed Southern Province Judges on “**Casemanagement and Mediation**” at The Long Beach Hotel, Hikkaduwa.
2. Guest Lectures on “**Modern Trends in Case Management and Judicial Conduct in**



**Contemporary Times”** by the *Hon. Justice John Clifford Wallace* Senior Judge and Chief judge Emeritus of the United States Court of Appeal were conducted on the following dates.

Date	Area/District	No of Participants
2014.01.27	Colombo	51
2014.01.28	Kandy, Matale, Anuradhapura, Polonnaruwa, & Nuwaraeliya	34
2014.01.29	Colombo, Galle, Matara, Gampaha, Kalutara	60



3. Workshop on “**case Management and Mediation**” for Northern province Judges held at Thalsevana Holiday Resort, Jaffna on 4<sup>th</sup> and 5<sup>th</sup> August 2014. Speaker was **Judge Roger hunt**, senior district judge of Nevada, United States, at Amaya Beach Holiday Resort, Passikudah, on 23<sup>rd</sup> and 24<sup>th</sup> of August 2014. Speaker was **Judge Rodger Hunt** - Senior District Judge District of Nevada United States.



4. Workshop on “**case management and mediation**” for north central and central provinces judges at heritage hotel, Anuradhapura on 30<sup>th</sup> and 31<sup>st</sup> July 2014. Speaker was **Judge Rodger Hunt** - Senior District Judge District of Nevada United States.
5. On 23<sup>rd</sup> of July 2014, **Judge Rodger Hunt** - Senior District Judge District of Nevada United States made a presentation on “**the role of the bench and the bar**” to the judicial officers at Kandy CourtComplex.



### Foreign Training Programs

1. 40 Judges were trained by the Judicial and Legal Training Institute (ILKAP) of Malaysian “Judicial Ethics and Effective Courts & Case Management” from 19-25<sup>th</sup> January 2014.
2. Study visit on judiciary reform and excellence from 7<sup>th</sup> April 2014 to 11<sup>th</sup> April 2014 at Civil Service College and Subordinate Courts, Singapore. This pregame is jointly organized by state courts Singapore and Civil Service College Singapore. 24 judicial officers including 15 High Court judges participated to the course and they were given an overview of the fundamentals of good governance and to understand how they were translated to policies and implementation.
3. Course coordinated by the Sri Lanka judges’ institute on “judicial ethics effective courts and case management” from 7<sup>th</sup> April to 11<sup>th</sup> April 2014 at judicial and legal training institute (ILKAP) , Malaysia. Following topics were discussed at the program.
  - Judges code of ethics 2009
  - Judicial officers code of ethics
  - Human resource management in the Malaysian judiciary
  - Judicial temperament
  - Judgment writing
  - Filling of documents
  - Scheduling and assigning cases
  - Managing court calendar in Appellate Court and Trial Court
4. Training program for Sri Lankan judges on court management, case management, civil law reforms and family law reforms from 16<sup>th</sup> April to 19<sup>th</sup> April 2014 at Delhi judicial academy, India. Judges gained immense knowledge of following areas in law ,
  - Family courts specially establish for family disputes.
  - Mediation center within the court premises

- Using judge centric system to control court process
- Law research officers for judges.



**(Training program Conducted in New Delhi, India)**

### 5. Training Program for Court Registrars

1. Training program for Court registrars on “the role of court registrars in case flow management and court administration” conducted on 19<sup>th</sup> of July 2014.

### 10. INTERNATIONAL COOPERATION

The Sri Lanka judges' institute obtained membership of the International Organization for Judicial Training (IOJT) by virtue of the decision of the Organization's Executive Committee in November 2014.

### 11. FUTURE COURSES

- Case management & mediation
- Language Training
- DNA Evidence
- Forensic Science
- Extradition Law
- Negation and Mediation
- Admiralty Law
- Court of Appeal(Appellate Procedure)Rules
- Judgment Writing
- Sentencing guidelines

### 12. SIGNIFICANT ACCOUNTING POLICIES

The financial statements are prepared in accordance with generally accepted Accounting principles and the Accounting Standard lay down by the accountants of the Sri Lanka Judges Institute.

### 13. APPRECIATION

The Sri Lanka judges' institute appreciates the assistance and cooperation given by the following:

1. The secretary and the staff of the Ministry of Justice
2. Judicial Service Commission
3. The secretary of the Treasury and staff of the Treasury.

4. The UNDP
5. The auditor-General and his staff
6. The Superintendent and his staff
7. Registrar of the Supreme Court
8. Registrar of the Court of Appeal
9. Marshall of the Supreme Court

## 10. BALANCE SHEET

Sri Lanka Judges' Institute Statement of Financial Position sat 31<sup>st</sup> December 2014

[Sri Lanka judges' institute]

Balance sheet as at 31.12.2014

	Note s	2014		2013
		Rs.cts	Rs.cts	Rs.cts
<b>Assets</b>				
Non-Current Assets	1		5,478,220.68	6,047,338.40
<b>Current Assets</b>				
Stock (Office stationery)		66,956.40		8,000.00
Savings Account 31.12.2014		257,376.32		247,300.99
Current Account 31.12.2014		13,889,048.39	14,213,381.11	156,217.35
			<b>19,691,601.79</b>	<b>6,458,856.74</b>
<b>Financed by</b>				
Accumulated Fund	2	6,315,212.63		4,302,360.93
Add/(Less) :Excess/(Shortfall)		12,827,455.45	19,142,668.08	2,131,220.81
				6,433,581.74
<b>Current Liabilities</b>				
Provision for Audit fee		261,728.00		24,800.00
Provision for Stamp duty		475.00		475.00
Accrued Expenses	3	143,926.96		-
Other Payable	4	142,803.75		
			548,933.71	25,275.00
			<b>19,691,601.79</b>	<b>6,458,856.74</b>

The Financial Statements of Sri Lanka Judges' Institute have been prepared and presented in Accordance with Sri Lanka Public Sector Accounting Standards.

We certify that the above Financial Statements give a true and fair view of affairs as at December 31, 2014 and its surplus for the year ended December 31, 2014.

