

# **PERFORMANCE REPORT**

**MINISTRY OF JUSTICE**

**JANUARY - DECEMBER 2017**

**Superior Courts Complex  
Colombo 12**

**Web Site: [www.moj.gov.lk](http://www.moj.gov.lk)**

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## **Observation of the Chief Accounting Officer**

In 2017, the Ministry of Justice, with the firm support of the Departments and the Institution coming under its purview has achieved a great deal of work mainly for the realization and establishment of the administration of justice while protecting the rights of the entire citizens of the country.

In 2017, the Ministry of Justice was able to pass in Parliament 6 Acts which relate to the Ministry of Justice and are vitally important in terms of the interests of the general public. The Civil Procedure Code was amended by introducing pre-trial produce so as to arrest the backlog of litigation process. To increase the number of High Court Judges up to 110, the Judicature Act was amended which results in relieving the delay in disposal of court proceedings. The Revocation of Irrevocable Deeds of Gifts Act passed in Parliament has emerged to resolve the controversial issue arisen in consequent of a judgment being pronounced with regard to revocation of irrevocable Deeds of Gifts and has become significant in safeguarding the entire society and as well as the advancement of the economic growth of the country. Prevention of Crimes Act that was enacted to widen the instances of obtaining finger prints from the offenders immensely contributes to cabinet the commission of crimes. The amendments to the Assistance to and the Protection of Victims of Crimes and Witness Act providing for a witness overseas to adduce evidence at relevant Embassy has served to be of more significance. In 2017, 258 Bills drafted in three languages by the Legal Draftsman's Department were distributed among the relevant parties.

In 2017, the Attorney General's Department concluded 10,511 cases including 3,105 child abuse cases and 3,054 criminal cases. The Department of Law Commission has recommended law reforms in respect of 8 areas during the year 2017. The expert evidence testified by the Forensic and Food Science Division of the Government Analysts Department is of very importance in expediting the dispose of court cases. In 2017, the Department issued 30,164 analytical reports. During the year 2017, the Department of Public Trustee dealt with 1,081 trusts and 141 estates. Further in 2017, a sum of Rs.11.1 million was remitted to the General Treasury.

The Department of Debt Conciliation Board that takes the charge of serving the general public who are suffered by debts due to mortgage of their immovable properties, has proceeded to grant redress in respect of 373 applications. The Mediation Board performing alternative to litigation has made a tremendous task in minimizing the constant flow of disputes towards the court of law. Out of 190,566 disputes tabled before the Board in 2017, the rate at which the of disputes were successfully settled was 51%.

The Legal Aid Commission renders an invaluable service for the needy who themselves are precluded from their accessing to justice due to their poverty and ignorance. Accordingly, the Legal Aid Commission provided 141,264 persons with legal aid at 82 Legal Aid Centers throughout the country. In order to improve and advance the

professionalism of the judicial officers, the Sri Lanka Judges' Institute took steps to conduct 94 local and foreign training programmes at which 2,726 persons including Judicial Officers, President of Labour Tribunals and as well as Court Registrars received training.

For the process of efficient administration of justice, the Ministry of Justice takes the charge of providing the entire court system of the country with infrastructure facilities. Accordingly, in 2017, the Ministry of Justice incurred 1,423 million rupees for the construction and renovation of court complexes and judges' official residences. Further, during the year under review, courts complexes in Homagama and Galagedara were commissioned for the benefit of the general public.

The Ministry of Justice including the Departments and Institutions coming under its purview have achieved their objectives by better using financial provisions made available to them by the Department of the National Budget for the year 2017. Accordingly, they have recorded a progress in terms of average recurrent expenditure by exceeding 90% and as well as by exceeding 80% in terms of average capital expenditure. I wish to note that in 2017, the Courts Administration Division has collected revenues that exceeded the estimated amount.

In achieving their goals, these institutions need to raise greater emphasis on certain facts which *inter-alia* include settlement of existing issues by underlining the better co-ordination, firm adherence to the process of follow-up, conducting progress review meeting at the Ministry level to assess the implementation of action plans applicable to the Ministry and as well as its affiliated institutions and paying further attention to reach the targets set in respect of capital expenditure estimate. Moreover, in order to secure and maintain a high level of financial discipline in achieving establishment objectives through auditing and management committee meetings, it become essential to direct the Heads of Departments to that end. The assistance already extended by these officers in this endeavor is highly appreciated.

Finally, I extend my sincere gratitude to the Hon. Thalata Atukorale, Attorney-at-Law, Minister of Justice and Prison Reforms and Hon. Sarathi Dushmantha Mithrapala, Attorney-at-Law, Deputy Minister of Justice and Prison Reforms for their valuable advice and useful guidance extended to the Ministry of Justice and as well as to the Departments coming under it's purview that have always enabled an overall progress in all areas in the judicial sector. Further, I am extremely grateful to all Heads of Departments and the Staff for their firm dedication and commitment extended to make these goals a greater success.

W.M.M.R. Adikari  
Secretary  
Ministry of Justice and Prison Reforms

## CONTENTS

	<b>Page</b>
1. Vision & Mission	05
2. Functions of the Ministry of Justice	06
3. Departments coming under the purview of the Ministry of Justice	07
4. Functions of the Division under the Ministry	09
5. Progress of the Ministry of Justice	
5.1 Legal Division	10
5.2 Establishment Division	23
5.3 Finance Division	29
5.4 Infrastructure Division	33
5.5 Development Division	38
5.6 Planning Division	41
5.7 Internal Audit Division	44
6. Progress of the Departments and Institutions under the Ministry	
6.1 Attorney General's Department	45
6.2 Legal Draftsman's Department	48
6.3 Department of Law Commission	52
6.4 Government Analyst's Department	55
6.5 Department of Public Trustee	57
6.6 Department of Debt Conciliation Board	60
6.7 Mediation Boards Commission	62
6.8 Office of the Secretary Labour Tribunals	65
6.9 Training Institute for Non Judicial Officers	66
6.10 International Arbitration Centre (Guarantee) Ltd.,	67
7. Progress of the Public Enterprises under the Ministry of Justice	
7.1 Legal Aid Commission	68
7.2 Superior Courts Complex Board of Management	72
7.3 Sri Lanka Judges' Institute	73
7.4 National Authority for the Protection of Victims of Crime and Witnesses	74
7.5 Commercial Mediation Centre of Sri Lanka	78
8. Courts of Law	
8.1 Registry of the Supreme Court	80
8.2 Registry of the Court of Appeal	82
8.3 Quazi Courts and Quazi Board of Appeal	83
9. Related Institutions	
9.1 Sri Lanka Law College	84

# Ministry of Justice

## THE VISION

- ❖ Efficient system of administration of Justice;
- ❖ Law reform to respond to societal needs in keeping with global advancements and the aspirations of the people;

## THE MISSION

- ❖ Formulation and implementation of policies, plans and programmes aimed at the efficient and meaningful administration of justice;
- ❖ Law reform for greater recognition, protection and promotion of the rights of the citizens.

## 02. FUNCTIONS OF THE MINISTRY OF JUSTICE

- Formulation of policies, plans and programmes in respect of the machinery for administration of justice.
- Implementation and direction of such policies, plans and programmes within the time limit agreed with the national planning authorities and within budgeted resources.
- Matters relating to the administration of justice which have not been assigned to any other Institution in terms of the Constitution.
- Implementation of reforms to the legal system taking into consideration societal needs and global trends.
- Implementation of all matters systematically and efficiently in relation to overall administration, including prevention of delays in the administration of justice within the court system.
- Criminal prosecutions and civil proceedings on behalf of the government.
- Tender legal advice to the government and to all government departments.
- Drafting of legislation.
- Make recommendations to grant pardons, commutations, remissions, respites, and suspensions in relation to sentences passed on any offender.
- Formulation and implementation of an appropriate programme to enhance the effectiveness and efficiency of the overall Quazi system.
- Administration of Labour Tribunals and any other Matters relating thereto.
- Documentation and consolidation of laws.
- Preparation of legal glossaries.
- Publication of Law Reports.
- Supervision of Departments/Institutions that come under the purview of the Ministry of Justice and all other subjects that comes under the purview of these Departments/Institutions.
- Assistance to and Protection of Victims of Crime and Witnesses Act and related activities.
- Commercial Mediation Center of Sri Lanka Act No. 44 of 2000 and related activities.

### 03. DEPARTMENTS AND INSTITUTIONS COMING UNDER THE PURVIEW OF THE MINISTRY OF JUSTICE

#### DEPARTMENTS COMING UNDER THE PURVIEW OF THE MINISTRY OF JUSTICE





# INSTITUTIONS COMING UNDER THE PURVIEW OF THE MINISTRY OF JUSTICE



## 04. FUNCTIONS OF THE DIVISIONS UNDER THE MINISTRY

- The functions of the Ministry are carried out by the following divisions,
  - I. Legal Division
  - II. Establishment Division
  - III. Finance Division
  - IV. Infrastructure Division
  - V. Development Division
  - VI. Planning Division
  - VII. Internal Audit Division

### **I. Legal Division**

Formulation of policies to be in par with the international best practices and standards and creating new laws and amending the existing laws which are instrumental in the administration of Justice, publication and translation of law reports. Entreating Public grievances relating to legal issues, functioning as the Central Authority for the Mutual Assistance in Criminal, Civil and Commercial matters and the Civil Aspects of International Child Abduction. Transferring of Prisoners under Act No 59 of 1995. Transfer of Sentenced Persons, and recommendations on Grant of Pardons, Functions of the Cabinet Sub Committee on Legislation and pioneering in the efforts of combatting all the aspects of Human Trafficking.

### **II. Establishment Division**

Establishment matters of all officers of the Ministry and the Departments which are coming under the Ministry (other than Scheduled Public Officers appointed by the Judicial Service Commission).

### **III. Finance Division**

Financial Planning, Management and Control of financial aspects of the Ministry, Department and Courts.

### **IV. Infrastructure Division**

Construction of Court-houses, Judges' Quarters and Labour Tribunals and other affiliated buildings and any additions and improvements to them.

### **V. Development Division**

Development Division coordinates and carries out development activities of the Ministry of Justice and the Departments coming under the purview of the Ministry of Justice.

### **VI. Planning Division**

Project Planning, Progress control and Monitoring of activities of the Ministry and Departments that come under the Ministry.

### **VII. Internal Audit Division**

Auditing of accounts of the Ministry, Departments and court-houses.

## 05. PROGRESS OF THE MINISTRY OF JUSTICE

### 5.1 LEGAL DIVISION

**5.1.1 A brief outline of the Acts passed in Parliament and the proposed Bills to be submitted in Parliament by the Ministry of Justice with special reference to the period from 01<sup>st</sup> January to 31<sup>st</sup> December 2017.**

#### 5.1.1.1 Acts Passed

##### **01. Revocation of Irrevocable Deed of Gifts (Special Provisions) Act**

This Act may be cited as the Revocation of Irrevocable Deeds of Gift on the Ground of Gross Ingratitude Act, No. 5 of 2017 and was passed in Parliament on 04<sup>th</sup> April, 2017. An irrevocable deed of gift may be revoked on the ground of gross ingratitude, only on an order made by a competent court in an action filed by the donor of such deed against the donee to have the said deed revoked. Court shall not entertain an action referred to above, unless it is filed within a period of ten years from the date of the execution of such deed of gift and within two years from the date on which the cause of action arose.

##### **02. Civil Procedure Code (Pre-trial Proceedings) Act**

The long and undue delay encountered by litigants in the course of administration of Justice seriously undermines and subverts the public confidence in the judicial process. Financial difficulties experienced by the litigants aggravates their desperate plight even further. Taking all these as matters of concern, to expedite trials, the Civil Procedure Code was amended to introduce pre-trial procedure.

The pre-trial procedure provides for the pre - trial judges to reach certain inferences and to record admissions and agreements and take measures by which the procedure itself speeds up the disposal of trial proceedings. The Bill was passed by Parliament on 24-05-2017 as Act No. 08 of 2017.

##### **03. Registration of Electors (Special Provisions) Act**

This law was introduced to protect the voting rights of the displaced families and individuals who were forced to flee and who had abandoned their lands and properties, as well as to safeguard the internally displaced persons and their children's eligibility to vote, i.e. to exercise their right to franchise in the electoral district in which their permanent places of residence were situated prior to being internally displaced. The Bill was passed by Parliament on 4<sup>th</sup> July 2017 as Act No. 10 of 2017.

#### **04. Prevention of Crimes (Amendment) Bill**

Prevention of Crimes Ordinance, No.02 of 1926 contains provisions to amend and consolidate the law relating to the identification and supervision of criminals and to take finger prints after the committal and before the trial of the person accused of a “crime”.

New laws to combat certain categories of crimes have been enacted by the Parliament with the passage of time after the enactment of the principal enactment. The proposed amendment is to include provisions in compliance with the provisions contained in the existing Ordinance to take finger prints of a person accused of certain categories of crimes specified in the new laws.

Hence, the proposed amendment basically intends to expand the list of offences specified in the Schedule in respect of which the accused’s finger prints are required to be taken and to grant to the court such powers to direct that the convicted person serving a suspended sentence be subjected to the supervision of police until the expiration of the period during which such sentence takes effect. The said Bill was passed by Parliament on 07-11-2017.

#### **05. Judicature (Amendment) Bill – Bill in relation to Increase of High Court Judges**

In order to minimize the backlog of cases pending in various court houses, it was decided to increase the number of High Court Judges to 85. The Bill was published in the Government Gazette issued on 21-08-2017.

At a meeting of the Sectoral Oversight Committee on Legal Affairs (Anti-Corruption) and Media held on 23-08-2017, it was decided that the number of High Court Judges should be increased up to 110, and not eighty-five as specified in the Bill. Based on the same, a Committee Stage Amendment has been included. The Bill was passed by Parliament on 07-11-2017.

#### **06. Proposed amendments to the Assistance to and Protection of Victims of Crime and Witnesses Act**

The primary objective of the above Act, No.04 of 2015 is to provide assistance and protection to victims of crimes and witnesses. In order to further expand its objectives, in compliance with the approval of the Cabinet of Ministers, amendments were drafted. The proposed amendments intends to provide a person who is abroad with an opportunity to give evidence from the relevant Embassy of Sri Lanka in the country in which he resides, without returning to Sri Lanka in compliance with the due procedure and with adequate safeguards to ensure the evidence. The Bill has been presented in Parliament and was passed on 07-11-2017.

### 5.1.1.2 Proposed Bills

#### **01. Children (Judicial Protection) Bill**

With the ratification of the UN Convention on the Rights of the Child, need has arisen on the part of Sri Lanka to formulate immediate and long term responses to overcome the barriers impeding the way for child care and the protection of the juvenile justice system. Presently, Children and Young Persons Ordinance, No.48 of 1939 applies pertaining to these matters. In order to give effect to the anticipated objectives, approval of the Cabinet of Ministers was granted to repeal the Parts I, II, V and VI of the above Ordinance and to draft a bill incorporating the norms and standards embodied in the UN Convention on the Rights of the Child and in compliance with representations made at the discussions had with the line Ministries, Department of Probation and Child Care, UNICEF in Sri Lanka, Police, Judicial Medical Officers and NGOs. The Bill identifies how legal proceedings would be initiated and had and maintained in compliance with international standards as regards children. The proposed amendments, upon completion of drafting by the Legal Draftsman have been sent to the Hon. Attorney General to obtain his certificate stating its constitutionality and legal consequences.

#### **02. Prescription (Special Provisions) Bill**

The Prescription (Special Provisions) Act, No. 05 of 2016 was passed in Parliament on 06-04-2016, and exempted the persons who were unable to pursue their rights in court for the recovery of any immovable property including land due to the thirty year armed conflict (disadvantaged persons) from the provisions of the Prescription Ordinance (Chapter 68).

The disadvantaged person shall be entitled to institute an action in courts within a period of two years. Some of the persons who are covered by the Act may not have been able to avail themselves of the benefits of the Act due to lack of awareness or any other reasons.

Having considered the expiration of the validity period of the Act it was decided to extend the validity period by another two years and the Act is to be amended by incorporating a provision authorizing the Minister to extend the period of validity of the Act by an Order published in the Gazette subject to Parliament approval. Legal Draftsman had amended the draft Bill as per the observations of the Attorney General and same will be sent to Attorney General in due course.

Accordingly, it is expected to obtain the Bill prepared by the Legal Draftsman, during the first week of January, 2018.

#### **03. Obscene Publication Bill**

The law relating to obscene publication is presently contained in the Penal Code of 1883 as amended in 1995 to deal with children, and the Obscene Publications Ordinance of 1927 as amended in 1983. The provisions contained in these two enactments are totally inadequate to deal with current realities relevant to crimes under consideration and in particular the complexities involving these types of crimes cannot be adequately dealt with punitively by using the existing legal provisions. Therefore new legislation was proposed.

The final draft has been sent to the Attorney General's Department requesting the Certificate of Constitutionality.

#### **04. Notaries Ordinance (Amendment) Bill**

Fraudulent transactions to perpetrate land frauds by forged attestation, sale upon forged instruments have become increasingly prevalent. To discourage the acts of fraud and swiftly bring the perpetrators, to justice, the need has arisen to make amendments to the Notaries Ordinance for which approval of the Cabinet of Ministers has been granted.

Accordingly, the proposed Bill incorporating the requirement for the use of bio-metric signatures at the time of attestation to prevent frauds has already been submitted to the Ministry of Home Affairs for further steps immediately upon the approval of the Cabinet Sub-Committee on Legislation being given to the proposed draft on 01.11.2016. The Legal Draftsman has submitted a draft version of the proposed Bill to the Attorney General's Department for observation. AG's observations have been sent to Ministry of Home Affairs and same has been submitted to LD. Subsequently, observations of the Bar Association were received, and the draft is being amended, accordingly.

#### **05. Muslim Marriage and Divorce (Amendment) Act**

Amendment to the Muslim Marriage and Divorce Act is being discussed at a Committee appointed by the Hon. Minister of Justice chaired by retired Supreme Court Judge Saleem Marsoof P.C, and the Committee is in the process of finalizing the report pertaining to the proposed amendments to the Muslim Marriage and Divorce Act. A committee comprising certain Ministers was also appointed to consider the matter.

#### **06. Powers of Attorney (Amendment) Bill**

The alarming increase in the incidence of land fraud has given rise to a public outcry for measures to prevent such frauds. Hence, the pressing need to rectify the imperfections identified in the principal enactment in addressing such fraudulent acts has necessitated amendments including the use of bio metric signatures and the requirement to provide photographs of the grantor and principal of the Power of Attorney. This Ordinance is being amended to prevent fraud. A draft has been prepared by the Committee chaired by Mr. Nihal Jayamanne, P.C. appointed by the Hon. Minister of Justice and was sent to the Legal Draftsman upon approval by the Cabinet.

The Legal Draftsman has incorporated the observations of the Attorney General and sent to the Ministry of Home Affairs. Subsequently, the observations of the Bar Association were received and certain amendments are being done to the Bill. Accordingly, this Bill was amended and the final Bill has been referred to the Ministry of Home Affairs by the Department of Legal Draftsman.

#### **07. Code of Criminal Procedure (Special Provisions) Bill - (Access to Legal Counsel)**

The Committee appointed by the Hon. Minister of Justice to review the proposed amendment to introduce the right of persons arrested to retain and consult an Attorney at Law, chaired by the Hon. Attorney General, prepared a draft Bill.

Cabinet approval has been granted to extend the said legislation provision for a period of four (04) years from the date of enactment in the first instance, deciding thereafter on extending for a further period the operation of the said legislation, based on an assessment of its operation during the aforesaid period. Final draft has been sent for Attorney General's certificate.

The bill has been submitted in Parliament on 04<sup>th</sup> December, 2017, after it was published again in the Gazette Notification on 14<sup>th</sup> November, 2017. It is scheduled to be approved upon 2<sup>nd</sup> reading.