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Prepared by  
K.A.LakshikaChathurani  
Assistant Accountant

-----  
Hon. M.R.C.Fernando  
Director  
Sri Lanka Judges' Institute

## 15. INCOME AND EXPENDITURE ACCOUNT

Sri Lanka Judges' Institute Statement of Financial Performance for the Year Ended  
31<sup>st</sup> December 2014

(Rs.Cts)

(Rs.Cts)

	Note	2014		2013
		Rs.cts	Rs.cts	Rs.cts
<b><u>Income</u></b>				
Imprest from Ministry	5		25,247,031.84	10,303,501.87
Interest income from Savings Account			10,075.33	11,470.32
Photocopy fee income	6		17,184.00	8,592.00
Accommodation charges	7		34,000.00	4,000.00
From Supreme Court			-	2,000.00
Payments made by Other Entities	8		713,548.01	-
<b>Total Income</b>			<b>26,021,839.18</b>	<b>10,329,564.19</b>
<b><u>Less-Expenditure</u></b>				
Salary & wages		(1,617,896.50)		(511,866.57)
EPF Expenses		(97,695.12)		-
ETF Expenses		(24,423.78)		-
ETF Surcharge Expense		(155.63)		-
Overtime		(260,611.69)		(70,723.82)
Uniform allowances		(4,000.00)		(4,000.00)
Seminars & Training Expenses		(6,174,491.41)		(3,133,800.00)
Refreshment for Seminars & Other programs		(631,437.00)		-
Supply of Newspapers		(14,460.00)		-
Postal Charges		(25,473.00)		-
Office Stationery expenses		(181,730.10)		(468,890.58)
Retirement Gratuity		-		(167,800.00)
Travelling Expenses		(6,900.00)		(2,240.00)
Fuel		(212,471.00)		(153,915.40)
Other Services & Supplies		(766,826.76)		(126,361.24)
Vehicle maintenance		-		(53,083.25)
Plant Machinery & Equipment Maintenance		(421,921.78)		(151,297.38)
Telephone & Internet Charges		(299,008.95)		(495,692.68)
Cleaning Charges		(403,756.00)		(2,299,527.00)
Bank Fee		(5,250.00)		(3,000.00)
Depreciation		(1,279,081.55)		(556,144.96)
Audit Fees		(236,928.00)		-
Electricity & Water Expenses		(529,865.46)		-
<b>Total Expenses</b>			<b>(13,194,383.73)</b>	<b>(8,198,343.38)</b>
Excess/(Shortfall) to the Accumulated Fund			<b>12,827,455.45</b>	<b>2,131,220.81</b>

## 16. CASH FLOW STATEMENT

**Sri Lanka Judges' Institute**  
**Cash Flow Statement for the Year Ended 31<sup>st</sup> December 2014**

(Rs.cts)

	Notes	2014		2013
		Rs.Cts	Rs.cts	Rs.cts
<b><u>Operating Activities</u></b>				
<b><u>Receipts</u></b>				
		25,247,031.84		10,303,501.87
Imprest from Ministry				
Interest income from Savings Account		10,075.33		11,470.32
Refund from the Supreme Court		-		2,000.00
Photocopy Fees Income		17,184.00		8,592.00
Accommodation charges		34,000.00		4,000.00
Cash Inflows from Operating Activities			25,308,291.17	10,329,564.19
<b><u>Payments</u></b>				
		(6,174,491.41)		(3,133,800.00)
Seminar & Training Expenses				
Personnel Emoluments	9	(1,969,553.26)		(587,590.39)
Supplies	10	(1,886,754.26)		(3,031,694.22)
Other Payments	11	(1,138,828.86)		(772,513.31)
Provision for Stamp Duty		-		475.00
Cash Outflows from Operating Activities			(11,169,627.79)	(7,525,122.92)
<b>Net Cash flows from Operating Activities</b>			<b>14,138,663.38</b>	<b>2,804,441.27</b>
<b><u>Cash Flows from Investment activities</u></b>				
				(2,636,753.60)
Purchase of Fixed Assets	12	(395,757.01)		
Reinvest Interest Income		(10,075.33)		(11,470.32)
<b>Net Cash flows from Investing activities</b>			<b>(405,832.34)</b>	<b>(2,648,223.92)</b>
<b>Net increase /(decrease) in cash &amp; cash equivalents</b>			13,732,831.04	156,217.35
<b>Cash &amp; cash equivalents at beginning of period</b>			156,217.35	-
<b>Cash &amp; cash equivalents at end of period</b>			<b>13,889,048.39</b>	<b>156,217.35</b>

## 17. FIXED ASSETS

## Sri Lanka Judges' Institute

Statement of Changes in Net Assets for the Year Ended 31<sup>st</sup> December 2014

	Contributed Capital	Other Reserves	Accumulated Surplus/ (Deficits)	Total (Rs)
Balance as at 01.01.2014	-	-	6,315,212.63	6,315,212.63
Capital Grant Received for the year	-	-	-	-
Excess/(Deficit) During the year			12,827,455.45	12,827,455.45
<b>Balance as at 31.12.2014</b>	<b>-</b>	<b>-</b>	<b>19,142,668.08</b>	<b>19,142,668.08</b>

## Sri Lanka Judges' Institute

Notes to the Financial Statements for the Year Ended 31<sup>st</sup> December 2014

## Note 01

**Depreciation on Fixed Assets provided on a Straight Line basis at the following rates;**

Office Equipment	20%
	12.5
Furniture & Fittings	%
Library Books	10%
Computer Equipment	25%
Electrical Instrument	20%
	12.5
Pantry Items	%
Travelling Bags	10%

**Fixed Assets as at 01.01.2014 were depreciated for the Net Book Values of those Assets, under the new depreciation rates.**



**Property, Plant & Equipment Schedule**

<b>Cost</b>	<b>Balance As at 01-01-14</b>	<b>Additions During the Year</b>	<b>Balance As at 31-12-14</b>
Office Equipment	794,863.00	29,530.00	824,393.00
Furniture & Fittings	1,580,753.20	319,307.01	1,900,060.21
Library Books	259,898.94	105,122.50	365,021.44
Computer Equipment	3,232,120.49	-	3,232,120.49
Electrical Instrument	106,344.44	222,584.32	328,928.76
Pantry Items	55,268.33	33,420.00	88,688.33
Travelling Bags	20,100.00	-	20,100.00
	<b>6,049,348.40</b>	<b>709,963.83</b>	<b>6,759,312.23</b>
<b>Depreciation</b>	<b>Balance As at 01-01-14</b>	<b>Depreciation For the year</b>	<b>Accumulated Depreciation 31-12-14</b>
Office Equipment	-	163,094.60	163,094.60
Furniture & Fittings	-	227,143.00	227,143.00
Library Books	-	26,364.30	26,364.30
Computer Equipment	-	808,030.12	808,030.12
Electrical Instrument	-	43,527.32	43,527.32
Pantry Items	-	8,912.21	8,912.21
Travelling Bags	2,010.00	2,010.00	4,020.00
	<b>2,010.00</b>	<b>1,279,081.55</b>	<b>1,281,091.55</b>
<b>Net Book Value</b>	<b>6,047,338.40</b>		<b>5,478,220.68</b>

**Note 02****Adjustment to the Accumulated Fund**

Balance as at 01/01/2014		6,433,581.74
<b>Less: Accrued Expenses as at 31/12/2013</b>		
Salary & Wages	(44,775.00)	
Supply of Newspapers	(1,650.00)	
EPF	(3,140.00)	
ETF	(471.00)	
Cleaning Charges	(32,888.00)	
Overtime	(15,430.99)	
Telephone Charges	(20,014.12)	(118,369.11)
Adjusted Accumulated Fund as at 01/01/2014		<b>6,315,212.63</b>

## Sri Lanka Judges' Institute

Notes to the Financial Statements for the Year Ended 31<sup>st</sup> December 2014**Note 03****Accrued Expenses 2014**

ETF payable	4,797.18
EPF payable	31,981.20
Cleaning Charges payable	32,888.00
Supply of Newspaper Payable	1,250.00
Telephone bill payable	18,021.99
Staff OT payable	16,086.82
Electricity & Water payable	38,901.77
	<b>143,926.96</b>

**Note 04****Other Payable**

Supply of Library Books	91,622.50
Acting Accountant Arrears Allowance	46,181.25
Plaque Preparation Charges	5,000.00
	<b>142,803.75</b>

**Note 05****Imprest from Ministry**

January	1,000,000.00
February	3,652,500.00
March	1,295,000.00
April	2,896,000.00
May	1,765,750.00
June	3,035,750.00
July	865,750.00
August	2,789,781.84
September	300,000.00
October	4,181,500.00
November	3,165,000.00
December	300,000.00
<b>Total</b>	<b>25,247,031.84</b>

**Note 06****Photocopy Fee Income**

January	-
February	1,054.00
March	1,625.00
April	160.00
May	756.00
June	2,657.00
July	3,951.00
August	1,112.00

September	944.00
October	530.00
November	3,690.00
December	705.00
<b>Total</b>	<b><u>17,184.00</u></b>

## Sri Lanka Judges' Institute

Notes to the Financial Statements for the Year Ended 31<sup>st</sup> December 2014**Note 07****Accommodation charges**

January	-
February	1,000.00
March	1,000.00
April	-
May	1,000.00
June	2,000.00
July	-
August	3,000.00
September	3,000.00
October	3,000.00
November	6,000.00
December	14,000.00
<b>Total</b>	<b><u><u>34,000.00</u></u></b>

**Note 08****Payments made by Other Entities*****Electricity & Water Charges***

January	40,101.24
February	50,110.38
March	45,201.09
April	56,923.12
May	50,101.60
June	41,157.78
July	46,534.90
August	42,637.46
September	35,824.37
October	41,242.47
November	41,129.28
	<u>490,963.69</u>
<b><i>Supply &amp; Installation of Air Condition</i></b>	<u>222,584.32</u>
<b>Total</b>	<b><u><u>713,548.01</u></u></b>

**Notes to the Cash Flow Statement**

Cash Flow Statement has been prepared on Direct Method

**Note 09****2014****2013****Personnel Emoluments**

Salary & wages	1,616,490.25	511,866.57
EPF Expenses	68,853.92	-
ETF Expenses	20,097.60	-
ETF Surcharge Expense	155.63	-
Overtime	259,955.86	70,723.82

Uniform allowances	4,000.00	5,000.00
	<u>1,969,553.26</u>	<u>587,590.39</u>

**Note 10****Supplies**

Refreshment for Seminars & Other programs	631,437.00	-
Supply of Newspapers	14,860.00	-
Postal Charges	25,473.00	-
Office Stationery expenses	240,686.50	451,890.58
Fuel	212,471.00	153,915.40
Other Services & Supplies	761,826.76	2,425,888.24
	<u>1,886,754.26</u>	<u>3,031,694.22</u>

## Sri Lanka Judges' Institute

Notes to the Financial Statements for the Year Ended 31<sup>st</sup> December 2014

<b>Note 11</b>	<b>2014</b>	<b>2013</b>
<b><u>Other Payments</u></b>		
Audit Fee	-	67,200.00
Travelling Expenses	6,900.00	2,240.00
Plant Machinery & Equipment Maintenance	421,921.78	151,297.38
Vehicle Maintenance	-	53,083.25
Telephone & Internet Charges	301,001.08	495,692.68
Cleaning Charges	403,756.00	-
Bank Fee	5,250.00	3,000.00
	<b><u>1,138,828.86</u></b>	<b><u>772,513.31</u></b>

**Note 12****Payments for Fixed Assets**

Office Equipment	29,530.00	31,360.00
Furniture & Fittings	319,307.01	2,081,507.60
Library Books	13,500.00	239,000.00
Computer Equipment	-	284,886.00
Pantry Items	33,420.00	-
	<b><u>395,757.01</u></b>	<b><u>2,636,753.60</u></b>



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கணக்காய்வாளர் தலைமை அறிபதி திணைக்களம்  
**AUDITOR GENERAL'S DEPARTMENT**



මගේ අංකය  
எனது இல.  
My No.

JP/C/SLJI/1/14/03

ඔබේ අංකය  
உமது இல.  
Your No.