#### **08. Trust Ordinance.**

In order to reduce the risk involved with money laundering and raising funds in favour of terrorism, the Asia Pacific Group, by its evaluation, and the Financial Intelligent Unit, by its observations, have emphasized the urgent need to amend the Trust Ordinance No.09 of 1917 to suit the requirements of international norms and to expand the scope of the contents. The Cabinet Memorandum submitted by the Ministry of Justice seeking approval to amend the Trust Ordinance in line with the concerns mentioned above, was granted approval by the Cabinet of Ministers on 30.03.2016.

After receiving the certificate of the Attorney General, the Cabinet approval to publish the draft Bill in the Government Gazette and present the same in parliament has been given. Accordingly, the same has been sent for gazetting. Accordingly, this bill was published in the Government Gazette on 02.11.2017.

#### **09. Commercial Mediation Centre of Sri Lanka Act, No. 44 of 2000**

The Commercial Mediation Centre of Sri Lanka Act, No. 44 of 2000 as amended by Law, No. 37 of 2005 provides for the establishment of the Commercial Mediation Centre of Sri Lanka and for matters connected therewith or incidental thereto. For the purpose of denoting the appointing authority, it was suggested to amend the law giving power to the Minister in charge of the subject of Justice to appoint the Chairman of the Board of Management.

Further, it was observed that the function of the Commercial Mediation Centre of Sri Lanka is not adequately harmonized due to lack of co-ordination between the line agencies. Considering this, it was suggested that Section 5 of the Act be amended to include the Secretary to Minister of Justice or his nominee, the Secretary to the Ministry of Industry and Commerce or his nominee, the Secretary to the Treasury or his nominee and one additional member nominated by the Minister of Justice bringing the total number to be nominated by the Minister of Justice to two members. Accordingly, after receiving the Cabinet approval the Government Printer has been informed to publish the draft Bill in the Government Gazette.

Accordingly, the bill was published in the Government Gazette on 02.11.2017 and submitted in Parliament on 21.11.2017.

#### **10. Amendment to the Civil Procedure Code (Section 118, 119) - Appointment of Sworn Translators**

There is no regularized procedure of appointing sworn translators at present and no proper method to monitor their professional conduct. Although the section 119 of the CPC, contains some provisions regarding the same it was noted that those provisions do not adequately address the issue.

Considering that Cabinet approval has been received to amend the Civil Procedure Code the Legal Draftsman has forwarded the draft legislation. Currently after reviewing the Bill same is been referred to Legal Draftsman for the preparation of final draft Bill.

## **11. Proposed amendments to the Partition Law**

The proposed draft intends to amend the Partition Act to enable the “Paraveni Nilakaraya” to initiate a partition action or to bring an action with regard to a land belonging to “Panguwa”. The draft Bill containing amendments has been referred to the Hon. Attorney General and further discussions into this are in progress.

## **12. Judicature Act, No. 2 of 1978 (Amendment to section 45)**

The purpose of the amendment is to appoint Justices of the Peace for all the Administrative Districts. Further amendments were made to include the following: -

- 1) Regulations to provide for termination, cancellation and suspension of appointments
- 2) Justices for the Peace who are already appointed to come under the relevant Administrative Districts of which they were residing at the time of their appointment.

Awaiting Attorney General’s Certificate of Constitutionality on final draft.

## **13. Amendment to the Mutual Legal Assistance in Criminal Matters Act, No. 25 of 2002**

The amendment was drafted having considered the Asia Pacific Group evaluation on prevention of Money laundering and Terrorist Financing and also to keep in line with the United Nation Convention on Anti-corruption and the Budapest Convention on Cyber Crime. Ministry of Justice has received the approval of the Cabinet to amend the Mutual Legal Assistance Act. A preliminary draft has been sent by the Legal Draftsman, the Ministry of Justice is in the process of studying the same.

## **14. Increase of Minimum Age Limit of Criminal Responsibility**

### **a. Penal Code (Amendment) Bill**

The proposed amendment specifies that nothing is an offence which is committed by a child less than 12 years of age. The Bill provides that as regards a child, above 12 years and under 14 years it is accepted that it is appropriate to confer discretion on a Magistrate to determine as to whether such child has the required degree of cognitive maturity to form the requisite intent or to entertain requisite knowledge which serves as the *mens rea* of the impugned offence committed by the relevant child. This amendment was sent to the Cabinet of Ministers on 24.10.2016. The decision of the Cabinet of Ministers has been given on 01-11-2016. Constitutionality Certificate by the Attorney General has been received. Attorney General’s Certificate of Constitutionality was also received thereby allowing approval to publish this bill in the Government Gazette and to submit in Parliament.

Accordingly, amendments to the Code of Criminal Procedure Act in this connection have been awaited until the receipt of the Attorney General’s Certificate of Constitutionality.

### **b. Code of Criminal Procedure (Amendment) Bill**

In addition to the above amendment to the Penal Code, this amendment is introduced to provide for the Magistrate to refer the child to a Government Medical Officer to examine and to have a report to the police indicating the Government Medical Officer’s opinion on whether the child has attained sufficient maturity of understanding to judge of the nature and consequence of his conduct on the occasion of his committing an alleged offence and whether the child is in need of any therapeutic intervention.

Final draft which includes the observations of the Attorney General has been sent to the Attorney General for the certificate of constitutionality.



**15. Amending the Penal Code and the Criminal Procedure Code to extend the permitted instances of termination of pregnancy**

The proposed amendment in the following circumstances intends to extend the permitted instances of safe and legal termination of pregnancy with the consent of the victim or custodian where the victim is underage: -

- Pregnancy occurring as a result of rape or incest.
- Pregnancy occurring in a girl below the age of 16 (a victim of statutory rape) and
- Instance where there is a serious fetal impairment

Hon. Minister of Justice has conducted a dialogue with all other Hon, Ministers who are in charge of various religions and all religious leaders as per the Cabinet decision dated 17<sup>th</sup> January 2017. Thereafter same is been referred to a Committee chaired by the Attorney General for further consideration.

**16. Proposed Amendment to the Penal Code on act of Gross Indecency (Section 365A), Marital Rape, and Extending the Permitted Instance of Termination of Pregnancy**

The Committee chaired by Hon. Attorney General is considering the above proposals.

**17. Debt Conciliation Bill No.39 of 1941**

This law provides for the establishment of the Debt Conciliation Board and matters incidental thereto. This amendment has proposed to expand the Debt Conciliation Board, which is currently functioning only in Colombo by establishing Branch Boards in various parts of the Island, for providing the general public with easy access to relief.

Accordingly, approval for the Cabinet Memorandum submitted to increase the number of members necessary to establish Branch Boards and as well as to revise the qualifications of the members was granted. The proposed amendment was then sent to the Legal Draftsman to draft legislation.

**18. Amendment to the Rule No.2 of the Incorporated Council of Legal Education Ordinance under Section 7 thereof by the Incorporated Council of Legal Education**

By the amendment, it is expected to create a post of Vice Principal for the Sri Lanka Law College.

The objective of this amendment is to create a second administrative authority in the College so that part of the duties presently undertaken by the Principal may be entrusted with the second administrative authority.

Upon the concurrence of the Hon. Minister of Justice was obtained, the proposed bill to the Rule No.2 of the Incorporated Council of Legal Education Ordinance was sent to the Legal Draftsman. The draft amendment submitted by the Legal Draftsman was published in the Government Gazette. The Cabinet Memorandum seeking approval for draft amendment to be submitted in Parliament was given approval. Accordingly, said amendment has been referred to the Parliament for further action.

**19. The Bill submitted to amend the Code of Criminal Procedure Act (Granting authority to Magistrates to supervise police stations)**

By the cabinet decision dated 07.11.2017, approval has been granted to draft necessary amendments. The Legal Draftsman has submitted the Draft to the Ministry for observation.

## **20. Obtaining compensation pertaining to the death of a dependent**

By the cabinet decision dated 24.10.2017, approval was granted to draft necessary legislation. Accordingly, the bill drafted by the Legal Draftsman has submitted to the Law Commission for observation.

### **5.1.2 Sri Lanka Law Reports**

The printing of Sri Lanka Law Reports is continuing. Two Volumes are being printed each year which consists of important judgments delivered by the Court of Appeal and the Supreme Court of Sri Lanka.

### **5.1.3 Implementation of International Obligations**

#### **5.1.3.1. Task Force of Judicial and Legal causes for prison overcrowding and prison reform**

The NTF which was formed to look into the legal and judicial concerns conducive to make the prisons crowded with inmates, is headed by the Secretary to the Ministry of Justice and the Secretary to the Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs as Co-chairmen. The NTF is represented by the Judicial Services Commission, Attorney General's Department, Government Analyst's Department; Department of Community based Corrections, Legal Draftsman Department, Police Department, Sri Lanka Judges' Training Institute and the Ministry of Law and Order.

The First Report of the Task Force of Judicial and Legal causes for prison overcrowding and prison reforms has been placed before the Parliament. The said report containing some of the following recommendations are being considered by the Sectoral Oversight Committee on Legal Affairs (anti-corruption) and Media

- To establish a dialogue between the Department of Community Based Corrections and Magistrates with the assistance of Judicial Service Commission and the Judges Training Institute for the effective enforcement of Act No. 46 of 1999.
- To conduct discussions among the aforesaid Institutions on effective enforcement of staggered payments of fines in the instances where the persons are unable to pay fines.
- Ensuring Magistrates visit prisons once a month as specified in the Release of Remand Prisoners Act No. 8 of 1991 and monitoring the same by the Judicial Service Commission.
- In order to reduce the number of prisoners who are been referred to prisons, awareness programs to be conducted to Sri Lanka police on the use of police bail to ensure that the Bail Provisions Act is implemented.

#### **5.1.3.2. A committee appointed by the Hon. Minister of Justice for the commutation of death sentence to life imprisonment**

The convicts sentenced to death after the conclusion of judicial proceedings as at 26.09.2013 are eligible to be present before the Committee for the commutation of death sentence to life imprisonment.

His Excellency the President, by virtue of the powers vested in him by Article 34 of the Constitution, on four occasions, granted pardon by commuting the death sentence to life imprisonment, the details of which are as follows –

<b>Date</b>	<b>No of Prisoners</b>
2015.12.11	34
2016.04.20	83
2016.05.20	70
2017.02.04	60
<b>Total</b>	<b>247</b>

Cabinet approval has been received on 8<sup>th</sup> February 2017 for the Committee appointed by the former Hon. Minister of Justice to make recommendations to lessen the punishments of prisoners on death penalty, Life imprisonment and long term imprisonment. Accordingly, the said committee is in the process of interviewing the prisoners who are serving long term imprisonment.

#### **5.1.3.3 Civil Aspects of International Child Abduction Act, No. 10 of 2001**

52 applications have been received in respect of Civil Aspects of International child abduction under the Act, No. 10 of 2001. Most of them were settled without filing cases. Presently two cases are pending, one in the High Court and another in the Supreme Court.

#### **5.1.3.4 Transfer of Offenders**

Act No. 05 of 1995, provides for the transfer to a specified country of a citizen of such country, convicted of an offence in Sri Lanka, and transfer of any Sri Lankan citizen to Sri Lanka convicted of an offence in a specified country.

Accordingly, three Sri Lankans convicted of offences in United Kingdom have been transferred back to Sri Lanka within this year to serve their terms of imprisonment.

Upon the receipt of requests from the Government of India 3 Indian Nationals who were convicted in Sri Lanka were transferred back to India.

151 Sri Lankans who are serving their imprisonment in Kuwait have made requests through the Ministry of Foreign Affairs consenting to serve their remaining periods of the imprisonment in Sri Lanka and necessary action is been taken in this regard.

With the approval of the Cabinet of Ministers, a Prisoners Transfer Agreement between Sri Lanka and Iran is to be signed.

Negotiation for drafting of Prisoner Transfer Agreement between Sri Lanka and the Kingdom of Thailand was held in September 2017, in Sri Lanka, and same is in the process of obtaining the Cabinet approval for signing and ratification.

#### **5.1.3.5 Treaties Pertaining to Mutual Assistance in Criminal Matters**

With the objective of giving effect to the provision of mutual assistance in criminal matters, Sri Lanka has ratified and signed treaties with countries that include China, United Arab Emirates, India, Thailand, Belarus, Pakistan and Russia. The said treaties provide the scope of assistance in criminal matters in terms of investigation, prosecution, hearing of cases and implementation of legal findings by each state party.

Similarly, Sri Lanka signed a Mutual Legal Assistance in Criminal Matters Treaty with Ukraine on 25.06.2016. The Order No. 1992/78 dated 11.11.2016 that was issued in terms of section 2 of the Act, No. 25 of 2002 in relation to the bilateral treaty signed with Ukraine was passed in Parliament on 23.03.2017.

Mutual Assistance in criminal matters agreement was a signed between Sri Lanka and Switzerland on 11.12.2017 for rendering the mutual assistance.

#### **5.1.3.6 Service of Summons issued by Sri Lankan Courts to accused/ witnesses who are residing abroad**

By virtue of the authority provided by two Acts, to wit Mutual Assistance in Civil and Commercial Matters Act, No. 39 of 2000 and Mutual Assistance in Criminal Matters Act, No. 25 of 2002, 477 summons issued by the Courts throughout the country during the period from 01<sup>st</sup> January, 2017 to 31<sup>st</sup> December, 2017 have been served to the addresses which appeared in such court processes through the Ministry of Foreign Affairs as enumerated below.

<b>Country</b>	<b>Number of summons issued</b>	<b>Country</b>	<b>Number of summons issued</b>
Afghanistan	01	Ukraine	01
South Africa	01	Scotland	02
Australia	28	Malaysia	07
Bahrain	05	Russia	04
Bangladesh	01	Seashells	02
Canada	31	Singapore	04
China	18	The Netherland	05
Cyprus	06	New Zealand	03
Denmark	04	Norway	03
Doha Qatar	18	Oman	01
Thailand	03	Pakistan	02
France	21	Switzerland	10
Germany	10	United Arab Emirates	43
India	27	United States	58
Checkozlowekiya	01	United States of America	21
Ireland	03	Korea	12
Israel	07	Saudi Arabia	24
Italy	49	Kuwait	17
Japan	07	Belgium	02
Jordan	10	Lebanon	01
Spain	01	Sweden	02
Iran	01		
<b>Total</b>			<b>477</b>

#### **5.1.3.7 Service of Summons/ request issued by Foreign Courts to accused/ witnesses who are residing in Sri Lanka**

97 requests under the Mutual Assistance in Civil and Commercial Matters Act, No. 39 of 2000 are been received from foreign countries.

Country	Request Received	Country	Request Received
Belgium	02	Lit via	02
Canada	21	Netherlands	02
United Kingdom	05	Norway	01
France	11	Poland	01
Germany	14	Sweden	01
Hungary	01	Switzerland	09
India	06	Ukraine	02
Italy	12	United States of America	02
Japan	01	Siberia	02
Lebanon	01	Scotland	01
<b>Total</b>			<b>97</b>

In terms of the Mutual Assistance in Criminal Matters Act, No. 25 of 2002 the Ministry has received 16 requests from various countries and Sri Lanka has made 40 requests to various other countries as at 31<sup>st</sup> December 2017.

#### **5.1.4 The National Task Force (NTF) against Human Trafficking**

In 2010, the Ministry of Justice set up the NTF against human trafficking. The NTF act, as a National Coordination Body in an advisory and supervisory role in respect of activities against human trafficking. The objective of the NTF is to strengthen the coordination among the State agencies so as to expedite the institution of prosecutions and to tighten the security and protection of the victims. The NTF is represented by almost all State agencies identified to be accountable for addressing issues pertaining to the incidence of human trafficking.

The NTF has developed standard operational procedures pertaining to identification of victims of human trafficking, reference for counselling enhancement of protection of victims which were implemented in March, 2015 based on the approval of the Cabinet of Ministers.

In the awareness programmes conducted by the NTF to enlighten the general public and public officials, the NTF supervises the member state agencies. Further the NTF has given emphasis and has paid special attention to the capacity building training programme to be conducted for the Sri Lanka Police, and other government officials.

For the purpose of expeditious disposal of investigations pertaining to cases relating to human trafficking, a special police unit was established to deal with the matters in respect thereof. In recognition and identification of the efforts of the Sri Lankan Government to combat human trafficking in Sri Lanka, the US State Department has upgraded Sri Lanka into tier 2, from tier 2 watch list in terms of the US Department report of 2017.

The Ministry of Justice with the collaboration of the International Organization for Migration (IOM) commenced work with financial assistance from the Australian Government upon a project proposal submitted by the Ministry of Justice commenced in May 2017 for a period of 06 months. The project focuses on training of trainers programs (TOT) for selected government officials in six selected districts, broadcasting of TV advertisements to educate general public on prevention of the occurrence of the incidents of human trafficking etc. This programme is proposed to be implemented until 2018.

## 5.1.5 Special Projects

### 5.1.5.1 Technical Assistance Project on Sri Lanka (ADB)

Technical Assistance Project on Sri Lanka: Strengthening the efficiency of the Justice Sector with focus on investment and commercial law aspects

This project aims to provide knowledge and support technical assistance on the justice sector in relation to commercial aspects. The concept paper has been approved by the ADB President (Administration of Corporate Management) this IA is aligned with Sri Lanka's reform agenda to increase economic growth in the country facilitating the process of creating a country to be a destination for better quality living investment.

#### Cost and Financing

The estimated cost of the TA is \$750,000 equivalent, to be financed on a grant basis by ADB's Technical Assistance Special Fund (TASF-iv). The Government of Sri Lanka will provide counterpart support in the form of counterpart staff, local communications, and office space for consultants and other in-kind contribution. The implementation period of the project is 3 years commencing from July 2017 and July 2020.

At the 1<sup>st</sup> step of the project, a comprehensive study will be undertaken through a need assessment and a 5 years strategic Action Plan (SAP) will be developed to serve as the Road Map for improving the legal regulatory framework of the justice sector to make the sector more relevant and effective for investment, commerce and business in Sri Lanka.

As the 2<sup>nd</sup> stage one or two reforms based on the priority areas identified under the SAP will be supported by the TA. Finally the production of the needs assessment study and SAP to a publishable quality will be disseminated to the public.

This TA will be executed through the ADB office of the General Counsel and MOJ will be the main implementing agency in coordination with the relevant stakeholders. Accordingly, consultants to the project have been appointed and project works have now commenced.

### 5.1.5.2 Child Protection and Juvenile Justice Project (CPJJ) (UNICEF)

The Juvenile Justice system encompasses the need to provide necessary protection to and safeguard the rights of children, and it is the intention of the Ministry of Justice to energize itself to improve the Juvenile Justice system for children in Sri Lanka with other relevant stakeholders. Toward this end a comprehensive study on the legal and institutional challenges faced by the county was a pressing need.

The Ministry of Justice in partnership with UNICEF conducted an assessment on the Juvenile Justice System in Sri Lanka to fulfill this pressing need. This report was prepared capturing many of the issues that need improvement there in the Juvenile Justice System. The report was discussed at a meeting that was held at the SLFI on the 15<sup>th</sup> of May. An electronic copy of the report was sent via email in August 2017 to all state holders. Official launch of final report is expected to take place in November 2017.

#### Court Refurbishments initiative

Child Friendly Court annexures were constructed by the Ministry of Justice in Anuradhapura, Moneragala, Puttalam, Mannar and Ampara in partnership with UNICEF under the project. As a result, the children who are participating in Court proceedings are

able to play and relax whilst breastfeeding mothers are provided with facilities to breast feed their infants.

Under the project, Child Friendly Court annexure has been declared open in Anuradhapura court complex and such annexures in Mannar, Puthalam and Monaragala are ready to be opened. A Child Friendly Court annexure is under construction in Ampara.

## **5.1.6 Other Functions**

### **5.1.6.1 The Committee appointed by the Minister of Justice to make amendments to the Civil Procedure Code**

A Committee presided over by Hon. Chief Justice Priyasad Dep P.C, has been appointed to look into the matters relating to the Civil Procedure Code and to make periodical amendments in line with the international Legal norms and standards. The Committee consists of senior lawyers in the civil society and senior officials attached to the Ministry of Justice, the Attorney General's Department, Legal Draftsman's Department, and Bar Association of Sri Lanka.

The Committee has thus far convened 14 meetings and has especially discussed on the topics of Interpretation (Section 5), Jurisdiction (section 9), Appointment of registered Attorney (Section 27), Filing of cases in wrong court (Section 47), Service of Summons (Section 59), Filing of answers (Section 72), Trial date (Section 80), Nonappearance in courts (Section 86), Pleadings and Amendments (section 93), Intervention (Section 94), Issuance of certified copies (Section 440) and new Chapter on procedure on recovery of possession and liquidate damages of premises leased or rented on notarially executed agreements.

### **5.1.6.2 The Committee appointed by the Minister of Justice to make amendments to the Criminal Procedure Code Act and the Penal Code**

A committee presided over by Hon. Buwaneka Aluvihare, Supreme Court Judge, has been appointed to recommend periodical amendments to the Criminal Procedure Code Act and the Penal Code in keeping with the international legal standards. The Committee consists of officials of the Ministry of Justice, experts in criminal justice system, official of the Attorney General's Department, Senior Police Officers, and Bar Association of Sri Lanka.

The Committee has thus far convened 23 meetings, and has submitted three interim reports to the Hon. Minister of Justice as following:-

- First interim report dated 25.11.2016.  
Recommendations were made to extend the permitted instances of safe and legal termination of pregnancy with the consent of the victim or custodian where the victim is underage, amending the Penal Code and the Code of Criminal Procedure Act.
- Second interim report dated 09.02.2017  
Recommendations were made to entrust the task of pretrial steps to a judicial officer who is to be designated as "Recorder - Judge" amending the Judicature Act and the Code of Criminal Procedure Act.
- Third interim report dated 27.09.2017  
Recommendations were made to introduce a procedure in dispensing with the requirement of personal attendance of suspects/accused persons in court under certain identified circumstances.

## 5.2 ESTABLISHMENT DIVISION

The Establishment Division carries out establishment activities in respect of the Ministry of Justice, courts, seven departments and nine institutions which are within the purview of the Ministry of Justice. This Division also takes charge for the assurance of trained and skillful human resource, provision of facilities necessary for efficient administration of justice and coordination of such other related activities. These among other matters include arrangement for approval of cadres, preparation of recruitment procedures, selection for eligible recruitments, appointments, trainings, transfers, promotions and disciplinary control, overtime payments, provision of loan and advances, coordination activities relating to disposal of court productions and issuance of circulars as and when necessary.

The functions mentioned above are discharged through the Divisions namely Court Administration, Department Administration and Internal Administration including such other Units headed by these Divisions.

### 5.2.1 Court Administration Division

The Establishment Division performs all establishment activities pertaining to 4,387 officers except for officers in the Scheduled Service appointed by the Judicial Service Commission to serve in the courts throughout the island.

#### 5.2.1.1 Creation of Posts

The approval has been received on 16.08.2017, 10.10.2017, 11.10.2017 and 29.12.2017 from the Department of Management Services to increase the following posts.

Designation	Number of posts													Total
	High Court, Homagama	District Court, Homagama	Civil Appellate High Court, Homagama	Magistrate's Court, Galagedara	03 New High Court Houses	New Commercial High Court, Colombo	Additional High Court, Gampaha	Additional High Court, Ratnapura	Civil Appellate High Court, Balapitiya	Civil Appellate High Court, Puttalam	Civil Appellate High Court, Negombo	Magistrate's Court, Kaduwela	Magistrate's Court, Narammala	
Development Officer	10	-	02	03	09	02	03	03	02	02	02	-	-	38
Process Server & Writ Executor	03	-	-	04	06	05	03	03	-	-	-	-	-	24
Court Crier & Usher	01	-	-	-	03	-	01	01	-	-	-	-	-	06
K.K.S	12	-	06	12	36	14	12	12	06	06	06	-	-	122
Court Security	02	-	02	02	06	01	02	02	02	02	02	02	-	25
Fiscal Peon	02	-	-	-	03	-	02	02	-	-	-	-	-	09
Fiscal Matron	02	-	-	-	03	-	02	02	-	-	-	-	-	09
<b>Total</b>														<b>233</b>



The necessary applications have been submitted on 18.12.2017 and 28.12.2017 to the Department of Management Services for the creation of following posts.

Designation	Number of post			Total
	Homagama District Court	Kaduwela Magistrate's Court	Narammala Magistrate's Court	
Development Officer	03	03	03	09
Process Server and Writ Executor	04	04	04	12
Court Security	02	02	-	04
K.K.S	-	14	14	28
<b>Total</b>	<b>09</b>	<b>23</b>	<b>21</b>	<b>53</b>

### 5.2.1.2 Recruitments

Category or Post	Executive	Tertiary	Secondary	Primary	Total
K.K.S	-	-	-	574	574
Process Server & Writ Executor	-	-	-	180	180
Court Crier & Usher	-	-	-	09	09
Court Security	-	-	-	40	40
Fiscal Matron	-	-	-	15	15
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>818</b>	<b>818</b>

a) Written Tests to recruit 134 persons to the post of Process Server and Writ Executor and 17 persons to the posts of Crier & Usher have been conducted on 16.07.2017. The fitness interview was held on 31.10.2017.

### 5.2.1.3 Provision of communication facilities

Communication facility	No. of Facilities Available on 01.01.2017	No. of Facilities provided up to 31.12.2017	No. of Facilities provided from 01.01.2017 to 31.12.2017
Telephone facilities	517	533	16
Internal telephone networks	20	28	08
Internet facilities	93	142	49
<b>Total</b>	<b>630</b>	<b>703</b>	<b>73</b>

## 5.2.2 Departments Division

This Division carries out the administrative activities pertaining to seven departments and nine institutions coming within the purview of the Ministry of Justice.

### 5.2.2.1 Creation of New Posts

Designation	Executive	Tertiary	Secondary	Primary	Total
<b>The Attorney General's Department</b>					
Development Officer	-	-	02	-	359
State Councilors	100	-	-	-	
Assistant Deputy Director (Admin)	01	-	-	-	

Management Assistant	-	-	50	-	
Departmental Writer	-	-	50	-	
IT Assistant	-	-	05	-	
Drivers	-	-		50	
K.K.S	-	-	-	100	
Maintenance Assistant	-	-	-	01	
<b>Judicial Services Commission</b>					
Court Registrars	09	14	-	-	294
Court Clerks	-	-	123		
Court Stenographers			63		
Court Typist			46		
Court Sworn Translators			08		
Court Book Binder			31		
<b>Government Analyst's Department</b>					
Assistant Government Analyst	10				10
<b>The Legal Draftsman's Department</b>					
Asst.Legal Draftsman's (Tamil)	05	-	-	-	05
<b>The Supreme Court</b>					
Research Officers	34	-	-	-	34
<b>The National Authority for the Protection of Victims of Crime and Witnesses</b>					
Director (Administration & Management)	01	-	-	-	02
Director (Finance)	01	-	-	-	
<b>Commercial Mediation Centre</b>					
Executive Director	01	-	-	-	09
Registrar	01	-	-	-	
Project Officer	-	-	04		
Driver	-	-	-	01	
K.K.S.	-	-	-	02	
<b>Total</b>					<b>713</b>

### 5.2.2.2 Appointments

Institution	Designation	Number of Posts	Total
Department of Public Trustee	Public Trustee	01	03
	Deputy Public Trustee	02	
The National Authority for the Protection of Victims of Crime and Witnesses	Director (Law & Law enforcement)	01	21
	Director (Policies & Programmes)	01	
	Director (Finance)	01	
	Director (Administration & Management)	01	
	Secretary to the Board of Management	01	
	Management Assistants	10	
	Office Assistants	06	
Department of Law Commission	Assistant Secretary	02	02
Labour Tribunal	Stenographers	10	10

To recruit 07 Interpreters, arrangements have been made to conduct the Practical Test on 13.10.2017 based on the order of merit secured at the written test conducted on 02.07.2017.

### 5.2.3 Internal Administration

Under the Internal Administration Unit, Administration Unit, JP Unit, Inquirer-into-Sudden Deaths and Judicial Medical Officers Unit, JP and Unofficial Magistrate Unit, Commissioner for Oaths Unit, Sworn Translator Unit, and Transport Unit etc. perform duties.

#### 5.2.3.1 Administration Unit

##### 5.2.3.1.1 Creation of Posts

The approval has been received on 9<sup>th</sup> June 2017 from the Department of Management Services to increase the following posts.

Designation	Numbers
Technical Officer	06
Translators (Sinhala/Tamil)	01

##### 5.2.3.1.2 Recruitments

Post	Executive	Tertiary	Secondary	Primary	Total
Senior Assistant Secretary (Legal)	01	-	-	-	01
Engineer	01 (on contract basis)	-	-	-	01
Mason	-	-	-	03	03
Carpenter	-	-	-	05	05
Plumber	-	-	-	03	03
Electrician	-	-	-	02	02
Labourer	-	-	-	09	09
<b>Total</b>	<b>02</b>	<b>-</b>	<b>-</b>	<b>22</b>	<b>24</b>

Further, the examination has been held on 20.12.2017 to fill 08 posts of Technical Officers in this regard.

##### 5.2.3.1.3 Training and Skills Development

All officers covering from staff grade to minor staff attached to the Ministry of Justice were offered training, the description of which are given below.

###### a) Local Training

Group of Officers	Number of Officers	Expenditure
Staff Officers	63	400,800
Group of Non Staff Officers	128	806,965
<b>Total</b>	<b>191</b>	<b>1,207,765</b>

In addition, 61 officers were sent to practical training conducted by the Vocational Training Institutions affiliated to the Government.

###### b) Foreign Training

Group of Officers	Number of Programmes	Number of Officers	Expenditure
Judges - training and conferences		266	147,465,969.07
Officers attached to the Ministry - conferences	13	7	7,139,097.30
Officers attached to the Ministry - training	28	27	15,898,800.79

Accountants attached to the High Court - training		2	1,212,068
<b>Total</b>		<b>302</b>	<b>171,715,935.16</b>

#### 5.2.3.1.4 Disciplinary Inquiries

##### a) Preliminary inquiries

During the period from 01.01.2017 to 31.12.2017, 16 preliminary inquiries have been commenced. Notably, 41 pending preliminary inquiries with reference to previous years have been concluded.

##### b) Formal Disciplinary Inquiries

During the period from 01.01.2017 to 31.12.2017, 13 formal disciplinary inquiries have been initiated and 07 formal disciplinary inquiries not concluded during the previous year have been dealt with upon entering disciplinary orders.

#### 5.2.3.1.5 Approval of loans

Category of Loan	Number of Officers	Amount approved (Rs.)
Property/ Housing	09	18,011,808
Distress	157	16,110,246
Festival	178	1,780,000
Special	71	284,000
Bicycle	02	12,000
<b>Total</b>	<b>417</b>	<b>36,198,054</b>

#### 5.2.3.2 Justice of the Peace Unit

Appointment	Number of appointments
For Whole Island	5,243
For a judicial zone designated in the Letter of Appointment	1,138
<b>Total</b>	<b>6,381</b>

#### 5.2.3.3 Inquirer into Sudden Deaths and Judicial Medical Officer's Unit

##### a) Inquirer into Sudden Deaths

There are 594 Inquirers into Sudden Deaths serving throughout the island to better ensure the effective administration of justice. Accordingly, the Division is engaged in appointing Inquirers into Sudden Deaths and re-demarcating and updating the Inquirer into Sudden Deaths Divisions for the convenience of the general public.

District	Progress for the recruitment of vacancies
Ratnapura	New Sudden Deaths Inquirers has been appointed
Matara	Interview was held
Ampara, Batticaloa	Preparing to publish in the Government Gazette
Jaffna, Mullaitivu, Kilinochchi, Vavuniya, Mannar, Polonnaruwa, Kegalle, Badulla, Gampaha, Kalutara and Anuradhapura	Applications called for vacancies

## b) Judicial Medical Officer's

The Division takes the charge of matters relating to the payment of allowances for the conduct of post-mortem examinations and preparation of forensic medical reports by the Specialist Judicial Medical Officers and Assistant Judicial Medical Officers including Senior University Lecturers/Professors and as well as Medical Officers who are engaged in forensic medical activities.

### 5.2.3.4 Justice of the peace and Un-official Magistrate and Commissioner for Oaths Unit

- a) 29 Attorneys-at-Law having secured 15 years of profession experience have been appointed during the year under review to be the Justices of the Peace & Un-official Magistrates.
- b) 810 Attorneys-at-Law have been appointed as the Commissioner for Oaths.

### 5.2.3.5 Sworn Translators Unit

The Civil Procedure Code provides for the appointment of Sworn Translators by District Judges. The necessary recommendation for such appointments is made by the Ministry of Justice. Accordingly, 1663 Sworn Translators for Sinhala, Tamil, English and other foreign languages are working throughout the country.

The examination to recruit sworn translators was held and the result was issued. The District Judges are to be informed about the selected persons.

### 5.2.3.6 Transport Unit

This Division facilitates for provision of motor vehicles to all High Court Judges and Judicial Officers in the courts of first instance and Officers of the Ministry of Justice. Insurance, repair and maintenance of such motor vehicles are also carried out by the Transport division.

149 vehicles have been allocated for High Court Judges and Judicial Officers under Expenditure Head 228 of which 114 have already been used by the Judges. Rest of the vehicles has been parked at the Ministry premises until the receipt of requests from the Judges.

Vehicles maintained under Expenditure Head 110 of the Ministry

Allocation of vehicles under Ministry Expenditure Head	Number of Vehicles
Hon. Minister and the Staff	07
Hon. Deputy Minister and the Staff	09
Staff of the Ministry	13
Reserves	42
<b>Total</b>	<b>71</b>

### Maintenance of vehicles as at 31/12/2017

Object - Vehicles	Expenditure (Rs.)
110-1-1-1301	6,557,676.24
110-1-1-2003	3,898,478.59
110-1-2-1301	8,499,552.02
110-1-2-2003	4,409,500.94
<b>Total</b>	<b>23,365,207.79</b>

## 5.3 FINANCE DIVISION

Finance Division holds responsible for affairs relating to the management and control over financial planning and maintenance of the accounts in respect of the Ministry of Justice, Courts Administration and Departments and Institutions coming under the purview of the Ministry of Justice.

In performing the above duties, the Division focuses much concern over the matters that include -

- i. Implementation of efficient and effective financial management system
- ii. Direction and guidance on financial management
- iii. Ensuring the protection of the assets that are under the control of the Ministry
- iv. Handling of financial resources in compliance with the directions specified in Government Financial Regulations and Circulars
- v. Accounting and reporting

For the efficient performance of the above functions, there exists the Division consisting of four Sub-Divisions namely Courts Administration, Procurements, Accounts and Payments headed by four Accountants.

### 5.3.1 Financial Progress as at 31.12.2017

The Department of National Budget has allocated of Rs.1,079.54 million and 8,181.88 million under the Expenditure Heads of Ministry Administration and Court Administration respectively during the year 2017. The financial progress achieved using the allocated funds are set out in the following table.

#### 5.3.1.1. Expenditure Head 110 - Ministry of Justice

Description	Provisions (Rs. Mn)	Expenditure as at 31.12.2017 (Rs. Mn)	Progress (%)
<b><u>Recurrent Expenditure</u></b>	<b><u>836.62</u></b>	<b><u>789.02</u></b>	
i. Personal emoluments	221.06	212.85	<b>94%</b>
ii. Travelling expenses	21.48	18.48	
iii. Procurements and others	594.08	557.69	
<b><u>Capital Expenditure</u></b>	<b><u>242.92</u></b>	<b><u>178.74</u></b>	
i. Restoration and development of assets	18.45	11.90	<b>74%</b>
ii. Acquisition of assets	110.47	100.11	
iii. Training and skill development	16.50	16.36	
iv. Others	97.50	50.37	
<b>Total</b>	<b>1,079.54</b>	<b>967.76</b>	<b>90%</b>

### 5.3.1.2 Expenditure Head 228 – Courts Administration

Description	Provisions (Rs. Million)	Expenditure (as at 31.12.2017) (Rs. Million)	Progress %
<b>Recurrent Expenditure</b>	<b>5,632.26</b>	<b>5,579.63</b>	
i. Personal emoluments	4,492.70	4,484.65	99%
ii. Travelling expenses	59.44	57.49	
iii. Procurements and others	1,080.12	1,037.49	
<b>Capital Expenditure</b>	<b>2,549.62</b>	<b>1,747.56</b>	
i. Restoration and development of assets	268.05	264.22	69%
ii. Acquisition of assets	134.03	132.92	
iii. Building constructions	1,951.77	1,182.57	
iii. Training and skill development	175.77	161.55	
iv. Others	20.0	6.30	
<b>Total</b>	<b>8,181.88</b>	<b>7,327.19</b>	<b>90%</b>

5.3.2. Progress of the Sub - Divisions of the Finance Division as at 31<sup>st</sup> December 2017 is as follows.

#### 5.3.2.1 Courts Administration Division

Monitoring and co-ordination of financial activities with regard to High Courts, District Courts, Magistrate's Courts and Labour Tribunals throughout the country are carried out through 24 Zonal High Court Account Divisions.

One of the main duties of the Sub-Division is to distribute remittances collected by courts by way of fines, bail money and miscellaneous recoveries among the Central Government and the Provincial Councils. The particulars of revenues, deposit receipts, payments etc. as at the end of September are as follows:-

#### (a) Income

Description	Estimates for the Year 2017 (Rs. Mn)	Collection of Revenues as at 31.12.2017 (Rs. Mn)	Collection of Revenues as at 2016 (Rs. Mn)
Collection of revenue by way of fines and confiscations	725.0	1,072.6	746.0
Collection of other form of revenues	239.5	303.0	389.0
<b>Total</b>	<b>964.5</b>	<b>1,375.6</b>	<b>1,135.0</b>

## (b) Deposits

Description	Deposits Receipts (Rs. Mn)	Deposit Payments (Rs.Mn)
Bail money deposits	1,225	666
Temporary withheld deposits for repayment to third parties	6,300	6,221
Remittances of revenues to Provincial Councils	3,002	2,903
Other deposits	80	56
<b>Total</b>	<b>10,607</b>	<b>9,846</b>

### 5.3.2.2 Procurement Division

(a) With the objective to ensure the efficiency of the courts and to make the court works more convenient, the purchase of office equipment carried out during this year is listed in the following table.

Office Equipment	Quantity	Amount Incurred (Rs. Mn)
Computers	200	130
Photocopy Machines	68	
Laptops Computers	35	
Faxes	20	
Normal Chairs (wood)	2500	
Safes (Large)	10	
Safes (Small)	05	
Steel Cabinet	75	
Printers	50	
Steel Cupboards	100	
Library Cupboards	30	
Attorney Chairs	800	
Needs of Office & Quarters obtain from Courts	48	

(b) Action has been taken to purchase office equipment to the following courts in during the year 2017.

- Homagama Court Complex
- Negombo Civil Appellate High Court
- Wattala Magistrate's Court



### 5.3.2.3 Accounts Division

The Accounts Division has discharged the following duties during the year under review.

- i Annual Budget estimates under Expenditure Head 110 and 228 have been prepared and submitted to the Department of National Budget on 08/08/2017.
- ii Annual Appropriation Account and other accounts for the year 2016 under Expenditure Head 110 and 228 have been prepared and submitted to the Auditor General before 31.03.2017.
- iii Public officers Advance Account under Expenditure Head 110 and 228 have been finalized and the annual accounts have been submitted to the Auditor General before 30.04.2017.
- iv Action is being taken to grant approval to coordinate the annual board of survey and to conduct auctions of the articles of the Ministry and the courts for the year 2016.
- v Financial management and accounting activities of other departments and institutions coming under the Ministry of Justice are ordinarily co-ordinated.
- vi Arrangements have been made to release sand and timber confiscated by courts among the places of religious worship under the directions set out in the Ministry of Justice Circular No.2016/5.
- vii By way of auction of articles confiscated by the courts, a sum of Rs.124.65 million has been collected as revenues as at 31/12/2017.