දිනය  
திகதி  
Date

18 September 2015



Director  
Sri Lanka Judges' Institute

**Report of the Auditor General on the Financial Statements of the Sri Lanka Judges' Institute for the year ended 31 December 2014 in terms of Section 14(2) (c) of the Finance Act, No.38 of 1971.**

The English version of the above mentioned report is sent herewith

W.P.C. Wickramaratne

Acting Auditor General

- Copies to: - 01. Secretary, Ministry of Finance
- 02. Secretary, Ministry of Justice





විගණකාධිපති දෙපාර්තමේන්තුව  
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திகதி  
Date

18 September 2015

Director  
Sri Lanka Judges' Institute

**Report of the Auditor General on the Financial Statements of the Sri Lanka Judges' Institute for the year ended 31 December 2014 in terms of Section 14(2) (c) of the Finance Act, No.38 of 1971.**

The audit of financial statements of the Sri Lanka Judges' Institute for the year ended 31 December 2014 comprising the statement of financial position as at 31 December 2014 and the statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended and a summary of significant accounting policies and other explanatory information was carried out under my direction in pursuance of provisions in Article 154(1) of the Constitution of the Democratic Socialist Republic of Sri Lanka read in conjunction with Section 13 (1) of the Finance Act, No. 38 of 1971 and Section 10(3) of the Sri Lanka Judges' Institute Act, No. 46 of 1985. My comments and observations which I consider should be published with the annual report of the Institute in terms of Section 14 (2) (c) of the Finance Act, appear in this report. A detailed report in terms of Section 13(7) (a) of the Finance Act was issued to the Director of the Institute on 17 March 2015.

**1.2 Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Sri Lanka Public Sector Accounting Standards and for such internal control as the management determines is necessary to enable the preparation of financial statements that are free from material misstatements, whether due to fraud or error.

**1.3 Auditors' Responsibility**

My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with Sri Lanka Auditing Standards consistent with

International Standards of Supreme Audit Institution (ISSAI 1000-1810). Those Standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Institute's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Institute's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of financial statements. Sub-sections (3) and (4) of Section 13 of the Finance Act, No. 38 of 1971 give discretionary powers to the Auditor General to determine the scope and extent of audit.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

#### **1.4 Basis for Qualified Opinion**

My opinion is qualified based on the matters described in paragraph 2.2 of this report.

## **2. Financial Statements**

### **2.1 Qualified Opinion**

In my opinion, except for the effects of the matters described in paragraph 2.2 of this report, the financial statements give a true and fair view of the financial position of the Sri Lanka Judges' Institute as at 31 December 2014 and its financial performance and cash flows for the year then ended in accordance with Sri Lanka Public Sector Accounting Standards.





## **2.2 Comments on Financial Statements**

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### **2.2.1 Non Adhering with Sri Lanka Public Sector Accounting Standards (SLPSAS )**

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**SLPSAS 1 – Presentation of Financial Statements** - An entity shall present, either on the face of the statement of financial performance or in the notes, an analysis of expenses using a classification based on either the nature of expenses or their function within the entity, whichever provides information that is reliable and more relevant. However, expenses shown in the statements of financial performance had not been agreed with the above requirement.

### **2.2.2 Accounting Policies**

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A consistence accountancy policy had not been followed in recording the expenditure in the year under review and the previous year. Therefore, it was unable to compare the expenditure for each period and comment thereon.

### **2.2.3 Accounting Deficiencies**

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The following observations are made.

- (a) Capital grant amounting to Rs.7 million received form the line Ministry had been erroneously accounted for as recurrent income. Therefore, the excess of the year under review and the accumulated fund as at 31 December 2014 had been overstated and understated respectively by that amount.
- (b) Audit fees amounting to Rs.176,928 relating to previous three years had been erroneously accounted as expenditure of the year under review. Hence excess of the year under review had been understated by same amount.

## **2.3 Non- compliance with Laws, Rules, Regulations and Management Decisions etc.**

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According to Section 3.1 of the National Library and Documentation Services Board's Circular No.2004/Lib/1 of 26 January 2004 an Annual Boards of Survey relating to the library books should be conducted. Nevertheless, it had not been done so.





### 3. **Financial Review**

#### **Financial Results**

According to the financial statements presented, the operations of the Institute for the year ended 31 December 2014 had resulted in a surplus of Rs.12,827,455 as compared with the surplus of Rs.2,131,221 for the preceding year, thus indicating an improvement of Rs.10,696,234 in the financial results. The increase of total income for the year under review by Rs.15,692,275 as compared with the previous year was the main reason for this improvement in the financial results.

### 4. **Operating Review**

#### 4.1 **Performance**

Even though a Performance Report for the year under review was furnished to audit, an Action Plan for the year under review had not been prepared stating the desired targets of the Institution. As a result, it was unable to compare the performance of the Institute with the expected forgets.

#### 4.2 **Financial Management**

An amount ranging from Rs.3 million to Rs.14 million were remained in the Bank account of the Institute during the last 11 months of the year under review without being utilized for the activities of the Institute.

### 5. **Accountability and Good Governance**

#### 5.1 **Budgetary Control**

Significant variances were observed between the budget and actual income and expenditure for the year under review, thus indicating that the budget had not been made use of an effective instrument of management control.



## 6. Systems and Controls

Deficiencies observed in systems and controls during the course of audit were brought to the notice of the Director of the Institute from time to time. Special attention is needed in respect of the following areas of controls.

- (a) Accounting
- (b) Assets Management
- (c) Planning
- (d) Financial Management

W.P.C. Wickrearatne

Auditor General (Acting )



Annexure 01



**DRAFT AMENDMENTS TO THE CIVIL PROCEDURE CODE ON JUDICIAL CASE  
MANAGEMENT**

**2016**

**Sri Lanka judges' institute**

**Amendment of section 73 of the principal enactment**

1. Section 73 of the principal enactment is hereby amended by renumbering it as 73 (1) and by the addition of a new subsection immediately thereafter as follows:

**Answer.**

1.1. The defendant shall, within 30 days from the date of service of summons on him, present the written answer at the Registry, with a certification that a copy had been delivered to the plaintiff or plaintiff's lawyer.

Provided, however, that where the defendant fails to file the written answer within the period of 30 days, he shall be allowed, upon a motion in writing being filed in Court with notice to the other parties or orally if that date becomes a summons returnable date, to file the same on such other day, as may be specified by the Court, for reasons to be recorded in writing, but which shall not be later than 30 days from the summons returnable date.