### 5.3.2.4 Payments Division

All the relevant recurrent and capital expenses of the following projects were incurred under Court Administration Head (110) by the Finance Division.

110-1 Ministers Office

110-2 Administrative Activities of the Ministry

110-3 Mediation Boards Commission

In addition payment of salaries to the officers coming under the Ministry Administration Expenditure head, payback and recovery of revenue, control of receivables of deposits/ payment imprest are maintained and the total payments made as at 31.12.2017 was Rs. 967.76 Million and of the said amount Rs. 789.02 Million is for Recurrent Expenditure and Rs. 178.74 Million is for Capital Expenditure.

## 5.4 INFRASTRUCTURE DIVISION

The principal task entrusted with the Infrastructure Division is to identify, provide, develop and maintain physical infrastructure necessary for the effective implementation of the Government policy in order to realize the process administration of justice more efficiently for the benefit of the general public.

This *inter alia* includes construction, renovation and maintenance of court complexes and Judges' official residences, all of which are carried out under strict supervision, guidance and co-ordination of the Infrastructure Division.

The following three categories of projects are being implemented by the Ministry.

- Construction of Major Projects - Above Rs. 100 Mn. Projects
- Construction of Small Scale Projects - Below Rs. 100 Mn. Projects
- Rehabilitation of Courts Projects

### 01-01-2017 to 31.12.2017 Summary of the Development Projects

	Allocation for 2017 (Rs. Mn)	Financial Progress		Number of Projects
		Amount (Rs. Mn)	%	
<b>Major Projects</b>				
Projects - Budget Estimate	1,120.44	843.97	75%	09
Projects - Budget Proposal	595.00	243.23	41%	05
<b>Sub Total</b>	<b>1,715.44</b>	<b>1,087.20</b>	<b>63%</b>	<b>14</b>
Small Scale Development Projects	113.62	95.36	84%	24
Rehabilitation	241.50	240.21	99%	
<b>Total</b>	<b>2,070.56</b>	<b>1,422.77</b>	<b>69%</b>	<b>52</b>

#### 5.4.1 Construction of Major Projects

##### 5.4.1.1 Construction of Major Projects which were Completed from 01.01.2017 to 31.12.2017

Name of the Project	Total Cost Estimate (Rs. Mn)	Expenditure as at 31.12.2017 (Rs. Mn.)	Note
Homagama Court Complex	470.81	73.13	Total Expenditure Rs. 463.88Mn.
Galagedara Court Complex	70.11	16.76	Final Bill has to be paid

## Homagama Court Complex



## Galagedara Court Complex



### 5.4.1.2 Construction of Major Projects are being implemented from 01.01.2017 to 31.12.2017

Projects	Total Cost Estimate (Rs.Mn)	Allocation for 2017 Rs.Mn.	31.12.2017 Financial Progress		31.12.2017 Physical Progress
			Amount (Rs.Mn.)	%	
Galle Court Complex	823.15	155.82	21.39	14%	47%
Wattala Court Complex Stage I	174.92	79.1	65.69	83%	99%
Wattala Court Complex Stage II	170.59				95%
Matara Court Complex	1,119.55	300	283.67	95%	46%

## Galle Court Complex



## Wattala Court Complex



## Matara Court Complex



### 5.4.1.3 The following Projects have been started on 2017

Project	TCE (Rs.Mn)	Allocation for 2017 (Rs.Mn)	Financial Progress 31.12.2017		Physical Progress 31.12.2017
			Amount (Rs.Mn.)	%	
Anuradhapura Court Complex	370	150	59.08	39%	15%
Polonnaruwa Court Complex	382	150	93.40	62%	15%
Gampola Court Complex	458	140	107.90	77%	13%
Ruwanwella Court Complex	275	120	71.03	59%	19%
Mankulam Court Complex	463	110.62	110.62	100%	8%
Mullaitivu Court Complex	414	100	93.78	94%	6%
Jaffna Court Complex	242	100	63.37	63%	3%

## Anuradhapura Court Complex



## Polonnaruwa Court Complex



### 5.4.1.4 Construction of Major Projects which are in the designing stage

Name of the Project	Total Cost Estimate (Rs.Mn.)
Circuit Magistrate's Court, Kahatagasdigiya	112.6
Circuit Magistrate's Court, Madavachchiya	151

### 5.4.2 Construction of Small Scale Development Projects

#### 5.4.2.1 Small Scale Development Projects which were Completed from 01.01.2017 to 31.12.2017

	Project	TCE Rs.Mn	2017 Expenditure (Rs. Mn.)	Total Expenditure up to 31.12.2017 (Rs.Mn.)
1	Construction of Record Room and Production Room Nikaweratiya, Galgamuwa, Anamaduwa and Hettipola MC	95.15	4.58	83.91
2	Construction of New Record Room DC/MC Thissamaharamaya	12.07	1.25	9.45
3	Construction of Record Room for Court House, Wellawaya	19.16	0.43	13.34
4	Supply and Installation of Racks for Record Room and Production Room of Magistrate's Court Wellawaya, Embilipitiya Racks	9.16	5.37	7.63
5	Construction of New Magistrate Court, Building Boundary Wall and the Magistrate's Quarters Embilipitiya	68.60	1.16	65.75
6	The Production Room DC/ MC, Point Pedro	22.76	4.57	17.29
7	Construction of DC/ MC Court House, Muttur	37.14	1.15	34.06
8	Construction of Record Room and Production Room DC/ MC, Kasbewa	25.63	0.48	22.03
9	Construction of Court Office, Elpitiya	22.98	4.32	12.18
10	Construction and Other Repairs of Gampaha HC, DC, MC	3.26	2.71	3.11
11	Construction of New Record Room and Production Room Kalawanchikudy	20.96	6.76	16.55
12	Construction of Boundary Wall and Dining Room DC Galle	6.70	0.15	3.62

**5.4.2.2 Construction of Small Scale Projects are being implemented from 01.01.2017 to 31.12.2017**

	Project	TEC (Rs.Mn )	Allocation for 2017(Rs.M n.)	Expenditure 2017 (Rs. Mn)	Physical Progress
01	Construction Of High Court Judge's Bungalow At Polonnaruwa. Construction Of Magistrate's Bungalow at Bibila	35.98	10.23	9.23	Bibila 95% Polonn. 93%
02	Construction of Building & Play Area for the Magistrate's Court, Ampara	4.68	3.00	1.80	95%
03	Construction of Court House, Walasmulla	68.91	11.80	13.78	-
04	Construction of Record Room, Production Room, Office Room for the Hatton Magistrate's Court	28.03	5.60	7.90	40%

**5.4.3 Rehabilitation Projects**

**5.4.3.1 Court Buildings that were extensively renovated from 01.01.2017 to 31.12.2017**

	Court	Total Allocation (Rs. Mn)	No. of Projects	Total Expenditure 31.12.2017 (Rs. Mn)
1	Ministry	27.85	14	27.04
2	Colombo	17.77	51	17.69
3	Kalutara	22.34	59	22.34
4	Galle	13.20	101	13.20
5	Matara	2.34	15	2.06
6	Batticaloa	8.95	12	8.95
7	Jaffna	14.37	21	14.37
8	Negambo	2.75	19	2.71
9	Gampaha	7.98	38	7.98
10	Kurunegala	11.84	43	11.84
11	Kandy	11.19	30	11.19
12	Awissawella	9.83	24	9.83
13	Ratnapura	17.55	57	17.5
14	Badulla	5.58	30	5.58
15	Anuradhapura	12.17	39	12.17
16	Kegalle	4.84	30	4.84
17	Chilaw	0.98	11	0.98
18	Vavuniya	10.02	35	10.02
19	Ampara	2.49	01	2.49
20	Trincomalee	8.80	33	8.79
21	Nuwareliya	7.49	07	7.49
22	Monaragala	9.13	24	9.13
23	Polonnaruwa	2.29	19	2.29
24	Kalmunai	1.45	11	1.45
25	Tangalle	8.30	30	8.30
	<b>Total</b>	<b>241.5</b>	<b>754</b>	<b>240.2</b>

## 5.5 DEVELOPMENT DIVISION

The Development Division takes the charge of identification, clearance, acquisition and transfer of lands pertaining to various Departments and Institutions coming under the purview of the Ministry of Justice. It also involves in matters that includes taking the buildings on lease to house certain Departments and Institutions and official residences for the Ministry for which the construction of buildings has not yet been completed.

### 5.5.1 Clearance of title in respect of the belonging to the Ministry of Justice.

Functions carried out by the Development Division in respect of clearance of title to the lands during the period from 01.01.2017 to 31.12.2017.

#### 5.5.1.1 Acquisition of lands based on Cabinet Decision

- a. For the construction of the new court complex, Colombo, by the Cabinet Decision No.Cab.Memo.731/0597/16 dated 20.04.2016, approval has been granted for acquisition of an allotment of land containing in extent of 6 acres (1.80618 hectares) from and out of the entirety of the land belonging to the B.C.C. Lanka Ltd. The said lands were surveyed on 28.03.2017 and marked boundaries and the application for vesting the state property to various departments were referred to the Divisional Secretary, Dam Street on 13.06.2017. The Divisional Secretary, Dam Street was asked to prepare the initial plan and the details thereof to establish the ownership of the BCC land on 13.12.2017
- b. By the Cabinet Decision No. Cab. Memo. 023/731/0787/16 dated 15<sup>th</sup> June 2016, approval has also been granted to acquire a sufficient plot of land from and out of the lands in Boossa (2.9233 hectares) possessed by the Army and the Navy, for the construction of the court complex, Galle. After depicting the boundaries, the vacant possession of the proposed land has been delivered to the Ministry on 20.04.2017.
- c. By the Cabinet Decision No. Cab. Memo. 17/1265/731/011-IV dated 28<sup>th</sup> June 2017, approval was granted to transfer in favour of the Ministry of Justice an allotment of land containing in extent of 04 acres from and out of 16 Acres 01 Roods and 08 Perches situated at Malvana; being the court production in court case No.B 8674/15 of the Magistrate's Court, Pugoda, to construct a Training Centre for the judicial sector. Accordingly, on 15.08.2017, as a matter of urgency, a request was made to the Divisional Secretary, Dompe to carry out a survey in respect of the proposed allotment of 04 acres including the existing building standing thereon and the Survey Plan to be made depicting the proposed land together with the right of be sent to the Ministry of Justice.

### 5.5.1.2 Identify and Transfer the suitable land for construction of Courts, Quarters and other buildings.

- a. Progress pertaining to 23 miscellaneous constructions including courts, 10 official residences and 03 Civil Appellate High Courts and Additional High Courts 3 in the year 2017 is given below.

Project	Certificates of title have been received	Applications submitted for acquisition	Documents preparation is in progress for acquisition	Court housed on rental basis	Searching of a new allotment of land
Courts and other constructions (23)	04	12	07	-	-
Construction of official residences (10)	01	06	03	-	-
Recommendation of the Hon Chief Justice establishment of Civil Appellate High Courts (03) and Additional HCs 3	01	-	03	01	01

- b. In addition, during the year 2017, the Division has been in receipt of 04 Title Certificates in respect of land on which courts and official residences are standing.
- c. Acting in compliance with the recommendations specified in the report of the Sectorial Monitoring Committee on legal Affairs (anti-corruption) and Media dated 20.09.2017, identification of lands to construct new court buildings are now in progress. This also includes the identification of suitable buildings equipped necessary facilities to house courts.

### 5.5.1.3 Collection of information to effect the clearance of title in respect of lands on which court houses and official residences have already been constructed.

- a. Information is now being called upon through a questionnaire already circulated among the High Court Registrars and Regional Technical Officers to expedite the clearance process. Arrangements are therefore now in progress to acquire in favour of the Ministry lands not hitherto vested, considering the conclusion of the information that the Ministry received from all courts of all zones. (Notably, the Ministry is now in receipt of information in respect of 18 judicial zones.)
- b. To carry out an assessment in respect of lands which have been transferred to the Ministry and the buildings located on such lands, details of 34 courts have been submitted to the Department of Evaluation.



## 5.5.2 Taking on lease or on rent of the buildings for the institutions within the purview of the Ministry and for official residences for judges

- a) Lease Agreements for 76 official residences have been prepared during the period from 01.01.2017 to 31.12.2017, the particulars of which are given below.

District	Number of lease agreements prepared			
	High Court Judges' /Civil Appellate High Court Judges' Quarters	District Judges'/ Addl. District Judges' Quarters	Magistrates' /Addl. Magistrates' Quarters	Total
Colombo	1	5	7	13
Ratnapura	3	3	2	8
Kurunegala	1	1	4	6
Kandy	1	2	2	5
Nuwara Eliya	1	1	3	5
Matara	1	-	4	5
Galle	3	3	-	6
Polonnaruwa	-	1	-	1
Kalutara	1	3	3	7
Anuradhapura	1	-	1	2
Monaragala	1	-	1	2
Ampara	1	1	-	2
Trincomalee	-	-	2	2
Kegalle	-	3	-	3
Gampaha	-	1	1	2
Avissawella	-	-	1	1
Chilaw	-	2	1	3
Puttalam	-	-	1	1
Tangalle	-	1	-	1
Jaffna	-	-	1	1
<b>Total</b>	<b>15</b>	<b>27</b>	<b>34</b>	<b>76</b>

## 5.6 PLANNING DIVISION

### 5.6.1 Introduction

The Planning Division discharges the functions relating to planning and follows up activities of the projects in the Ministry and the Departments coming under it, including the following functions:-

- Preparation of annual Capital Budget Estimates for the Ministry
- Preparation of Annual Action Plan for Capital Expenditure
- Progress Reviews against the Capital expenditure
- Preparation of Progress Reports and Annual Performance Reports and submission to the Parliament.
- Collecting statistics in respect of court cases and Preparing Annual Statistics Report
- Preparation of project reports and obtaining recommendations of the National Planning Department.
- Co-coordinating the development activities implemented by the Ministry of Justice at Divisional and District level with District Secretariats and Divisional Secretariats.
- Execution of co-ordination activities of the Sectoral Oversight Committee on Legal Affairs.

### 5.6.2 Progress from 01.01.2017 to 31.12.2017

#### a) Preparation of annual Capital Budget Estimates for the Ministry

Estimate for the Capital Expenditure for the year 2018 was submitted to the National Budget Department on 08<sup>th</sup> Aug. 2017.

#### b) Preparation of Annual Action Plan for Capital Expenditure

Annual Action Plan was prepared and submitted to the President Office, Prime Minister's Office, Ministry of National Policies and Economic Affairs and Department of National Budget on 24<sup>th</sup> Jan. 2017.

#### c) Progress Reviews against the Capital expenditure

Description	Numbers
Quarterly Progress Report Submitted	04
Monthly Progress Report prepared for Development Projects	12
Progress Review Meetings were held	03

#### d) Submission of Progress Reports

Reports	Institution
According to the National Budget Circular financial and Physical progress of Development Projects	Financial Progress once a month and Physical Progress quarterly submitted to the National Budget Department

Local and Foreign funded Development Projects and Budget Proposal Progress	a) Quarterly Progress Report had sent to the Department of Project Management and Monitoring, President Office, Prime Minister's Office and Department of Government Information b) Annual Information sent to the Central Bank of Sri Lanka
Progress Report for the District Coordinating Committee	Reports have been sent to the Gampaha and Hambanthota District Secretaries.

#### e) Submitting the Annual Reports

Institution	Report	Progress
Ministry of Justice	2016 Performance Report	Submitted in Parliament on 30.05.2017 and tabled on 7.06.2017
Government Analyst's Department	2016 Performance Report	Submitted in Parliament on 20.09.2017 and tabled on 21.09.2017
Department of Public Trustee	2016 Performance Report	Submitted in Parliament on 16.06.2017 and tabled on 05.07.2017
Department of Law Commission	2016 Performance Report	Submitted in Parliament on 12.05.2017 and tabled on 23.05.2017
Attorney General's Department	2016 Performance Report	Submitted in Parliament on 19.09.2017 and tabled on 21.09.2017
Department of Legal Draftsman	2016 Performance Report	Submitted in Parliament on 19.09.2017 and tabled on 21.09.2017
Sri Lanka Judges' Institute	2014 Annual Report 2015 Annual Report	Submitted in Parliament on 30.03.2017 and tabled on 05.04.2017 Submitted for approval of the Cabinet of Ministers on 05-12-2017. ( Submitted in Parliament on 19-02-2018)
Superior Courts Complex Board of Management	2013 and 2014 Annual Report	The approval of the Cabinet of Ministers has been granted on 26-07-2017. ( Submitted in Parliament on 13-02-2018)
	2015 Annual Report	The approval of the Cabinet of Ministers has been granted on 10-11-2017. ( Submitted in Parliament on 28-02-2018)

#### f) **Parliament Sectoral Oversight Committee**

15 meetings of the Sectoral Oversight Committee of Legal Affairs (anti-corruption) and Media have been held. Accordingly, based on the information received from the representatives of the Attorney General Department, the Ministry of Justice, the Commission to Investigate Bribery or Corruption and the Bar Association of Sri Lanka at such meetings, on 20.09.2017, the Sectoral Oversight Committee of Legal Affairs (anti-corruption) and Media has issued a report incorporating recommendations for the expeditious and efficient administration of criminal justice. Upon presenting the report to the Cabinet of Ministers, on 05.10.2017, a Cabinet Sub-Committee was appointed. Preliminary arrangements are now in progress to give effect to the proposed recommendations.

### g. Co-ordination of Development Programmes and exhibition of the Government

- (i) An exhibition stall was set up by the Ministry of Justice from 31.03.2017 to 04.04.2017 at the BMICH in parallel with the National Exhibition under the theme of “*Thirasara Yugayak*”. At the Exhibition, the Ministry exhibition stall was awarded the 01<sup>st</sup> place for having implemented the National Language Policy.
- (ii) An exhibition stall was set up from 27.07.2017 to 30.07.2017 at the Youth Centre, Maharagama to mark the completion of 40 years for the open economy in Sri Lanka.

### h) Case Statistics 1<sup>st</sup> January 2017 to 31<sup>st</sup> December 2017

Courts	Number of Cases Brought forward from 2016	Number of Filed Cases Up to 31.12.2017	Number of Concluded Cases Up to 31.12.2017	Number of Pending Cases as at 31.12.2017
Supreme Court	3,566	1,817	1,350	4,033
Court of Appeal	4,837	1,403	1,317	4,923
Commercial High Court	5,882	1,413	1,198	6,097
Civil Appellate High Courts	6,142	2,628	2,937	5,833
High Courts	16,312	12,569	11,329	17,552
District Courts	174,490	71,632	55,319	190,803
Magistrates' Courts	461,836	818,311	805,595	474,552
Children Magistrates' Courts	1,247	868	833	1,282
<b>Total</b>	<b>674,312</b>	<b>910,641</b>	<b>879,878</b>	<b>705,075</b>

### i) Submission of Project Proposal

	Project Proposal	Progress
01	Construction of the “House of Justice” Project.	<ul style="list-style-type: none"> <li>- The Unsolicited Project Proposal submitted by the Yanjian Group Company in China was evaluated and observations in respect thereof were referred to the Cabinet Committee on Economic Management on 28.03.2017.</li> <li>- On 13.06.2017, the Cabinet of Ministers decided that the suitability of the proposal and the potentiality of the project be observed by the Special Committee appointed by the Cabinet Committee on Economic Management.</li> <li>- On 04.07.2017, instructions were given by the Officers’ Committee on Economic Management to inquire the consent of the Chinese Company to implement the project on build and lease basis.</li> <li>- As the Chinese Company declared no consent in that regard, on 18.08.2017, the Officers’ Committee on Economic Management decided to call for quotations from either local or foreign investor to expedite the implementation of the project.</li> <li>- The above decision was confirmed by the Cabinet Committee on Economic Management at its meeting held on 13.09.2017.</li> <li>- Cabinet Memorandum has been submitted on 07.11.2017 to select the suitable Developer/ Constructor with the ability to provide acceptable loan funding for the project and to appoint Central Engineering Consultancy Bureau (CECB) as the Consultant and Project Manager to the Proposed Project as recommended by the Cabinet Committee on Economic Management.</li> </ul>

		- Tender documents were recommended by the Technical Evaluation Committee (TEC)
02	Court Automation Project	<ul style="list-style-type: none"> <li>- During the year under review, 06 meetings of the Steering Committees have been held.</li> <li>- The Comprehensive study report carried out by ICTA and Ernest and Young Institute was handed over on 31.07.2017.</li> <li>- Policy approval was granted by the Cabinet of Ministers on 22.08.2017 to implement the project.</li> <li>- The concessionary loan Programme of the Export and Import Bank of Hungarian Government was entered by the Officers Committee on Economic Management on 08.09.2017.</li> <li>- A facts finding team of Hungarian experts were visited on 09.10.2017.</li> <li>- An agreement has been signed between the Governments of Hungary and Sri Lanka about the Establishment of a Framework Programme for Financial Cooperation on 22.12.2017.</li> </ul>
03	Training Programme on Forensic Science for Prosecutors	<p>Proposal prepared and submitted to the External Resource Department (ERD) copied to the KOICA for Training Programme on Forensic Science for Prosecutors. Korean Embassy has accepted the proposal and sent their acknowledgement on 21<sup>st</sup> March 2017.</p> <ul style="list-style-type: none"> <li>- Programme Duration Three Years from 2017 to 2019.</li> <li>- First Batch of Prosecutors (20) completed the Training Programme. Second programme scheduled to be held in next year.</li> </ul>

## 5.7 INTERNAL AUDIT DIVISION

The Internal Audit Division of the Ministry of Justice takes charge of auditing of the accounts of the Ministry of Justice and Departments within its purview including three statutory bodies namely the Superior Courts Complex Board of Management, the Sri Lanka Judges' Institute and the Legal Aid Commission in addition to the Mediation Boards Commission functioning as a supporting project under the object of Ministry Administration, the Labour Tribunal Secretariat functioning as a supporting project under the object of Court Administration and as well the High Courts, the Civil Appellate High Courts, the District Courts and the Magistrate's Courts functioning under the Expenditure Head of Court Administration are carried out by the Internal Audit Division.

This division is headed by a Chief Internal Auditor and supported by 05 Financial Assistants, 04 Development Officers and 03 Management Assistants, 2 K.K.S.

These officers are conducting internal audits at the above organizations with special emphasis on system audit. Considering the Period from 1<sup>st</sup> January 2017 to 31<sup>st</sup> December 2017, this division has completed a total of 39 audit inspections including at 01 Commercial High Court, 13 High Courts, 03 District/Magistrate's Courts, 05 District Courts, 10 Magistrate's Courts, 03 Departments, 02 Audit inspections of the Ministry of Justice, 01 Institution, and 01 special audit inspection.

## 06. PROGRESS OF THE DEPARTMENTS AND INSTITUTIONS UNDER THE MINISTRY

### 6.1. ATTORNEY - GENERAL'S DEPARTMENT

#### Vision

- To be the bastion of the Public Service of Sri Lanka in responding effectively to the course of justice in the interest of Sri Lanka.

#### Mission

- To serve the people of Sri Lanka to our utmost endeavor and work with honour, dignity and integrity to fulfill Sri Lanka's promise.
- The Attorney General's Department will strive to enforce laws of Sri Lanka on the premises of fairness and independence, to ensure justice, safety and liberty for the people of Sri Lanka, in a bid to encourage social and economic prosperity, equal opportunity and tolerance.

#### Objective

- To provide expert legal services and advice to the Sri Lankan Government Institutions, Corporations and Statutory Boards and to play a pivotal role in the delivery of the Governments' broader objectives.

#### 6.1.1. Introduction

The Hon. Attorney General is the Chief Legal Advisor representing the Democratic Socialist Republic of Sri Lanka. He performs the duties as the Head of the Department and Accounting Officer in the Department. The Attorney General's Department falls under the category of A Grade Department and by the proclamation published in the Gazette No. 1933/13 dated 21.09.2015, it came under the purview of the Ministry of Justice.

The Attorney General's Department tenders legal advice, either upon being advice sought or on its own initiative to the Central Government, Provincial Councils, Government's Departments, Statutory Boards and such other semi government institution with regard to criminal and civil matters including constitutional and commercial jurisdictions etc. Further, the Counsels attached to the Department appear before the Superior Courts, Provincial Appellate High Courts, High Courts and Courts of first instance including Labour Tribunals for the Government and Government Establishments in litigation.

Three main Divisions named Civil Division, Criminal Division and State Attorney Division have been established in the Department for Civil and Criminal cases. The Administration Division and the Accounts Division carry out the activities relating to Administration and Accounts. Additionally, Corporation Branch, EER Unit to deal with the matters in respect of Emergency Regulations and Preventions of Terrorism Act, Unit to deal the matters in respect of Child Abuse Cases, Immigration and Emigration Unit, Public Complaints Unit and Supreme Court Branch play an important role for the efficient discharge of the duties of the Department.

### 6.1.2 Role of the Attorney General's Department

- To provide instructions to the Government and Governmental Institutions on Civil, Criminal, Constitutional and Commercial matters, International legal activities and the matters of the United Nations, Human Rights Commission
- To represent the Government and Governmental Institutions for the cases, instituted in the Supreme Court, Other Court & Labour Tribunals.
- To provide necessary legal advice with regard to enactment of new laws and amendments to the existing laws.

Following Divisions of the Department assist in performing the above functions:-

- ^ Criminal Branch
- ^ Civil Branch
- ^ State Attorney's Branch
- ^ Supreme Court Branch
- ^ Corporation Branch

Further, for the smooth functioning of the Department there are special units, vested with specially recognized responsibilities. Namely,

- ^ Public Petitions Unit (This Division handles cases regarding public petitions)
- ^ Child Abuse Unit (This Division has been established to handle cases, regarding the child abuses)

Aforesaid Divisions and units handle main functions of the Attorney General's Department and the Accounts Division and the Establishment Division have been established for the administrative work of the Attorney General's Department.

### 6.1.3 Performance of each Division from 1<sup>st</sup> January 2017 to 31<sup>st</sup> December 2017 is as follows:

Division	Category of Cases	Files B/F from 2016	No. of Files Opened as at 31.12.2017	No. of Concluded Files as at 31.12.2017	No. of pending Files as at 31 <sup>st</sup> Dec 2017
Civil Division	Advice Files	-	1,121	313	808
	Appearance Files	-	1,804	145	1,659
State Attorney's Division	From civil Division	7,345	1,408	1,101	7,652
	SB	274	77	03	348
	LA	05	08	-	13
	L	714	118	311	521
	<b>Total</b>	<b>8,338</b>	<b>1,611</b>	<b>1,415</b>	<b>8,534</b>
Criminal Division	1. Murder & Attempted Murder	13,110	992	751	14,079
	2. Poisons, Opium & Dangerous Drugs Act (Heroin)		816	444	
	3. Child Abuse (Sec: 364 of Penal Code)		-	-	
	4. Rape (Sec: 365 of Penal Code)		417	363	
	5. Prostitution (Penal Code)		15	32	

	360)				
	6. Offensive Weapons Act		96	59	
	7. Prevention of Terrorism Act		14	17	
	8. Motor Vehicle Accidents		34	23	
	9. Public Property Act		19	11	
	10. Financial Frauds (Sec: 383 of Penal Code)		341	196	
	11. Other Crimes		1,279	1,158	
	<b>Total</b>		<b>4,023</b>	<b>3,054</b>	
Supreme Court Division		371	530	54	847
Corporation Division		5976	2,087	1,941	6,122
Child Abuse Division		18,199	2,488	3,105	17,582
Public Petition Division		483	620	484	619
<b>Total</b>		<b>46,477</b>	<b>14,284</b>	<b>10,511</b>	<b>50,250</b>

6.1.4 The following major projects are being implemented by the Attorney General's Department

Project	TCE Rs. Mn	Allocation 2017 Rs. Mn	Financial Progress 31.12.2017		Physical Progress 31.12.2017
			Amount Rs. Mn	%	
Const. of New Head Office Building	1,182.00	500.00	144.71	29%	18%
Const. of Official Residence - Mannar	26.50	3.50	3.18	91%	50%
Const. of Official Residence Vauniya	26.50	5.00	4.59	92%	85%
<b>Total</b>	<b>1,235.00</b>	<b>508.50</b>	<b>152.48</b>		

6.1.5 Financial Progress from 01.01.2017 to 31.12.2017

Description	Allocation (Rs.)	Expenditure (Rs.)	31.12.2017 (%)
Recurrent Expenditure	725.0	708.7	98%
Capital Expenditure	635.0	235.0	37%
<b>Total</b>	<b>1,360.0</b>	<b>943.7</b>	<b>69%</b>



## 6.2 LEGAL DRAFTSMAN'S DEPARTMENT

### Vision

- To assist the Government of Sri Lanka to ensure good governance, by transforming government policies into legislation.

### Mission

- In transforming government policies into legislation, the drafting of such legislation to be done in accordance with the Constitution, in Sinhala, Tamil and English languages.

#### 6.2.1 Introduction

The legal Draftsman's Department is an "A" grade Government Department. This Department, which was under the direct supervision of the His Excellency the President, came under the direct supervision of the Ministry of Justice and Labor Affairs as per Gazette Extraordinary No. 1897/15 of 18.01.2015, and functions under the direct supervision of the Ministry of Justice as per Gazette Extraordinary No. 1933/13 of 21.09.2015.

The main function of the Legal Draftsman's Department is the transformation of the government policies on diverse subjects into legislation, in accordance with the Constitution and with the decisions approved by the Cabinet of Ministers. In the process of transforming government policies into legislation, the Department drafts Bills to enact new legislation and to amend existing legislation, and it also revises the subordinate legislation submitted by various Ministries of the Government. The other duties entrusted to this Department include participating at Parliamentary select committee meetings convened to review draft Bills and being present in Parliament and coordinate with Parliament when the Bills are taken up for debate. This Department provides services to all Government Ministries and Departments including State Corporations and Statutory Bodies. The Department also provides legal advice to Ministries and Departments of the Government with regard to the preparation of various Bills and subordinate legislation.

#### 6.2.2 Functions of the Department in relation to drafting of Bills:-

- (1) Drafting of Bills in all three languages to enact new legislation and to amend existing legislation.
- (2) Revision and, (where necessary), drafting of subordinate legislation in all three languages.
- (3) Attending to Parliamentary duties in connection with the preparation of laws.
- (4) Drafting of Provincial Council Statutes.
- (5) Revision of Private Members' Bills (draft Bills of Incorporation) in all three languages.

(1)	(2)	(3)	(4)	(5)	(6)
Nature of the duty	The number of requests that were submitted as Preliminary or completed Bills, but are awaiting observations or instructions of the Attorney-General and other Ministries and Departments as at 01.01.2017  (Balance brought forward)	The number of requests of which the drafting has not been completed as at 01.01.2017 (Balance brought forward)	The number of new requests that were received from parties within the year	The number of requests completed in all three languages and returned to the relevant parties in this year and previous years and that were resent with fresh instructions for further amendments	<b>Total</b>
Drafting of Bills (Principal Legislation and Amending Legislation)	138	21	73	27	<b>259</b>
Private Members' Bills (Incorporation)	108			32	<b>140</b>
Amendment of Subordinate Legislation (primary and amending)	119	17	156	49	<b>341</b>
Provincial Council Statutes	23	02	02	-	<b>27</b>

This department also provides legal advice in respect of drafting of Acts, subordinate legislations and Provincial Council Statutes.

The unique feature of this Department is that it does not have a structured work programme of its own. This is because the work programme of the Department is of necessity, structured on the legislative needs of the Ministries of the Government and the various Departments under such Ministries, at a given time, upon the required policy being approved by the Cabinet of Ministers. The performance record of the Legal Draftsman's Department is therefore structured on the basis of the successful completion of the requests made for primary and amending legislation and subordinate legislation submitted to it by the respective line Ministries throughout any particular year. Any form of legislation which

comes under the scope of legislative drafting, which is the primary function of the Department, has to be completed in all three languages before it can be released to the requesting Ministry or Department.

### 6.2.3 Progress from 01.01.2017 to 31.12.2017

#### 6.2.3.1 Details of Completed Files

	07	08	09	10
Nature of the duty	The number of requests that has been completed in all three languages and returned to the relevant parties as at 31.12.2017 (the Final Drafts that were completed and sent out on a number of occasions including each time a draft was sent out)	The number of files that were closed due to absence of instructions for a long period of time.	The number of requests that were submitted as Preliminary or completed Bills, but are awaiting observations or instructions of the Attorney-General and other Ministries and Departments as at 31.12.2017	The number of requests in respect of which the drafting has not been completed as at 31.12.2017
Drafting of Bills (Principal Legislation and Amending Legislation)	63	30	156	10
Private Members' Bills (Incorporation)	09	01	130	
Amendment of Subordinate Legislation (primary and amending)	184	-	126	31
Provincial Council Statutes	02	16	08	01

**Note -**

1) Column 9 and 10 - The number of requests that were submitted as basic or completed Bills, but are awaiting observations or instructions of the Attorney-General and other Ministries and Departments and The number of requests in respect of which the drafting has not been completed.

It must be noted that a request that has been attended to and completed by this Department and sent out may be resent with fresh instructions for further amendments mainly due to the instructing agencies keep on changing policy. However, when such a request is received, irrespective of it being earlier finalized, this Department has to attend to it dedicating the same time and attention given to a fresh request. Moreover, request for such amendments to completed drafts are sent even after the Final Draft is sent out in all three languages and sometimes the procedure is repeated a number of times. The following gives a few examples:-

<b>Name of the Bill</b>	<b>Number of times the draft has been sent out (As at 31.12.2017)</b>
National Audit Bill	22
Motor Traffic Bill	23 (Passed in Parliament)
State Land (Special Provisions) Bill	14
The Bill to establish Land Banks	14
Land Development Ordinance Bill	14
General Sir John Kothalawela National Defence University Bill	11
Sri Lanka Sustainable Development Bill	15 (Passed in Parliament including Committee Stage Amendments)
Voluntary Social Service (Registration and Supervision) Bill	12
National Eye Bank Bill	09
Local Government Elections (Amendment) Bill	15 (Passed in Parliament including Committee Stage Amendments)

Therefore, even if a request has been attended to and completed by this Department, it could still be reflected in the category of “requests that have not been completed”.

**2) Private Members Bills (of Incorporation)**

In accordance with the instructions given by the Cabinet Sub Committee, until the enactment of the Audit Bill, Right to Information Bill and the Bill in relation to Non-Governmental Organizations the work in relation to Private Members Bills (of Incorporation )are temporarily discontinued, until further notice. Hence, the number of incomplete Private Members’ Bills (of Incorporation) that has been accumulated as at 31.12.2017 is 130 in number.

**3) Bills (Principal legislation and Amending Legislation)**

The 10 requests where work has not been completed (Principal Legislation and Amending Legislation) are those in respect of which no instructions or observations have been received from the relevant Ministries, Departments and Institutions or in

respect of which Cabinet approval has not been received or those which are still under discussion.

#### 4) **Revision of Subordinate Legislation (Regulations, Orders, Rules etc)**

The 31 requests in relations to which revision has not been completed (Subordinate Legislation) are those in respect of which instructions or the observation of the relevant Ministries, Departments and Institutions have not been received or those which are still under discussion.

#### 6.2.3.2 Financial Progress from 01.01.2017 to 31.12.2017

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	% 31.12.2017
Recurrent Expenditure	109.20	95.61	88%
Capital Expenditure	30.20	28.74	95%
<b>Total</b>	139.40	124.35	89%

### 6.3 DEPARTMENT OF LAW COMMISSION

The Law Commission of Sri Lanka was established under the Law Commission Act No. 03 of 1969, and it is the main government institution which recommends legal reforms. The Department of Law Commission is constituted to extend administrative and research support.

#### **Vision**

- To promote reform of the Law for good governance.

#### **Mission**

- Implementation of the functions prescribed in the Law Commission Act No. 03 of 1969 for the promotion of the reform of the law.

#### 6.3.1 Objectives and Functions

The main objective of the Law Commission is to promote the reform of the law. Following functions are performed by the Law Commission for the purposes of such promotion.

- The codification of law.
- The elimination of anomalies.
- To take and keep under review the law, both substantive and procedural with a view to its systematic development and reform.
- The repeal of obsolete and unnecessary enactments.
- The simplification and modernization of the law.
- To receive and consider any proposals for the reform of the law.
- To prepare and submit to the Minister, from time to time, programmes for the examination of different branches of the law with a view to reform.
- To obtain such information as to the legal systems of other countries.

- ix. To keep under constant review the exercise by bodies, other than parliament, of the power to legislate by subsidiary legislation with a view to ensuring that they conform to well established principles and to the rule of law.
- x. To formulate programmes for rationalizing and simplifying legal procedures including procedures of an administrative character connected with litigation.
- xi. To formulate programmes for the codification of the law in Sinhala, Tamil and English.

### 6.3.2 Progress from 01.01.2017 to 31.12.2017

<b>1) Amendment to Law relating to Elders</b>	
Background	To strengthen the existing Legal Protection for Elders.
Current Status	Under Discussion
<b>2) Amendments to the Arrest Law</b>	
Background	Revised code of Practice for the Statutory Power of Arrest by Police Officers
Current Status	Under Discussion
<b>3) To Review of the Geneva Conventions Act No.4 of 2006 in Light of the Sri Lanka's Obligations Undertaken as a State Party to the Geneva Conventions</b>	
Background	To review of the Geneva Conventions Act No.4 of 2006
Current Status	Under Discussion
<b>4) Obtaining of Damages on the Death of Miners</b>	
Background	<p>Obtaining of Damages on the Death of Miners.</p> <p>This amendment forwarded by the Ministry of Justice on 08.05.2017 to the Law Commission for observation.</p> <p>Under the Roman Dutch Law, the position is that if a minor child dies from negligence or accident the parents cannot, in an action, recover damages, for the mental pain and suffering caused as a result.</p> <p>This position is clearly not in compliance with the tenets of justice at present. A parent should be able to recover damages for mental pain and suffering where a child dies as a result of negligence or recklessness of a third party.</p> <p>Amendment to introduce an Act to ensure that where the cause of death of a child occurs due to the negligence or carelessness of a third party damages should be recoverable for the mental pain caused to the parents and loss of future prospective earnings.</p>
Current Status	The Commission forwarded the above recommendation to Legal Draft person to finalize the above draft Bill.
<b>5) Amendments to the Companies Act No.07 of 2007</b>	
Background	<p>Amendments to the Companies Act No.07 of 2007</p> <p>This amendment forwarded by Prime Minister's Office dated 22.06.2017 to the Law Commission for observation.</p> <p>Present provisions relating to administrators and winding up contained in the Companies Act is found to be inadequate for</p>

	<p>this purpose. In particular, it is found once liquidation proceedings are commenced in respect of a company there is no scope for revival as the proceedings will come to its natural conclusion which is the dissolution of the company.</p> <p>The present provisions contained in the Act in relation to administrators is limited to an application by the company itself.</p>
Current Status	The draft was finalized and send it to the Prime Minister's Office.
<b>6) Law on Divorce, Custody and Alimony</b>	
Background	<p>The existing Laws and Statutes presently dealing with Divorce, Alimony and Custody on irretrievable breakdown of marriage to be codified in one single integrated Statute, in order to introduce a systemized and conveniently ascertainable, single law on the above subjects.</p> <ul style="list-style-type: none"> <li>• A consensual situation</li> <li>• A situation where there is no Mutual consent because one party does not want a Divorce</li> </ul> <p>Custody: Best Interest of the Child  Alimony: Just and equitable Jurisdiction  Maintenance: Jurisdiction to be vested in the District Court and not the Magistrate Court and as a complimentary adjunct there to, adequate enforcement and punitive powers to be vested with the District Court</p>
Current Status	The matter was discussed and recommendations were handed over to the Legal draft person in order to draft the legislation.
<b>7) Law Regarding Disposal of Court Productions</b>	
Background	Material productions such as weapons, garments, and bottles of illicit liquor and narcotic drugs are kept in the custody of the Store Keeper of the Court house as they have to be produced in court during the course of the trial expert evidence should be elicited in respect of such productions. They could only be disposed of only after the trial and on a court order.
Current Status	Under Discussion, Former Attorney General Mr. Palitha Fernando, P.C. forwarded a draft note on the above.
<b>8) Law on Contempt of Court</b>	
Background	The main Purpose of the Proposed Act is to codify the law on contempt and to clarify its scope.
Current Status	Under Discussion

### 6.3.3 Financial Progress as at 31<sup>st</sup> December 2017

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	% 31.12.2017
Recurrent Expenditure	15.34	14.78	96%
Capital Expenditure	1.95	1.73	89%
<b>Total</b>	<b>17.29</b>	<b>16.51</b>	<b>95%</b>

## 6.4 GOVERNMENT ANALYST'S DEPARTMENT

### **Vision**

To form a fair and law abiding society.