**Amendment of section 75 of the principal enactment**

2. Section 75 of the principal enactment is amended by the addition of a new sub-section as follows:

**Address for service of processes**

(a). Every answer, when filed by a defendant in person, shall be accompanied by a statement signed by the defendant or his pleader (if he is represented by such pleader), regarding the address of the defendant or his pleader for service of processes;

(b) Such address may, from time to time, be changed by lodging in Court a statement with any new address of the defendant if he appears in person;

(c) The address furnished in the statement made under sub-section (a) above, shall be called 'registered address' of the defendant and shall, until duly changed as aforesaid, be deemed to be the address of such party for the purpose of service of all processes in the case or in any appeal from any judgment or order therein made and for the purpose of execution, and shall hold good, subject as aforesaid until after the final determination of the cause or matter;

(d) Subject to the provisions contained in other written law, service of any process may be effected upon a defendant at his registered address in all respects as though such party resided thereat;

(e) Nothing in this subsection shall prevent the Court from directing the service of a process at any other address, if, for any reason, it thinks fit to do so.



**Chapter X**  
**OF THE REPLICATION AND FURTHER PLEADINGS**  
**Amendment of section 79 of the principal enactment**

3. Section 79 of the principal enactment is hereby repealed and the following new section is substituted therefor-

Except in the case of a claim by a defendant in reconvention, no pleading after answer shall be filed except by order of court either on special motion to be filed subsequent to the filing of the answer at the Registry where the answer is filed within 30 days from the date of service of summons on the defendant or on the day of the filing of the answer on the summons returnable date upon such terms as to costs as the court shall think fit.

Provided however, that such replication shall be filed within a period of 14 days from the date of such order allowing the replication to be filed in court and such date shall be before the day first fixed for conducting case management conference.

**CHAPTER XA**

4. The following new chapter is hereby inserted immediately after Chapter X of the principal enactment and shall have effect as Chapter XA of that enactment:

CH

**Pre-Trial Hearings for Judicial Case Management & Pre-Trial Plan  
Order**

**79A (1).** On the date fixed for the filing of the answer of the defendant or where replication is permitted or not, the court shall issue a pre-trial plan order **[in Form X1]** fixing a date for judicial case management **30 days from the issuance of the order** requiring counsel to meet, confer, prepare and file at the Registry a joint or separate proposed case management plan in writing within **30 days of the order**, providing the following:

- (a) A brief description of the case;
- (b) Facts or law that are not in dispute;
- (c) Facts or law that are in dispute;
- (d) The basis for jurisdiction of the court;
- (e) Whether there are any anticipated amendments to the pleadings or joinder of parties or causes of action;
- (f) A proposed schedule of discovery, interrogatories, inspections, admitting genuineness of documents, productions and inspections of documents and motions/applications;
- (g) Anticipated need for commissions or experts;

- (h) whether there is a prospect for settlement, whether and what settlements efforts have been made by the parties;
- (i) ajoint statement of proposed dates for pre-trial conferences and trial

### **Case Management orders at Pre-Trial Hearing**

79A (2).On the day fixed for pre-trial hearing, the Court shall with cooperation of counsel and/or parties, fix a scheduled date for pre-trial hearing for case judicial management and issue a case management plan order **in form ‘X2’**

### **General Powers of Court at Pre-trial hearing for Judicial case management**

79A (3) At the pre-trial hearing, the court shall have the power to question the parties or their attorneys either in person or by telephone, Skype or video conferencing or other similar means of communication and call upon them to state their respective cases and issue pre-trial orders for judicial case management in addition to orders that are permitted in any other written law including:-

- (a) orders for amendment of pleadings, joinder and mis joinder of parties and causes of action, commissions or court appointed experts with fixed timelines;
- (b) orders with regard to jurisdictional matters;
- (c) ascertainment of issues of fact or law in dispute and not in dispute;
- (d) anticipated discovery needs and orders for interrogatories, inspections, admitting genuineness of documents and production of documents including disclosure or discovery of electronically stored information and motions/applications with fixed timelines;
- (e) needs for motions/applications with fixed timelines;
- (f) ascertainment of a prospect for settlement, whether and what settlements efforts have been made and making orders accordingly;
- (g) ascertainment whether the case is suitable for mediation and if so, a statement to the effect that the parties consent to such mediation and making orders accordingly;
- (h) fixing three proposed alternative dates agreeable to both counsel for proposed “final pre-trial conference” and for trial;
- (i) encourage parties to agree to mediation in the court-annexed or court-referred mediation program;
- (j) order to issue certified copies of any documents in the custody of public office or semi-government statutory body, Provincial Council or Local government authority with fixed timelines;
- (k) ascertaining and taking all other pre-trial steps which may aid in the speedy disposal of the action with fixed timelines and seeking such orders from the court as may appear to it necessary or desirable for expeditious and inexpensive disposal of the action;

79A (4).The Court shall issue pre-trial orders at the end of the pre-trial hearing for case management with fixed timelines for each pre-trial order to be taken and the parties shall comply with each such order within the stipulated timeline fixed by the Court with the cooperation of the parties. Upon a finding of special circumstances, the Court may modify or extend the timeline of any pretrial order with the cooperation of the parties and their attorneys-at-law.

#### **When parties fail to appear**

79A (5). If a party or his attorney fails to appear at a pre-trial hearing or substantially unprepared to participate or does not participate in good faith in the hearing/s or fails to obey any other pre-trial orders, the Court shall proceed in their absence and on motion or on its own, issue any just orders authorized by the Civil Procedure Code including costs to be paid by such party or attorney for his absence or non-compliance unless the absence or non-compliance was substantially justified or other circumstances make an award of costs unjust.

Provided further, that in addition to any such order made by the Court as aforesaid, the Court may in its discretion order substantial costs of Court to be paid by such party or attorney- for non-compliance unless the non-compliance was substantially justified or other circumstances make an award of costs of court unjust and such party will be required to abide by any and all orders made in their absence, unless the Court orders otherwise.

#### **Trial Management hearing & Trial Management Order**

79A(6).The Court shall, at the end of the pre-trial hearing/s for case management, fix a date for Trial Management hearing and such date shall be not be more than 15 days prior to the case fixed for trial and require the attorneys-at-law of all the parties to meet and prepare a draft case trail management order covering all of the trial management plan listed in **form X3**.