### **Mission**

Providing Analytical Advisory and Consultancy Service in the fields of Forensic and Food Sciences to Law Courts, Law Enforcement Agencies and other Institutions.

#### **6.4.1 Functions**

The Government Analyst's Department, being the only forensic laboratory in Sri Lanka, consists of two major Divisions namely Food Science and Forensic Science. Food Science Division includes four laboratories namely Food, Liquor, Milk and Water. Forensic Science Division has seven major disciplines as Forensic Ballistics Section, Forensic Serology and DNA Section, Forensic Toxicology Section, Explosives and Fire Investigation Section, Narcotic Drugs Section, Forensic Questioned Document Section, and Forensic Miscellaneous Section.

This Department proves to be a service providing institution in that it provides advisory, consultancy and scientific service. The Government Analyst's Department issues analytical reports upon scientific examination and analysis on productions referred to it by the law Courts of the country, Department of Police, Department of Customs, Department of Excise, Port Authority, Local Government Institutions, Ministry of Health as well as other Government Departments and Statutory Bodies. Further, it carries out analysis to ensure quality of food, liquor, milk, and dairy products with the samples being referred to the Department by the various government departments and state sponsored bodies. Additionally, the samples received from the Department of Customs are also analyzed for both quality and tariff categorization purposes. The Department also prepares analytical reports after examination of the Questioned documents forwarded by the law courts throughout the country.

All productions submitted for testing are referred to relevant tests according to various acts and ordinances such as the Food and Drugs Act, National Environment Act, Excise Ordinance, Tobacco and Alcohol Act, Cosmetics, Drugs and Devices Act, Control of Pesticides Act, Fire Arms Ordinance, Poisons, Opium and Dangerous Drugs Ordinance, The Explosives Act, Offensive weapons Act, Motor Traffic Act, Criminal Procedure Code, Civil Proceeding Code, Evidence Ordinance etc.

The Department of Police is given assistance of the specialized officers for investigation of scenes of crimes relating to vicious incidents such as shooting and fatal accidents.

Our officers give evidences as expert evidence before the relevant courts regarding the reports issued by the Department of Government Analysts.

This Department also functions as the scientific consultant to other government departments and Government sponsored institutions. Specially, the contribution given by these experts to Sri Lanka Standard Institute in making standards provides an important service. These Experts assist the Technical Evaluation Committee of the Ministry of Defense for purchasing Weapons and Equipment.



Further, lectures on topics concerned with relevant fields are conducted for Police Officers, Criminal Investigation Officers, and Officers of the Three Armed Forces, Apprentice Lawyers attached to the Attorney General's Department, Judicial Medical Officers and Public Health Inspectors.

#### 6.4.2 Progress from 1<sup>st</sup> of January 2017 to 31<sup>st</sup> December 2017

Section	Pending cases on 01.01.2017	No. of cases Received	No. of cases Reported	No. of cases not reported on 31.12.2017
Narcotics and other Drugs	1,210	10,782	10,508	1,484
Firearm & Ammunition	392	380	492	280
Explosives & Fires	195	422	464	153
Poisons	1,033	2,469	2,196	1,306
Blood & Other Physiological Fluids	1,577	1,602	180	2,999
Questioned Documents - H	301	887	721	467
- HD	-	467	256	211
Forensic Miscellaneous - CM	149	453	398	204
Head Office Court Samples - CL	50	2,152	2,182	20
Miscellaneous - Liquors & Tobacco	3	2,214	2,188	29
Liquors -CL- Kurunegala	00	2,191	2,191	0
Food Samples under food Act	31	6,766	6,784	13
Food Miscellaneous	3	1,603	1,604	2
<b>Total</b>	<b>4,944</b>	<b>32,388</b>	<b>30,164</b>	<b>7,168</b>

#### 6.4.3 Other Activities

Number of court attendance - 349

Number of crime scene visit - 163

VIP food testing by officers of Toxicology section - 125 officer days in 11 occasions

#### 6.4.5 Financial Progress as at 31<sup>st</sup> December 2017

Description	Allocation (Rs. Mn.) 2017	Expenditure (Rs. Mn.) 31.12.2017	% 31.12.2017
Recurrent Expenditure	267.22	250.81	94%
Capital Expenditure	108.26	103.08	95%
<b>Total</b>	<b>375.48</b>	<b>353.89</b>	<b>94%</b>

## 6.5 DEPARTMENT OF PUBLIC TRUSTEE

### Vision

To ensure the trust extended to the Public Trustee by the Donors and/or Settlers of Charitable Trusts/Their Estates (Money and/or Property) with a view to upheld their final wishes and/or purposes within a legal framework for the utmost benefit of beneficiaries and/or General Public.

### Mission

Administration of Trusts and Estates of deceased persons which are entrusted to this Department so as to provide an excellent service through the resources and skills of the Department with a view to satisfy all the relevant parties subjected to those estates including the beneficiaries.

#### 6.5.1 Introduction

##### 6.5.1.1 Legal Background

Office of the Public Trustee of Sri Lanka has been incorporated under Ordinance No 01 of 1922 and has been amended by Ordinance No. 11 of 1931, 59 of 1938 and Law No.44 of 1973, 25 of 1975 and Act No. 41 of 1983, 61 of 1988 and The Public Trustee shall, subject to the provisions of this Ordinance and rules made hereunder, be capable of being appointed and of acting under that name.

Law of Trusts in Sri Lanka is been regulated under the Trust Ordinance, No. 09 of 1917 amended by Ordinance No. 04 of 1918, 01 of 1934 and Act No. 07 of 1968, 30 of 1971. Where there are no specific provision made under this ordinance or any other written law, shall be determined by the Law of Equity for the time being in force in the High Court of Justice in England.

The Public Trustee shall, subject to the provisions of Public Trustee Ordinance, Civil Procedure Code, Judicature Act and other enactments and rules made there under, be capable of being appointed and of acting under that name

##### 6.5.1.2 General Powers and Duties of the Public Trustee

1. As an ordinary trustee
2. As a custodian trustee
3. As collector of estates under an order to collect,
4. As curator of the estate of a minor, as the next friend or guardian, (When entrusted by the District Court)
5. As a Manager of the estate of a person of unsound mind, (When entrusted by the District Court)
6. As manager of immovable property upon a contract on terms and conditions as may be mutually agreed upon. (Where the Public Trustee is appointed as custodian trustee he is obligated to exercise of the powers of management or any other power of discretion vested in such board of Managing Trustees.)
7. As attorney for persons absent from Sri Lanka for the purpose of receiving and paying money.
8. Under the Civil Procedure Code the Public Trustee shall be deemed to be a suitable person as a manager of an estate.
9. As an administrator of an intestate estate under the Civil Procedure Code.

10. As a custodian trustee of properties of person who is serving a sentence in prison.
11. The Public Trustee may accept the custody for the purpose of safe keeping a Last will of any living person.
12. Public Trustee as a trustee of the compensation given to the acquisition of temple property.

### **6.5.1.3 Powers and duties vested in Public Trustee underwritten Laws and Amendments to the Public Trustee Ordinance**

Under the provisions of other written laws and amendments made to the public trustee ordinance, following Powers and duties are being vested on Public Trustee.

- Under the Sec. 10 A of the Public Trustee Ordinance as amended by Act No. 61 of 1988, Public Trustee shall act as the body who distributes any compensation received upon the death of persons while in overseas employment among their dependents and/or heirs. Further, any Sri Lankan citizen proceeding for employment outside Sri Lanka may register with the Public Trustee for the purpose of regulating and ensuring efficient distribution of any compensation which shall be payable in the event of their death while in employment.
- Implementation of Vihara Lands (Compensation) Ordinance No 28 of 1944.
- Execution of functions assigned under the Buddhist Temporalities Ordinance, No. 19 of 1931 as amended by Act, No. 42 of 1981.
- Under the Associated Newspapers of Ceylon Limited (Special Provisions) Law, No. 28 of 1973, the shares of the Associated Newspapers of Ceylon, Limited shall vest with the Public Trustee for the benefit of the Government.

### **6.5.1.4 Services of the Public Trustee**

Public Trustee serves the public in accordance with the objectives of Trusts and Last Wills or decisions and/or directions of Court.

- Awarding scholarships to skilled children who are facing financial difficulties in their studies.
- Provision of medical assistance to needy patients for their essential medical treatments.
- Provide with financial assistance to maintain and development of Religious Places according to the objectives of trusts and/or Last wills.
- Provide Charities for needy persons and/or institutions.
- Providing donations to persons who are in need due to various reasons and for their religious activities.
- Management of the Trust or Estate Properties.
- Appointment of two Directors and Chairman of the Associated Newspapers Of Ceylon Limited.
- Distribution of Foreign Compensation.
- Based on the recommendations of the Commissioner General of Buddhist Affairs, distribution of compensation to be recovered consequent to the acquisition of immovable properties by the government under the Buddhist Temporalities Ordinance.
- Grant to the general Treasury a percentage from the income earned as Public Institution.

### 6.5.2 Number of Trust Estates managed by the Department of Public Trustee

Year	Number of Trusts	Number of Estates
2014	1,034	134
2015	1,044	137
2016	1,067	140
2017	1,081	141

### 6.5.3 Amount of Money remitted to the General Treasury

The Capital Fees, Investment Fees and other Fees charged from the Trusts and Estates according to the Public Trustee Ordinance are remitted to the General Treasury as follows.

Year	Contribution (Rs.)
2014	6,675,487.77
2015	10,188,334.08
2016	14,986,797.37
2017	11,209,507.45

### 6.5.4 Actual Physical and Finance Performance against Annual Action Plan Target

	Activity	Actual Value (31.12.2017)	
		No. of Beneficiaries	Value (Rs.)
1	Payment for the Scholarships	499	3,228,312.49
2	Payment for the Medical Donation	192	8,277,549.40
3	Payment for the Maintenance and Development of Religious Places	464	32,499,640.07
4	Payment for the Religious Affairs	175	7,583,673.41
5	Payment for the Relief Donation	382	2,472,390.00
6	Other Payment in accordance with Trust Objective	110	12,921,621.83
7	Release of compensation for Buddhist Temples	44	94,886,020.46
8	Release of Foreign compensation	155	290,099,151.26
9	Trust and Estates Management (No. of Estates/Net Profit)	12	11,088,246.11
	<b>Total</b>	<b>2,033</b>	<b>463,056,605.03</b>

### 6.5.5 Financial Progress from 01.01.2017 to 31.12.2017

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	% 31.12.2017
Recurrent Expenditure	49.47	49.03	99%
Capital Expenditure	3.18	3.17	100%
<b>Total</b>	<b>52.65</b>	<b>52.20</b>	<b>99%</b>

## 6.6 DEPARTMENT OF DEBT CONCILIATION BOARD

### **Vision**

To provide a relief arrangement for the aggrieved public for the repayment of loans involving immovable property.

### **Mission**

Provision of legal protection and relief for the debtors to enable them to get back their immovable property such as agricultural land, housing property placed as security for a loan obtained on a Mortgage, Deed of Conditional Transfer, or Deed of transfer executed solely in respect of a loan transaction, by making payment in installment with a low rate of interest.

### **Objective**

To assist parties to arrive at a settlement on the repayment of loans on Mortgage Bonds, Deeds of Conditional Transfer and Deeds of transfer executed solely for a loan transaction in respect of immovable property.

#### **6.6.1 Introduction**

This Department was established under the Debt Conciliation Ordinance No. 39 of 1941 with the objective of introducing relief measures to save from indebtedness the people who are indebted on secured loans obtained on Conditional transfers or mortgages of immovable property such as land, paddy fields, estates or housing property.

In addition to this, in terms of the Amendment Act No. 29 of 1999, the Debt Conciliation Board is authorized to intervene in respect of loans obtained on the basis of a transfer deed executed exclusively for a loan transaction, thereby further expanding the relief offered by the Board. The operations of the Board prevents the creditors from arbitrarily exploiting the debtors. Although this is the primary objective of the Board, it ensures that no injustice is caused to the creditors too. Another objective of the Board is to assist in arriving at a settlement in respect of immovable property subject to mortgage or conditional transfer in conditions acceptable both to the debtor and the creditor. No fee is chargeable in respect of applications made to the Board and the proceedings before the Board are free of any stamp duty. A very small amount is charged as Gazette and notice fees, and as such an immense service is afforded to the average persons suffering under indebtedness. It is a great relief to the public that it is not compulsory for the applicants to be represented by a lawyer.

The Debt Conciliation Board consists of five (05) members, appointed by the Minister one of whom shall be nominated by the Minister to be Chairman of the Board. The Chairman of the Board shall be a person who holds or has held a substantive appointment as a Judge of the Court of Appeal or as a District Judge.

or

a person who is or has been a member of Class I of the Sri Lanka Administrative Service and who holds or has held office as District Judge.

or

an Attorney-at-Law of not less than fifteen years' standing, of the four other members of the Board at least one shall be a person engaged in trade or commerce in Sri Lanka and recommended by the Minister for appointment as a member of a Board. The Chairman and every other member of the Board shall hold office for a period of three years from the date of his appointment.

The proceedings before this Board are different from those before an ordinary court of law. The settlement arrived at between the parties is not an agreement imposed by the Boards but one arrived at voluntarily by the parties, before the Debt Conciliation Board. However, the Board has the power to reduce the unreasonable rates of interest charged or in case of failure on the part of the parties to accept the just suggestions made by the Board to issue a certificate under the Ordinance to the debtors. Further, if the creditors fail to appear before the Board at the final hearing in response to the notice issued, an expert hearing is held after which a certificate is issued to the debtor.

However, it is so done, only if the Board is satisfied that the creditor has intentionally failed to attend the inquiry to be held after notice is issued through registered post and the Grama Niladhari. On such occasions, the benefit of the issue of such a certificate will accrue to the debtor. If this certificate is produced to a court before which a trial is being held on the same matter, that court is empowered under the Debt Conciliation Ordinance to allow a period subject to a maximum of 10 years for the settlement of the loan and reduce the interest to the minimum rate and not to recover any costs from the debtor.

#### 6.6.2 Progress from 01.01.2017 to 31.12.2017:-

Details	Numbers
No. of pending applications brought forward - 01.01.2017	825
No. of new applications	372
No. of applications received for review	36
<b>Total No. of applications as at 31.12.2017</b>	<b>1,233</b>
No. of applications settled	147
No. of applications dismissed	167
No. of applications reviewed	50
No. of applications on which certificates were issued	09
No. of applications withdrawn	31
Total No. of Applications (Actions Taken)	<b>404</b>
<b>No. of Applications pending by the end of 31.12.2017</b>	<b>829</b>

#### 6.6.3 Financial Progress as at 31<sup>st</sup> December 2017

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	% 31.12.2017
Recurrent Expenditure	18.47	15.67	85%
Capital Expenditure	0.85	0.73	86%
<b>Total</b>	<b>19.32</b>	<b>16.40</b>	<b>85%</b>

### **The Vision**

Realization of reconciliation and coexistence through mediation.

### **The Mission**

Widely dissemination of an efficient alternative disputes resolution mechanism throughout the country for the benefit of the general public.

#### **6.7.1 Introduction**

- The Mediation Boards Commission was established by the operation of the Mediation Boards Act, No.72 of 1988.
- The primary objective of the establishment of Mediation Boards is to strengthen the mediation process as a dispute resolution mechanism alternative to litigation process more particularly the resolution of minor disputes which are often brought before the courts and thereby relieving of the backlog in the entire court system.
- The Mediation Boards Act provides for the Mediation Boards to act as a mediator involving as a third party in resolving disputes through the mediation process between two or more disputing parties.
- As the community treats the mediation process to be a convenient and law cost mechanism in settlement of their disputes, nearly three hundred thousand disputes are referred to Mediation Boards annually for mediation.
- The progress of the Mediation Boards is assessed on the basis of the number of disputes referred to the Mediation Boards coupled with the rate of percentage at which such disputes are settled.

#### **6.7.2 The Composition, Powers and Functions**

##### **• The Composition**

H.E. the President of the Democratic Socialist Republic of Sri Lanka appoints the Mediation Boards Commission consisting of five (05) persons for a term of three (03) years.

##### **• The Powers and Functions**

For the purpose of the Mediation Act, the Mediation Boards Commission takes the charge of matters pertaining to appointment, transfer, dismissal and exercise of disciplinary control over the Mediators; supervision and control of the performance and duties and functions of the Mediators; issuance of directions as may be necessary to such Mediators.

### 6.7.3 Functions discharged by the staff attached to the Mediation Boards Commission

1. In accordance with the Mediation Boards Act, establishment of Mediation Boards throughout the country and provision such Boards with necessary facilities including -
  - ❖ Calling for nominations for the purpose of recruitment of Mediators, conducting interviews, recruitment of persons to be Mediators upon training offered at five day training workshops.
  - ❖ Facilitating dispute resolution process throughout the country by way of Panels of Mediators.
2. In terms of the provisions laid down in the Mediation (Special Categories of Disputes) Act, No.21 of 2003, establishment of 05 Mediation Boards for providing the public with meaningful resolution relating to land disputes, based on the following administrative districts.
  - ❖ Jaffna, Anuradhapura, Trincomalee, Batticaloa and Kilinochchi
3. Establishment of School Mediation Units and conducting of School Mediation Workshops.
4. Raising awareness among the community towards the importance of Mediation.

### 6.7.4 Progress during the period from 01.01.2017 to 31.12.2017

Description	Number of disputes
The number of disputes pending to be settled at the beginning of the year 2017	105,712
The number of disputes received for the period from 01.01.2017 to 31.12.2017	253,364
Total Number of disputes	359,076
The number of disputes taken up for disposal for the period from 01.01.2017 to 31.12.2017	190,566
The number of disputes settled for the period from 01.01.2017 to 31.12.2017	97,398
<b>In percentage</b>	<b>51%</b>

### 6.7.5 Categories of parties who referred disputes during the period from 01.01.2017 to 31.12.2017

Category of Parties in terms of which Disputes are referred	The Number of Disputes Received	Number of Disputes Settled	Percentage of Total Disputes Referred
Courts	17,102	9,106	7%
Police Stations	54,802	26,560	22%
Banks/ Financial Institutions	156,208	52,130	62%
Disputants	3,952	1,450	2%
Others	21,300	8,152	8%
<b>Total</b>	<b>253,364</b>	<b>97,398</b>	<b>-</b>



**6.7.6 Settlement of disputes at provincial level during the period from 01.01.2017 to 31.12.2017**

Province	Number of disputes taken up for disposal	Number of disputes settled	Percentage %
Western	41,245	17,261	42%
Central	22,033	14,373	65%
Southern	23,905	11,884	50%
North-Western	34,620	19,370	56%
North Central	13,281	7,134	54%
Uva	9,899	4,411	45%
Sabaragamuwa	19,158	8,583	45%
Eastern	14,076	7,497	53%
Northern	12,349	6,885	56%
<b>Total</b>	<b>190,566</b>	<b>97,398</b>	<b>51%</b>

- During the period from 01.01.2017 to 31.12.2017, 78 five day workshops were conducted and 30 one day workshops were conducted and 4,422 Mediators were trained.  
Expenditure - Rs.4,376,000.00
- Mediation Programme Assistants conduct community mediation, school mediation and other mediation awareness programmes. Accordingly, they have conducted 192 school mediation and community mediation programmes.  
Expenditure - Rs.5,726,250.00

**6.7.7 Financial Progress during the period from 01.01.2017 to 31.12.2017 (110-01-03)**

Description	Allocation of provisions for the year 2017 (Rs. Mn)	Expenditure as at 31.12.2017 (Rs. Mn)	Financial progress as at 31.12.2017
Recurrent expenditure	260.65	214.12	82%
Capital expenditure	1.35	0.89	66%
<b>Total</b>	<b>262.00</b>	<b>215.01</b>	<b>82%</b>

## 6.8 OFFICE OF THE SECRETARY LABOUR TRIBUNAL

### Vision

Assurance of job security of the Employees attached to the non-government sector

### Mission

Assurance of job security of the Employees attached to the non-government sector by way speedy, just and efficient mechanism of administration of justice with the assistance of the energetic, dynamic and trained staff.

#### 6.8.1 Introduction

The primary task entrusted with the Labour Tribunals is to hear and determine applications tendered to them in terms of the Section 31(b) of the Industrial Disputes Act, No.43 of 1950. The Labour Tribunals emerge as a way in arresting the injustice caused in consequence of arbitrary dismissal of employees from their employments in the non-government sector. At present, there are 39 Labour Tribunals functioned island wide.

For the smooth functioning and the proper maintenance of the Labour Tribunals, the Labour Tribunal Secretariat mainly takes the charge in providing necessary human resources and management services.

The Labour Tribunals presently functioning island wide are as follows -

01	Colombo - 01	14	Awissawella	27	Chilaw
02	Colombo - 02	15	Kandy	28	Bataloa
03	Colombo - 08	16	Galle	29	Kaduwela
04	Colombo - 13	17	Badulla	30	Wattala
05	Battaramulla 1/ Addi.	18	Negombo 21	31	Ratmalana
06	Battaramulla 2/ Addi.	19	Negombo 21/ Addi.	32	Homagama
07	Ratnapura	20	Kurunegala	33	Kotapola
08	Nuwaraeliya	21	Gampaha	34	Bandarawela
09	Hatton	22	Panadura	35	Thalawakale
10	Kaluthara	23	Matara	36	Palapathwala
11	Embilipitiya (Circuit)	24	Anuradhpura	37	Ampara
12	Balangoda	25	Nawalapitiya	38	Jaffna
13	Trincomalee	26	Kegalle	39	Kuliyapitiya

#### 6.8.2 Progress from 01.01.2017 to 31.12.2017

Number of Cases Pending as at 01.01.2017	During the Period from 01.01.2017 to 31.12.2017		No. of Cases Pending as at 31.12.2017
	No. of Cases Filed	No. of Cases Concluded	
5,037	2,025	2,145	4,917

- 08 Stenographers were recruited at a test conducted to fill the vacancies in the post of Stenographer.
- Interview was held on 13/10/2017 on the results of the written test conducted on 2/7/2017 to recruit 07 Interpreters.

### 6.8.3 Financial Progress from 01.01.2017 to 31.12.2017

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	% 31.12.2017
Recurrent Expenditure	282.01	277.87	99%
Capital Expenditure	11.57	7.63	66%
<b>Total</b>	<b>293.58</b>	<b>285.50</b>	<b>97%</b>

## 6.9 TRAINING INSTITUTE FOR NON JUDICIAL OFFICERS

### Mission

Enhancement of efficiency and quality in the judicial service through training of scheduled and Non - Scheduled officers in the judicial service except for judicial officers so as to cope with the delay in the process of hearing and disposal of court cases with the prime object of providing the general public with a speedy and better service.

### 6.9.1 Introduction

This institute was established in 2010 in the court building in Palawatte, Battaramulla to fulfill the training requirements of Non-Judicial Officers who work at Courts. Accordingly, this training institute has conducted a number of programmes for the non-judicial officers in order to achieve the following objectives.

1. Development of attitudes and discipline
2. Awareness of and understanding the duties
3. Modernization and innovation
4. Elimination of bribery and corruption

### 6.9.2 Conducting Programmes

From 1<sup>st</sup> of January 2017 to 31<sup>st</sup> of December 2017, the following training programmes were conducted.

No	Training Programme	No. of Programmes	No. of Participants
01	Induction Training Programme for Process Server and Writ Executor, Crier and Usher	1	170
02	Induction Training Programme for the newly recruited Court Management Assistance	1	306
03	Training Programme on maintenance of Personal File for Accounts Officers in the Labor Tribunals office	1	57
04	Computer Literacy Training Programme	9	209

05	Induction Training Programme for newly recruited Interpreters	1	93
06	Civil Procedure, Criminal Procedure, productions, and Disciplinary Inquiries Training Programme	7	256
07	Training Programme on Court Automation	1	24
08	Training Programme for Accounting	5	173
09	Regional level Training Programmes conducted in Vauniya	1	80
10	Regional level Training Programmes conducted in Anuradhapura	3	225
11	Regional level Training Programmes conducted in Monaragala	01	104
	<b>Total</b>	<b>31</b>	<b>1,697</b>

## 6.10 INTERNATIONAL ARBITRATION CENTRE (GUARANTEE) Ltd.,

The Ministry of Justice initiated the establishment of an international arbitration centre in Sri Lanka on 2013 and subsequently, part of the 22<sup>nd</sup> floor of the World Trade Centre was taken on lease and refurbished for housing the Sri Lanka International Arbitration Centre (SLIAC). The Hon. Prime Minister, Mr. Ranil Wickremasinghe ceremoniously opened the building to house the International Arbitration Centre on 5<sup>th</sup> June 2015.

Thereafter, Sri Lanka International Arbitration Centre (Guarantee) Limited, was successfully incorporated on 20<sup>th</sup> December 2016. Under the Articles of Association, the current Directors of SLIAC are:

- Dr. Asanga Gunawansa- Actg. Chairman
- Mr. Dilal M.R. Philips, P.C.
- Dr. Harsha Cabral, P.C.
- Mr. Neville A. Abeyaratne
- Mr. B. Sarada Mohanjith De Silva
- Mr. Sudath A.S. Jayasundara. Attorney-at-Law
- Mr. Kumar Ekeratne, Attorney-at-Law
- Mr. G. Alagaratnam, P.C.
- Mr. A.K.D.D.D. Arandara

The SLIAC board meets at least once a month and is in discussion with the Government to obtain the financial assistance as soon as possible to meet the above requirements. In addition, the Board is currently considering a proposal for appointing a Board of Governors consisting of reputed international arbitrators and academics and senior arbitration experts from Sri Lanka.

## 07 PROGRESS OF THE PUBLIC ENTERPRISES UNDER THE MINISTRY OF JUSTICE

### 7.1 LEGAL AID COMMISSION (LAC)

The Legal Aid Commission (LAC) was established by the Legal Aid Law No. 27 of 1978, the main Objectives of the LAC is to provide Legal Aid to deserving persons to Sri Lanka. The role of the LAC is to provide legal advice and free legal assistance to low income groups and to create awareness in the entire society on legal procedures. Many activities inclusive of representation in courts of law and other forum by implemented under the following divisions during the year.

#### 7.1.1 Legal Division

1. Representation in courts on behalf of deserving persons.
2. Offer legal advices to the public.
3. Assisting in advisory activities to the government in implementing new law and order.

In addition to the Colombo Legal Aid Center, which functions directly under the purview of the head office, there are 82 Regional Legal Aid Centers. Client who seeks legal representation in courts have to justify that their monthly income though the Grama Niladari of the relevant division, for the Maintenance cases it is not taken in to an account.

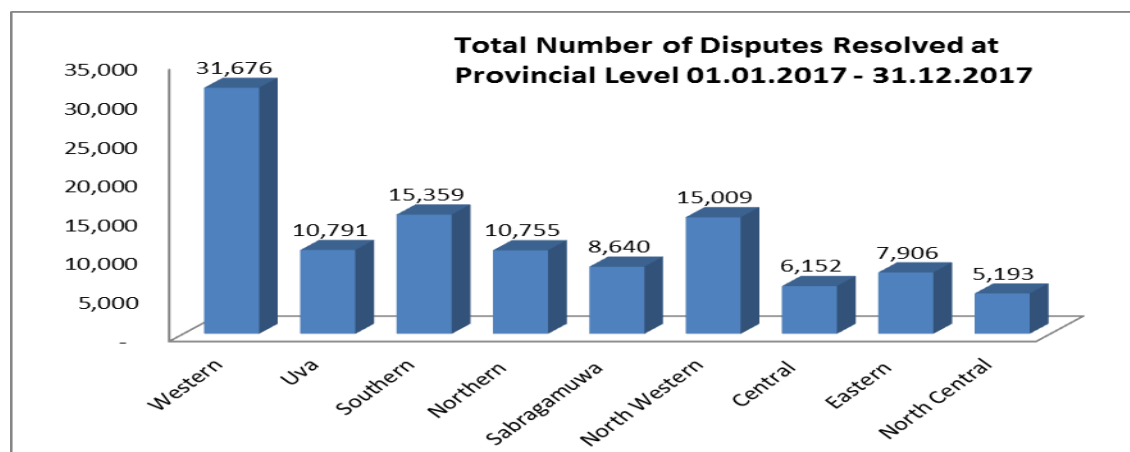
#### a) Litigation Progress of the Legal Aid Commission in the Year 2017

Details	Number of Cases
Number of cases brought forward from 2016	26,088
Number of new cases newly filed from January to 31 <sup>st</sup> December 2017	12,039
Number of pending cases as at 31 <sup>st</sup> December 2017	38,127
Number of concluded cases as at 31 <sup>st</sup> December 2017	8,344
Number of cases carried forward to 2018	29,783
Number of total legal consultations during the period of January to 31 <sup>st</sup> December 2017	103,137
<b>Total number of services provided</b>	<b>141,264</b>

b) **Total Number of dispute settled by the Legal Aid Commission**

Province	Pending Cases as at 01.01.2017	New Cases as at 31.12.2017	Total	Concluded Cases 01.01.2017-31.12.2017	Cases Lay by 01.01.2017-31.12.2017	Pending Cases 01.01.2017-31.12.2017	Legal Consultations 01.01.2017-31.12.2017
Western	6,771	2,590	9,361	1,126	469	7,766	30,081
Uva	1,913	950	2,863	479	324	2,060	9,988
Southern	3,382	1,425	4,807	674	266	3,867	14,419
Northern	2,322	1,125	3,447	420	55	2,972	10,280
Sabragamuwa	1,919	1,039	2,958	386	375	2,197	7,879
North Western	2,738	1,319	4,057	716	187	3,154	14,106
Central	2,249	858	3,107	708	182	2,217	5,262
Eastern	2,787	1,653	4,440	1,075	151	3,214	6,680
North Central	2,007	1,080	3,087	487	264	2,336	4,442
<b>Total</b>	<b>26,088</b>	<b>12,039</b>	<b>38,127</b>	<b>6,071</b>	<b>2,273</b>	<b>29,783</b>	<b>103,137</b>

C. **Total Number of Disputes resolved by the Legal Aid Commission**



7.1.2 **Programmes and Projects Division**

a) **Media Programmes**

- a. Creating awareness for general public through different Television and Radio channels. Most of these programmes were by invitations.

Television Programmes	-	30
Radio Programmes	-	08

- b. The Question and answer page in Week end News Papers is another initiative taken by the LAC to assist the public to resolve their problems and as well as to improve their legal awareness. The Commission responded to legal matters of the general public through News Papers namely;

- a) Daily News Paper on Monday once a fortnight in English Language.  
b) *Lankadeepa* News Paper on Tuesday once a fortnight in Sinhala language.

"Lankadeepa Nithi sarana page"	-	24
"Daily News Legal Aid Page"	-	24
"Diyaniya"	-	52

## b) Awareness and Outreach Programmes

	<b>Programmes</b>	<b>Numbers</b>
01	Providing Legal Knowledge, Protection of Rights and Support Programmes to gain privileges (Child, Women, Elders and differently abled People)	30
02	Providing legal knowledge, access to quality and effective government services)	40
03	Invitations to conduct lectures and consultations (Nilamehewara, Thirasara Hetak and 40 <sup>th</sup> Anniversary of open economy, Go green Campaign (Environmental Protection)	175
04	Awareness Programmes for the fishing community, estate workers and people living in slums	03
05	Land dispute resolution programme	12
06	Field Visits	01
07	Awareness Programmes for General Public	36
08	Awareness Programmes for Community Leaders	06
09	Conducted Legal Aid Clinics	61
	<b>Total</b>	<b>364</b>

### 7.1.3. Development Legal Aid Units

#### 7.1.3.1. Migrant Workers - Unit

The unit carried out consultations with migrant workers who faced problems. Subsequent to the consultations, such persons referred either to consular division of the Ministry of external affairs or to Sri Lanka Bureau of Foreign Employment. Establishment of 17 Units of "Gami Sansadaya" Island wide at the divisional Secretariat Level. Awareness Programme conducted in Negombo.

#### 7.1.3.2 Prisoners Unit

During the period from January to 31<sup>st</sup> December of this year, 611 detainees sought legal aids in 59 Legal Aid Programmes. All these applicants were selected to be legal aided. 99 detainees have been granted bail out of 230 bail applications filed seeking bail to some of these detainees.

#### 7.1.3.3 Training for Newly - Enrolled Attorneys-at-Law

During the period of January to 31<sup>st</sup> December of this year, 1,166 Apprentice Attorneys-at-Law were trained in a two batch. For this training, the Commission outsourced the service of 5 resource persons including most Senior President Counsels.

#### 7.1.3.4 Awareness Programmes for Indigenous, Inhabited People

In an effort to safeguard the rights and traditions of the Sri Lankan Indigenous People, during the period from January to 31<sup>st</sup> December of this year, 02 programmes were initiated in a remote village known as Dalukana. These programmes included legal and medical clinics together with a dispute resolution programme based on children, youths and as well as the elders of the community.

### 7.1.3.5 Awareness Programmes for Medical Officers

During the period from January to 31<sup>st</sup> December of this year, 06 programmes were conducted to raise awareness among Judicial Medical Officers, Medical Officers of Health and Psychiatrists in the sphere of law so as to advance competencies and skills of these professionals in the matters relating to Forensic Science and judicial affairs.

### 7.1.4 Development and Management Division

#### 7.1.4.1 Training Programmes conducted for following Officers

Category of Officers	Number of Officers
Attorneys at law	120
Management Assistant	97
Drivers	02
<b>Total</b>	<b>219</b>

#### 7.1.4.2 Establishment of New Legal Aid Centers

In September, 2017, the Sri Lanka Legal Aid Commission has increased its Regional Legal Aid Centers to 82 that was 78 at the end of 2016.

No.	Regional Centers	Opened Date
1	Dehiattakandiya	30/01/2017
2	Siyabalanduwa	30/01/2017
3	Borella	16/02/2017
4	Galagedara	16/08/2017

#### 7.1.4.3 New Recruitments

Designation	No. of Recruitments
Legal Officers	14
Management Assistants	05
KKS	09
Drivers	01

#### 7.1.4.3 Construction of Buildings

Construction of Regional Office works have been completed in Kalmunai, Dehiattakandiya and construction works have been started in Kurunegala.

### 7.1.5 Financial Progress Report from 01.01.2017 to 31.12.2017

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	% 31.12.2017
Recurrent expenditure	194.00	193.78	99%
Capital expenditure	25.00	16.50	66%
<b>Total</b>	<b>219.00</b>	<b>210.28</b>	<b>96%</b>



## 7.2 SUPERIOR COURTS COMPLEX BOARD OF MANAGEMENT

### Vision

- To develop the Superior Courts Complex Board of Management into the Best managed statutory Board in the Country.

### Mission

- The Mission of the Superior Courts Complex Board of Management is to maintain and further develop the existing building facilities and Infrastructure so that all involved in Judiciary and Legal Profession using these facilities may be provided a very conducive environment which will help them to perform their activities with a view to bring out efficient, fair and justice services for the litigants and thereby to achieve the above vision.

### 7.2.1 Background

The Board of Management was established under the Superior Courts Complex Board of Management Act No. 50 of 1987 to control, administer and manage the Superior Courts Complex and the Buildings thereon which include the making of such additions, alterations and improvements as may be necessary to enhance the amenities of the complex. The Board consists of the following members:-

- The Hon Chief Justice.
- A Judge of the Supreme Court appointed by the Hon Chief Justice.
- The President of the Court of Appeal.
- A Judge of the Court of Appeal appointed by the President of the Court of Appeal.
- The Secretary to the Ministry of Justice.
- The Secretary to the Ministry of Local Government Housing & Construction.
- The President of the Bar Association of Sri Lanka.
- The Municipal Commissioner of the Colombo Municipal Council.
- A Representative from the Ministry of Finance.
- Two members appointed by HE the President of Democratic Socialist Republic of Sri Lanka.

### 7.2.2 Performance during the period from 01.01.2017 - 31.12.2017

Activities conducted by the Board of Management of the Superior Courts Complex were given below.

- Rehabilitation and Reconstruction of Superior Courts Complex Buildings
- Rehabilitation and Reconstruction of Judges Quarters which are coming under the Superior Courts Complex Board of Management.
- Provided proper building facilities
- Purchasing and installation of machineries
- Purchasing office equipment, furniture and machineries

### 7.2.3 Financial Progress from 01.01.2017 to 31.12.2017

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	% 31.12.2017
Recurrent Expenditure	181.55	147.78	81%
Capital Expenditure	20.00	17.49	87%
<b>Total</b>	<b>201.55</b>	<b>165.27</b>	<b>82%</b>

## 7.3 SRI LANKA JUDGES' INSTITUTE

### 7.3.1 Introduction

Sri Lanka Judges' Institute was established by Act No. 46 of 1985. This institute is managed by a Board of Management which consists of 5 members including the Hon. Chief Justice and two judges of the Supreme Court appointed by His Excellency the President. The required provisions to this institute are allocated by the Ministry.

#### Subjects and Functions of the Institute:-

- I. To provide facilities for the exchanging of views and ideas on judicial and legal matters among judicial officers.
- II. 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.
- III. To formulate and conduct training and research courses in various aspects of the administration of justice.
- IV. Providing library facilities and other educational material for judicial officers.

### 7.3.2 Progress from 01.01.2017 to 31.12.2017

Training Programme	Participated Officers	No. of Programmes	No. of Participants	Expenditure Rs.
Seminars	High Court Judges, Court Officers, Labour Tribunal Presidents	44	2,268	9,538,613
Customized Business English Course	High Court Judges, Court Officers, Labour Tribunal Presidents	28	85	446,250
Foreign Training Programmes	High Court Judges, Court Officers	13	294	154,255,459
Court Administration and Accounting Process	Court Registrars	02	65	348,200
Training Programmes under Specialized Programmes on E- Communication, using E- Resources and Networking	Court Management Assistants	07	14	105,000
<b>Total</b>		<b>94</b>	<b>2,726</b>	<b>164,693,522</b>

### 7.3.3 Other Activities as at 01.01.2017 to 31.12.2017

- Security Alarm System was installed to the 6th Floor of the Judges' Institute Service was provided to the Institute.
- West Law Legal Data base Purchased.
- Judges' Journal Vol. IV published on 11th August 2017.
- Justice Soza Memorial Oration conducted on 11th August 2017.
- "Judges' Net", the Comprehensive legal data base for the use of Judges in Sri Lanka, developed by the Sri Lanka Judges' Institute in collaboration with USAID, Rule of Law Project and Bell Solution Ltd., Launched on 11th of August 2017.
- Hon. Chief Justice, two Judges from Supreme Court, four judges from Court of Appeal, Secretary of the Judicial Service Commission, District Judge/ Academic Coordinator of the Sri Lanka Judges' Institute, participated for a Special training on Cybercrime and Electronic Evidence at Kathmandu, Nepal from 2017.08.16 to 2017.08.20.