79A (7).On the day fixed for Trial Management hearing to which any party to the action or his/her attorney-at-law and any unrepresented parties shall appear. The Court may however, permit an attorney-at-law to appear in court in person or by telephone, Skype or video conferencing or other similar means of communication.

79 A (8) At the Trial Management hearing, the Court shall issue a Trial Management order reciting the trial taken in **form X3** and the said Trial Management order control the course of the trial unless the court modifies it, and takes the place of the pleadings.

79A (9).At the Trial Management hearing, the Court shall make orders for such purposes as:

1. expediting disposition of the action;
2. establishing early and continuing control of the case so that the case will not be protracted because of the lack of management;

3. improving the quality of the trial through more thorough preparation; and
4. confirmation of trial dates, length of trial and reiterates that the trial dates are firm and the trial will be conducted to conclusion without interruption so all witnesses are to be present.

### **Matters for Consideration at the Pre-Trial hearing for case Management**

79A (10). The Court shall hold a Trial Management hearing to formulate a trial plan, including a plan to facilitate the admission of evidence and the expeditious disposition of the action. The hearing may be attended by the attorney-at-law who will conduct the trial or his assistant and by any unrepresented party;

79A(11). The Court may, at the Trial Management hearing exercise powers conferred on Court by this subsection and shall make such Trial Management orders as to which it may appear fit including-

- a. ascertaining jurisdictional issues;
- b. formulations and simplifying the issues and eliminating frivolous claims or defenses;
- c. Determining and recording admissions and issues.
- d. dispensing with unnecessary proof and cumulative evidence;
- e. consolidating two or more pending cases;
- f. fixing dates with regard to the exchanging of affidavits and documents;
- g. fixing firm trial dates suitable to the parties and their counsel;
- h. identifying number of witnesses to be called and documents to be produced and any other objections thereto and scheduling the filing and exchange of any pretrial briefs;
- i. fixing time limits for calling witnesses;
- j. disposing of pending motions;
- k. agreeing time limits for examination and cross examination of witnesses;
- l. appointing two or more experts for the purposes of recording admissions;
- m. making orders for the determination of any fact by a written report of an expert appointed by the parties or court appointed expert;
- n. trying issues of law first where issues both of facts and law arising in the same action;
- o. agreements of parties either whole or on any part of the matter in the action;
- p. ascertaining other matters and taking any other steps which may appear to it necessary or desirable for expeditors and inexpensive disposal of the action;
- q. Facilitating in other ways the just , speedy and inexpensive disposition of the action.
- r. recording agreements of parties either whole or on any part of the matter in the action include agreements of parties to accept and abide by-

- (i) Any decision or determination of the judge arrived at any manner or such manner as may be agreed upon between the parties and entering of judgment in accordance with such decision or determination;
- (ii) Any decision or determination of the judge on all or any issues of fact or law and entering of the judgment in accordance with such decision or determination at appropriate stage;
- s. any agreement of the parties with regard to the mode of proof of any fact or document or withdrawal of action or adjustment or compromise of actions;
- t. The decision or determination referred to in sub-paragraph (i) and (ii) above shall for all purpose be determined to be final and conclusive as between such parties.

Provided that when the parties recorded an agreement under subsection (r) above, the court shall also read out and explain the effect of such agreements to the parties and record the fact that the parties to understand the said agreement and effect thereof.

### **When parties fail to appear**

79A (12). If a party or his attorney fails to appear at a Trial Management hearing or substantially unprepared to participate or does not participate in good faith in the hearing, the Court shall proceed in their absence as set out in subsection 79A (8) and on motion or on its own, issue any just orders authorized by the Civil Procedure Code including costs to be paid by such party or attorney for his absence, unless the absence was substantially justified or other circumstances make an award of costs unjust.

## **CHAPTER X1**

### **Date of Trial**

- 5. (i)Section 80 of the principal enactment is hereby repealed and the following section is substituted therefore:-

At the end of the Trial Management hearing, the Court shall fix date/dates for the trial of the action in conformity with the trial management order and conduct proceedings continuously until the conclusion of the trial.

**Amendment of pleadings not to be made and fresh issues to be raised unless manifest injustice results.**

(2)Where the issues upon which the trial of the action is to proceed have been settled by the court, no amendment thereto shall be made at the trial, save in special circumstances and unless the court is satisfied that a refusal to permit such amendment would result in manifest injustice to the party applying for the amendment.

(3)Where during the progress of the trial, the evidence discloses facts upon which fresh issues arise for determination, additional issues may be framed, where the court is satisfied that manifest injustice will otherwise result.

(4) On or after the day first fixed for trial of the action, no application for pre-trial steps shall be allowed unless the court is satisfied for reasons to be recorded by the court that a grave and irremediable injustice will be caused if such step is not permitted. In such event, the court may impose such terms as to costs as it thinks fit against the party who makes such application.

**Repeal of section 146, of the principal enactment**

6. Section 146, of the principal enactment is hereby repealed.

**7. Court-annexed or Court-referred Mediation during Pre-Trial hearing**

7 (1)Where the Court is of the opinion at the pre-trial hearing that a particular case is suitable for a court-annexed or court-referred mediation and the parties have consented to a mediation, the Court shall make order requiring them to appear before the mediator nominated by them or where no such nomination has been made, the Court may nominate a mediator from the court-annexed mediation program.

7(2).A mediator appointed to mediate as aforesaid shall assist the parties to such dispute to arrive at a settlement, compromise or other agreement (hereinafter referred to as a ‘settlement’) with regard to the matters in issue in the case;

7(3) .An Attorney-at-law or agent of a party shall also be entitled or be permitted to appear on behalf of any disputant in any matter in any mediation;

7(4). Where in the course of proceedings before a mediator, a settlement is arrived at in regard to all or some of the matters in issue in the case, the Mediator shall cause the terms of such settlement to be reduced to writing and to be signed by such of the parties as agreed to such settlement and the Mediator shall countersign such settlement. Copies of the settlement shall be issued by him to each of the parties to such case, and filed with the referring judge.

7(5).Such settlement shall be binding on the parties which have agreed to its terms and the Court shall give effect thereto as respects such parties, but without prejudice to the rights of the parties who have not agreed thereto.

### **Confidentiality by the Mediator**

7 (6) The Mediator may adopt any procedure which he thinks fit for the purpose of enabling the parties, or some of them, to reach a settlement. He may accordingly discuss the question of fact and law involved in the case and all matters connected therewith, with all the parties in person and/or with their Attorney-at-law or agent separately with one or more of the parties, with or without their Attorney-at-law being present. He may ascertain the terms on which one or more of the parties are willing to settle; he may do so on the understanding that certain matters or terms, disclosed to or discussed with him, will not be disclosed to any other party, without their permission.

### **Confidentiality by the Parties**

7 (7).It shall be the duty of every party to a dispute and of every mediator to maintain confidentiality in respect of documents submitted and any other matters that are revealed or discussed during the conduct of mediation sessions.

7 (8).The Information relating to the mediation must be kept confidential by the parties, the mediator and any other persons involved in the conduct of the mediation unless,

- (a) all the parties agree to the disclosure and, if the information relates to the mediator, the mediator agrees to the disclosure;
- (b) the disclosure is required by law;
- (c) the disclosure is required for the purposes of carrying out or enforcing a settlement agreement;
- (d) the disclosure is required for a mediator to respond to a claim of misconduct.

Provided however, this does not apply where-

- (i) that is publicly available;
- (ii) that the parties, by their conduct, do not treat as confidential; or



(iii) that is relevant in determining if the mediator has failed to make a disclosure required under this subsection .

### **Admissibility of information or statement made at a mediation session**

7 (9) .NO information revealed or no statement made by any party at a mediation session shall be discoverable or admissible in evidence in any judicial or administrative proceedings including-

- a. an invitation by a party to mediate a commercial dispute, a party's willingness or refusal to mediate the dispute, information exchanged between the parties before the mediation commences and any agreement to mediate the dispute.
- b. a document prepared solely for the purposes of the mediation.
- c. views expressed or suggestions made by a party during the mediation concerning a possible settlement of the dispute.
- d. statements or admissions made by a party during the mediation.
- e. statements or proposals for settlement made by the mediator.
- f. the fact that a party indicated a willingness to accept a proposal for settlement made by the mediator.
- g. the fact that a party or the mediator terminated the mediation.

7 (10) The information referred to in 79 (16) above may be admitted in evidence to the extent required,

- (a) By law;
- (b) For the purposes of carrying out or enforcing a settlement agreement;
- (c) By a mediator to respond to a claim of misconduct; or
- (d) If all of the parties to the mediation consent and, if the information relates to the mediator, the mediator consents.

### **Mediation not to postpone or suspend Court Proceedings**

7 (11) The commencement of any mediation proceedings shall not be regarded as a suspension or postponement of the Court proceedings including pre-trial hearing/s or pre-trial steps or Trial Management hearing and Court shall not make any order staying or postponing court proceedings by reason of any mediation proceedings.

### **Affidavit to be substituted for an oral examination**

8. The following new section is hereby inserted immediately after section 151 of the principal enactment and shall have effect as section 151A of that enactment:-

151A (1)The Court may, in its discretion; order that an affidavit be substituted for an oral examination in chief of a witness and direct party calling such witness to tender such affidavit on a date fixed by the court and which date shall be at least .....days prior to the date of trial.

151A(2). When an order is made by the court under subsection 151A (1) above, the court shall direct the party calling such witness to tender such affidavit together with the documents referred to therein, to the Registrar of the court with the proof of service of a copy of the affidavit with all documents to the opposite party or their registered attorneys;

151A(3). On the date of the trial, the party tendering the affidavit shall produce the affidavit through the witness and such witness after taking oath or affirmation shall be given a copy of his affidavit and asked to confirm that it is true and if he/she wishes to add anything to his/her affidavit, it shall be recorded by the Court and then he/she shall be allowed to be viva vice cross examined by the other side and to be viva voce re-examined if any;

Provided however, the opposite party is entitled to object to its being received, at the time it was sought to be produced either on the inadmissibility of such evidence or a part of the evidence or on the inadmissibility or authenticity of any documents annexed to such affidavit. In such an event, the court may make an order on such objection, prior to the witness being cross examined by the opposite party.

151A(4). If an affidavit sets forth matters of hearsay or argumentative matters or any matter which is scandalous, the court may order deletion of such matters and may proceed with the rest of the matters in the affidavit or may order the party who filed such affidavit to tender a fresh admissible affidavit and the party filing such inadmissible affidavit shall be liable to the payment of costs.

151A (5). The aforesaid section shall not in any way take away the right of the Court in the interests of justice to summon and examine any person other than a party to the action and not named as a witness by the party to the action subject to provisions of section 134 and 135 of the Civil procedure Code;

151A (6). This aforesaid section shall not in any way take away the right of the court to order that any particular fact or facts to be proved by depositions taken on commission and

in such event, the provisions set out in section 179 to 180 of the Civil procedure Code in relation to evidence taken on commission shall apply to such evidence.

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**Form X1**

**Schedule**

**Pre-Trial Plan Order setting for Case Management –Section 79A (1)**

**IN THE DISTRICT COURT OF.....**

**Case No.....**

.....

**Plaintiff**

.....

**Defendant**

IT IS HEREBY ORDERED that counsel who will be responsible to trial and each party, or party’s representative or attorney, shall appear for a pre-trial hearing before the Honourable Judge ....., in Court Number .....on the .....day of ..... at the hour of ..... a.m.

In preparation for this pre-trial hearing, IT IS HEREBY ORDERED as follows:

1. No later than one week prior to the pre-trial hearing, counsel for the parties shall meet and confer and provide to the Court, in writing, a JOINT statement providing the following information in separately numbered paragraphs:
  - (a) Whether there is any prospect for settlement and what efforts have been taken or are anticipated, to settle this matter prior to trial;
  - (b) Whether the case is suitable for Mediation/conciliation and if so, a statement to that effect;
  - (c) The names of counsel who met and conferred in preparation of the statement;
  - (d) A brief description of the case;
  - (e) The issues that are in dispute;
  - (f) The basis for jurisdiction in this Court;

- (g) Whether there are any anticipated amendments to the pleadings or joinder of parties or causes of action;
- (h) What evidence needs to be discovered or disclosed to trial including interrogatories, production, inspection and genuineness of documents including discovery of electronically stored information etc. so the parties adequately prepare for trial before trial begins;
- (i) Anticipated need for commissions or experts and what kind;
- (j) A proposed schedule for the disclosure of evidence or discovery requests including discovery of electronically stored information;
- (k) Three jointly agreed upon proposed dates for pre-trial conference and trial dates within 8 months of the date of the scheduled Case Management Conference;
- (l) An estimate of how long the trial will take, taking into consideration that once the trial begins, there will be no interruption of the trial, it will be conducted until conclusion and no dates will be permitted to interrupt the trial; and
- (m) A list of known witnesses with personal information about the issues presented.

2. At the pre-trial hearing/s, the Court will establish, with the advice of counsel, a schedule for the conducting of the case through trial, including a firm trial date and a date for a trial management hearing to be held 15 days before trial. The parties will be required to adhere to the schedule established, so the parties and counsel should cooperate that unnecessary delays will not occur to interfere the prompt resolution of the case;

3. Following the pre-trial hearing/s, the Court will issue a scheduling order and it fully intends to enforce the deadlines in that order. Counsel and parties should plan their litigation activities accordingly. In addition, the parties are urged to engage in efforts to resolve the matter as early as possible to avoid unnecessary costs and risks of a trial.

On this .....day of .....20\_

.....

District Judge

**Form X2**

**CASE MANAGEMENT ORDER**

**Section 79A (2)**

**IN THE DISTRICT COURT OF .....**

**Case No.....**

.....

**Plaintiff**

.....

**Defendant**

The parties with counsel having appeared before the Court in a pre-trial hearing for Case Management on the .....day of .....20\_\_, for the purpose of scheduling the events of this matter for case management plan and the Court having given due consideration to the information provided by the parties:

**THE FOLLOWING SCHEDULING ORDERS ARE HEREBY ENTERED:**

1. Any request of amendments of pleadings or addition of parties shall be made in writing to the Court at the Registry, with service upon any and all opposing parties, shall be filed no later than .....after the date of this order. Any such request shall attach a proposed amended plaint thereto;
2. The discovery, disclosure, inspections and exchange of all documents, reports, commissions and other evidence in support of either party's claim or defence shall be completed no later than 4 month after the date of this order;
3. The last date to disclose the identities, opinions of any experts is ..... from the date of this order;
4. A pre-trial conference is hereby scheduled before this Court ..... before trial, at the hour of ..... a.m./p.m.
5. TRIAL in this matter shall commence, AND CONTINUE WITHOUT INTERRUPTION, on Monday, the ..... day of ..... 20\_\_ at ..... a.m./p.m. This date is a firm date and counsel is directed to summon all witnesses to appear on that date;

6. All parties shall exchange lists of witnesses to be called at trial and list of documents to be produced .....days before the trial date;
7. If the parties agree to mediation, they must meet by telephone to discuss the selection of a mediator to resolve their matter unless they agree to a court-appointed mediator or Court-referred mediator to the ..... Mediation Centre;
8. In case of an agreement to a mediation, requiring the parties to appear before the Mediator nominated by them or if no such nomination is made to appear before the Mediator suggested by Court or before the Colombo Mediation Centre for settlement on ..... at a.m./p.m.
9. Any request for a postponement of the trial date must be filed, in writing, no later than .....MONTHS before trial and shall show good, legitimate and documented reason for the request as provided for in Court of Appeal (Appellate Procedure) Rules 1990 Part V of Rule 6 AND ANY ALL POSTPONEMENTS ARE AT THE COURT’S SOLE DISCRETION;
9. Any party who needs the use of an interpreter, for the hearing impairment or language disability or any consideration because of physical impairment, immobility or hardship, it is hereby agreed to contact the Court Registrar prior to any hearing or the trial so that an appropriate accommodation may be arranged;
10. All parties shall adhere to the deadlines set forth in this scheduling order.

On this .....day of .....20\_

.....

District Judge

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**Form X3**

**TRIAL MANAGEMENT ORDER –Section 79A (25)**

**IN THE DISTRICT COURT OF .....**

**Case No.**.....

.....

**Plaintiff**

.....

**Defendant**

The parties, with counsel, having appeared before the Court in a Trial Management hearing, on the .....day of .....20\_, for the purpose of scheduling the events of this matter for trial management and this matter is currently set for trial beginning ..... at the District Court of ..... at a.m. as a setting, the parties having submitted the following to the court and the Court having given due consideration to the information provided:

**IT IS HEREBY ORDERED THAT**

**(1) The parties and their counsel**

The parties and their counsel are as follows:

.....  
.....

**(2) Admissions**

The parties have admitted the following as admission:

.....  
.....

**(3) Contested Facts and Legal Issues**

The plaintiff submits that the following are the contested facts of the case:

.....  
.....  
.....

The plaintiff submits that the following are the legal issues presented by the facts of this case:

.....  
.....

The defendant submits that the following are the contested facts of the case:

.....  
.....

The defendant submits that the following are the legal issues presented by the facts of this case:

.....  
.....

**(4) Dispensing with proof of documents**

The parties have stipulated to the following without the necessity of further proof or authentication:

.....

**(5) Witnesses**

The plaintiff may call the following persons as witnesses at the trial:

.....  
.....

The defendant may call the following persons as witnesses at the trial:

.....  
.....

**(6) Documents**

The plaintiff may produce the following documents at the trial:

.....  
.....

The defendant may produce the following documents at the trial

.....  
.....



**(7) Exchange of Affidavits**

The parties agree that the affidavits of respective parties including that of the witnesses will be filed in Court with notice to other parties .....days or .....days before the trial date with supporting documents as set out in item 6 above;

**(8) Expert Witnesses**

The plaintiff may call the following expert witnesses at the trial:

.....  
.....

The defendant may call the following expert witnesses at the trial:

.....  
.....

**(9) Trial and Estimates**

The plaintiff estimates that it will take ..... days to present his witnesses

The defendant estimates that it will take ...days to present his witnesses

**(10) Depositions to be Read/Videos to be shown**

The following is a list of depositions/Video depositions to be read/shown during the trial and the estimates time required to read/show these depositions/videos as follows

The plaintiff:.....

The defendant.....

.....  
.....

Counsel for the plaintiff

Counsel for the defendant

Approved and ordered filed on this day of , 20\_\_

.....

District Judge

SLJI



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