### 7.3.4 Financial Progress from 01.01.2017 to 31.12.2017

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	% 31.12.2017
Recurrent Expenditure	28.11	28.11	100%
Capital Expenditure (110-1-2-1-2201)	10.00	3.62	36%
Capital Expenditure (228-1-1-0-2401)	164.00	157.86	96%
<b>Total</b>	<b>202.11</b>	<b>189.59</b>	<b>94%</b>

## 7.4 THE NATIONAL AUTHORITY FOR THE PROTECTION OF VICTIMS OF CRIMES AND WITNESSES

### 7.4.1 Introduction

The Assistance to and Protection of Victims of Crime and Witnesses Act, No.4 of 2015, which was passed in the Parliament to strengthen the effective course of administration of criminal justice by identifying a proper legal framework to protect the victims of crime and witnesses, provides for the establishment of the National Authority for the Protection Victims of Crime and Witnesses. Accordingly, by the operation of the Act, the proposed Authority was established on 08.01.2016.

In terms of Section 12(b) of the Act, the Board of Management of the Authority was appointed by His Excellency the President to be effective from 11.08.2016. That Board of Management consists of seven *ex-officio* members, *viz.* the Secretary to the Ministry of Justice, Secretary to the Ministry of the Minister-in-charge of the Police Department, Secretaries to the Ministries of the Ministers-in-charge of the subject of Women Affairs and the subject of children or their representatives, a member of the Human Rights Commission of Sri Lanka, a nominee of the Attorney General, a nominee of the Inspector General of Police holding the post of Senior Deputy Inspector General of Police and as well as five (05) members appointed by His Excellency the President from among the persons who are academically or professionally qualified and have gained expertise in their professions or fields of

professional activity associated with the criminology, the criminal justice system, the promotion and protection of human rights or the medicine.

**7.4.2 The objects of the Assistance to and Protection of Victims of Crime and Witnesses Act, shall be to:-**

- 1) Setout, uphold and enforce the rights and entitlements of victims of crime and witnesses and to provide for a mechanism to promote, protect, enforce and exercise such rights and entitlements;
- 2) Provide assistance and protection to victims of crime and witnesses;
- 3) Enable victims of crime to obtain compensation from persons convicted of having committed offences against them;
- 4) Provide for obtaining redress by victims of crime including restitution, compensation, reparation and rehabilitation of such victims;
- 5) set out duties and responsibilities of the State, judicial officers and public officers towards the promotion and protection of the rights and entitlements of victims of crime and witnesses;
- 6) Stipulate offences that may be committed against victims of crime and witnesses and the penal sanctions that may be imposed on person who commit such offences; and
- 7) Provide for the adoption and implementation of best practices relating to the protection of victims of crime and witnesses.

**7.4.3 Duties and functions**

- 1) Promote the recognition of and respect for the rights of victims of crime;
- 2) Promote the recognition of and respect for the entitlements of witnesses;
- 3) Protect or cause to be protected the rights of victims of crime and entitlements of witnesses;
- 4) On receiving a complaint or any information regarding an alleged infringement or imminent infringement of any right or entitlement of a victim of crime or a witness, investigate and inquire into such alleged infringement or imminent infringement and to require any relevant authority to take such appropriate corrective measures in that regard, in order to ensure the protection and promotion of the rights and entitlements of victims of crime and witnesses provided by this Act;
- 5) Provide necessary assistance to victims of crime and witnesses, including appropriate measures for their treatment, reparation, restitution and rehabilitation;
- 6) Make an award for payment of compensation to a victim and for that purpose develop and implement a scheme for the grant of compensation to victims of crime from the Victims of Crime and Witnesses Assistance and Protection Fund established under section 29 of this Act;
- 7) Create awareness among the public regarding the rights and entitlements of victims of crime and witnesses provided by this Act;

Duties and functions of the Authority established under Section 11 of the Act may be summarized as follows.

**a. Enforcement functions**

To identify, promote, protect and make aware of the rights and entitlements of the victims of crime and witnesses.

**b. Quazi-judicial functions**

To investigate and examine complaints regarding the infringement of rights and entitlements of the victims of crime and witnesses and make recommendations to state institutions, public officers and court of law.

**c. Operational functions**

To provide protection for the victims of a crime and witnesses.

**d. Issuing guidelines and to supervision**

The Assistance to and Protection of Victims of Crime and Witnesses Act, No.04 of 2015 provides for the establishment and maintenance of a special division to be called and known as “the Victims of Crime and Witnesses Assistance and Protection Division” under the Police in compliance with the direction and the guidelines of the National Authority. In terms of Section 19(2) of the Act, a Senior Superintendent of Police, who comes under the supervision of the Inspector General of Police ex-officio appointed as a member of the Board, shall be placed in charge of the Division.

**7.4.4 Institutions that a victim of a crime and a witness may request protection under the Act**

- a) The National Authority for the Protection of Victims of a Crime and Witnesses
- b) The Victims of Crime and Witnesses Assistance and Protection Division
- c) Court of law
- d) The Commissions (The Human Rights Commission, the Commission to Investigate Bribery or Corruption and Investigations Commissions or Special President’s Commission of Inquiry appointed under the Commissions of Inquiry Acts)
- e) Officer-in-charge of the Police in the area

**7.4.5 Progress from 01.01.2017 to 31.12.2017**

- 1) For the National Authority for the Protection of Victims of Crime and Witnesses, officers have been recruited to the posts of Director (Law and Law Enforcement), Director (Administration and Management), Director (Policies and Programmes) and Secretary of the Board of Management on 03.07.2017.
- 2) Ten (10) officers for the post of Management Assistants (Non-Technical) and six (06) officers for the post of KKS were recruited on 15.09.2017 for the Authority.
- 3) As there was no eligible applicant to be appointed to the post of Director General, the Board of Managements appointed an officer to be the Director General on acting basis with effect from 01.08.2017.

- 4) Assistant Director (Law) has been appointed from 02.12.2017 and Assistant Director (finance) has been appointed from 28.12.2017.
- 5) "The Victims of Crime and Witnesses Assistance and Protection Division" to be established and maintained for the purpose of providing assistance and protection of victims of crime and witnesses by the Inspector General of Police in terms of the Assistance to and Protection of Victims of Crime and Witnesses Act, No.04 of 2015 was established at No.19, Mihindu Mawatha, Colombo 12 on 03.11.2016. Currently, the staff of the said Division consists of 27 officers.
- 6) United Nations Development Programme (UNDP) has provided Rs.40mn grant to the Authority to strengthen the victim and witness protection mechanism and the Letter of Agreement (LoA) has been signed between the Authority and the UNDP on 24.11.2017.
- 7) During the year 2017, the Authority has been in receipt of 49 complaints from the victims of crime and witnesses requesting for protection, of which 18 complaints have been referred to Victims of Crime and Witnesses Assistance and Protection Division. In addition, 14 complaints have been received directly by the Authority. Accordingly, total number of complaints received from the victims and witness during the period under review amounted to 63 complaints, of which 17 complaints have been re-referred to the Authority for further instructions. Victims of Crime and Witnesses Assistance and Protection Division and the National Authority for the Protection of Victims of Crime and Witnesses are working together to carry out further investigations into these complaints.
- 8) Regional Workshop on Whistle blower and Witness Protection in the Fight against Corruption in South Asia was organized by the United Nations Office for Drug and Crime (UNODC) from 22.11.2017 to 24.11.2017 at Male, Maldives and Director (Law and Law Enforcement) and Director (Policy and Programme) have been participated. They presented about the prevailing situation of victim and witness protection.

#### 7.4.6 Financial Progress from 01.01.2017 to 31.12.2017

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	% 31.12.2017
Recurrent Expenditure	15.00	11.20	75%
Capital Expenditure	2.03	2.00	100%
<b>Total</b>	<b>17.03</b>	<b>13.20</b>	<b>78%</b>

## 7.5 COMMERCIAL MEDIATION CENTER OF SRI LANKA

### 7.5.1 Introduction

The Commercial Mediation center of Sri Lanka is a statutory body established in terms of the Commercial Mediation Center of Sri Lanka (CMCSL) Act No. 44 of 2000 as amended by Act No 35 of 2005.

In terms of the ACT, the CMCSL is responsible for the management of the center and to provide Mediation and Arbitration services. The administration and management of the affairs of the center is vested in a Board of Management.

### 7.5.2 Responsibilities and Functions of the Institutions

- a) To promote the wider acceptance of Mediation and Conciliation for the resolution and settlement of Commercial disputes.
- b) To encourage parties to resolve commercial disputes by Mediation and Conciliation.
- c) To conduct and facilitate the conduct of Mediation and Conciliation proceeding for the following purposes.
  1. The settlement of Commercial Disputes
  2. The adjustment of difference arising between parties in commercial matters.

### 7.5.3 Performance from 01.01.2017 to 31.12.2017

- a) Appointment of the Board.
- b) Action has been taken to appoint the Staff of the Center.
- c) Programme of work.
  - Pending the establishment of the Office of the center, the Board has completed the following preparatory programmes.
    - Conducted an Awareness Programmes for the private sector to apprise them of the provisions of the Act and the key features of the Mediation.
    - Conducted a training programme for mediators with resource persons from the Singapore Mediation Center, for the purpose of accrediting Mediators who are successful at training, to the center.
    - Revised the rules of the Center since current rules promulgated in 2001 are outdated.
    - Drafted a Mediation clause to include in commercial contracts. It may be noted that this is vital for mandatory reference to mediation.

- The following new activities are planned.
  1. To conduct evaluations of the trainees with support from the Singapore Mediation Center (SMC).
  2. Conduct further awareness programmes for the private sector.
  3. Pending evaluation and accreditation and the commencement of the work of the center, arrange for mock mediations to be conducted among those who were trained by the SMC, so as to sustain the knowledge and skills acquired during the training.
  4. Continue with training of mediators.
  5. Arrange for training of staff.

d) After nominating required staff, it is expected to provide mediation service

#### 7.5.4 Financial Progress from 01.01.2017 to 31.12.2017

Description	Provisions for 2017 (Rs.Mn)	Expenditure as at 31.12.2017 (Rs.Mn)	Financial Progress as at 31.12.2017
Recurrent Expenditure	3.00	0.38	13%
Capital Expenditure	7.50	2.73	36%
<b>Total</b>	<b>10.50</b>	<b>3.11</b>	<b>31%</b>



## 08 COURTS OF LAW

The votes of this Ministry include provision for the following courts -

- Supreme Court
- Court of Appeal
- High Courts
- Commercial High Courts
- Provincial Civil Appellate High Courts
- District Courts
- Magistrate's Courts
- Labour Tribunals

The Ministry exercises accounting responsibility in respect of Supreme Court, Appeal Court, 21 Provincial Civil Appellate High Courts, 32 High Courts, Commercial High Court, 51 District and Magistrate's Courts, 31 District Courts, 49 Magistrate's Courts, 2 Children Magistrate's Courts, 25 Circuit Magistrates' Courts, 39 Labour Tribunals. The expenditure is disbursed through 24 High Court Accounting Centers.

### 8.1 THE REGISTRY OF THE SUPREME COURT

#### 8.1.1 Introduction

The Supreme Court is the highest Court of the judicial system in Sri Lanka. The Supreme Court, which consists of 11 Judges including the Hon. Chief Justice appointed by His Excellency the President, hears all applications received by it.

The Constitution of the Democratic Socialist Republic of Sri Lanka recognizes jurisdiction of the Supreme Court as follows: -

- Jurisdiction in respect of Fundamental Rights,
- Final Appellate Jurisdiction,
- Consultative Jurisdiction,
- Jurisdiction in Elections Petitions (Presidential election),
- Jurisdiction in respect of any breach of Privileges of the Parliament, and
- Jurisdiction in respect of such other matters which Parliament may by Law vest or ordain.

The Registry of the Supreme Court assists the Supreme Court to carry out its functions for which the Ministry of Justice by the Head 234 grants provisions. The functions of the Registry of the Supreme Court includes:-

- Maintenance of the Record of the Supreme Court.
- Arrangements for sittings and schedule of applications.
- Record of Court Orders and Judgments.
- Enrolment of Attorneys-at-Law at the Supreme Court.
- Preparation of briefs received from the Court of Appeal and the assessment of legal costs.

### 8.1.2 Progress from 01.01.2017 to 31.12.2017

Type	No. of Cases Pending as at 01.01.2017	No. of Cases Registered as at 31.12.2017	Total No. of Cases as at 31.12. 2017	No. of Cases Leave to Proceed as at 31.12. 2017	No. of Cases Concluded as at 31.12. 2017
Fundamental Rights Applications	912	464	1,376	371	1,005
Special Applications	482	296	778	223	555
Orders of the Supreme Court in respect of Parliamentary Bills	-	34	34	34	-
Appeal Cases	420	249	669	177	492
SC CHC Appeal	197	57	254	37	217
High Courts Leave Applications	152	142	294	77	217
Writ Applications	08	08	16	-	16
Provincial Appellate High Courts cases	1,326	550	1,876	412	1,464
Revision Cases	16	07	23	08	15
Reference Cases	-	-	-	-	-
Miscellaneous	19	01	20	02	18
SC TAB Appeal	01	03	04	-	04
SC Special	12	-	12	07	05
SC Contempt	21	06	27	02	25
<b>Total</b>	<b>3,566</b>	<b>1,817</b>	<b>5,383</b>	<b>1,350</b>	<b>4,033</b>

### 8.1.3 Financial Progress from 01.01.2017 to 31.12.2017

Description	Allocation (Rs. Mn.) 2017	Expenditure (Rs. Mn.) 31.12.2017	% 31.12.2017
Recurrent Expenditure	104.31	92.79	91%
Capital Expenditure	6.50	4.60	71%
<b>Total</b>	<b>110.81</b>	<b>97.39</b>	<b>88%</b>

## 8.2 THE REGISTRY OF COURT OF APPEAL

### 8.2.1 Introduction

The Court of Appeal was established under the Constitution of Sri Lanka. It has appellate and revisionary jurisdiction over the decisions of the courts of first instance, Jurisdiction of Labour Tribunals and other statutory bodies are following within the powers of Court of Appeal. The Court of Appeal also has Writ jurisdiction. For the purposes of the Mutual Assistance in Criminal Matters Act No.25 of 2002 and Mutual Assistance in Civil and Commercial Matters Act No. 39 of 2000, also terms under the provision of the Court of Appeal issues for the necessary orders and directions. The election petitions are also heard in the Court of Appeal. The Court of Appeal has the power and authority to inspect and examine the records of any court of First instance or Labour Tribunal or any other legal institution.

### 8.2.2 Performance of disposal cases from 01.01.2017 to 31.12.2017

Cases	Pending as at 1 <sup>st</sup> Jan. 2017	No. of Registered	No. of Decided	Pending as at 31.12.2017
Writ Application	1,505	441	356	1,590
High Court Appeal (Criminal REM)	1057 04	315 -	232 -	1,140 04
Provincial High Court Appeal	1,003	203	229	977
Civil Appeal	640	120	199	561
High Court Revision Application	358	182	191	349
Revision (Civil) and Leave to Appeal Application	64	50	33	81
Tax Appeal	136	21	11	146
Other Application	70	71	66	75
<b>Total</b>	<b>4,837</b>	<b>1,403</b>	<b>1,317</b>	<b>4,923</b>

### 8.2.3 Financial Progress as at 31.12. 2017

Description	Allocation (Rs.Mn.) 2017	Expenditure (Rs.Mn.) 31.12.2017	% 31.12.2017
Recurrent Expenditure	56.78	54.85	97%
Capital Expenditure	5.15	4.82	94%
<b>Total</b>	<b>61.93</b>	<b>59.67</b>	<b>96%</b>

## 8.3 QUAZI COURTS AND QUAZI BOARD OF APPEAL

### 8.3.1 Introduction

Quazi Courts are a special type of courts which were established under Section 12 (1) of the Registration of Muslim Marriages and Divorce Act No. 13 of 1951 for the followers of Islam to conduct their judicial activities according to their customs. At present, 65 Quazi Courts and 01 Quazi Board of Appeal are in operation.

Quazi Board of Appeal consisting of 5 members are in operation to hear appeals of the Quazi Courts. The members of the Board of Quazis, including the Chairman, are appointed by the Judicial Services Commission.

### 8.3.2 Quazi Courts

Addalaichenai	Kalmunai	Pahatha-Hewaheta
Akkaraipattu	Kalpitiya	Panadura
Akurana	Kaluthara	Polonnaruwa
Anuradhapura	Kandy	Pothuvil (Panampattuwa)
Avissavella	Kattankudy (Manmunaipattu)	Pulmude
Badulla	Kegalle	Putlam & Chilaw
Balapitiya & Elpitiya	Kinniya	Ratnapura
Beruwela	Kuliyapitiya	Refugee Population (Kalpitiya/ Puttalam)
Bhora Community	Kurunagala	Sainthamaruthu
Biyagama	Maho	Sammanthurai
Colombo East	Mannar	Thambalagamuwa & Kantale
Colombo North	Mathale	Tangalle
Colombo South	Matara	Trincomalee
Colombo West	Mawanella	Thumpane
Eravur	Memon Community	Udapalatha Gampola
Galle	Moneragala	Udathalawinna (Pahathadumbara)
Gampaha (Thihariya)	Muthur	Udunuwara
Hambantota	Navalapitiya	Valaichenai
Harispattuwa & Pujapitiya	Negombo	Vauniya
Hatton	Nintavurpattu	Yatinuwara
Horana	Nuwera_Eliya	Jaffna
Irakkamam	Oddamavady	

### 8.3.3 Progress of Quazi Board of Appeal Court 2014 -2017

Year	Total Complaints	No. of Complaints disposed	Complaints to be disposed
2014	244	60	184
2015	266	112	154
2016	286	98	188
2017	262	82	180

### 8.3.4 Progress of Quazi Courts 2014 - 2017

Year	Total Complaints	No. of Complaints disposed	Complaints to be disposed
2014	13,479	8,479	5,005
2015	12,042	7,032	5,010
2016	15,896	8,064	7,832
2017	15,960	7,965	7,995

## 09 RELATED INSTITUTIONS

### 9.1 SRI LANKA LAW COLLEGE

#### 9.1.1 Introduction

The Sri Lanka Law College functions under the Incorporated Council of Legal Education Ordinance No. 2 of 1900 to administer legal education to persons who desire to be enrolled in the Sri Lankan Bar. The Incorporated Council of Legal Education consists of the Chief Justice (who presides over it), two other Supreme Court Judges, the Attorney-General, the Secretary to the Ministry of Justice, the Solicitor-General, six (06) members appointed by the Minister of Justice and two members nominated by the Bar Association of Sri Lanka.

The Law College course of study consists of three and a half years. At the end of each year and in the month of April the college conducts examinations for students of all 3 batches i.e. Preliminary, Intermediate and Final Years. After passing these examinations, a student is required to undergo a period of six months apprenticeship under an Attorney-at-Law with not less than 8 years of experience.

Sri Lanka Law College is a self-financed institution. Visiting lecturers are drawn from both the Official and Unofficial Bar. All of them are either President's Counsel or experience lawyers who are academically qualified.

#### 9.1.2 **Progress from 01.01.2017 - 31.12.2017**

1,091 candidates sat the 2017 April Examination and 744 students were passed. 2,918 candidates had applied to sit the October 2017 Examination. For the academic year 2017, 1,444 students were admitted to Law College including those who have obtained Law Degrees from Sri Lankan and foreign universities and those were admitted on passing the Law Entrance Examination.

5,795 applications had been received to sit the Law College entrance examination held on 30<sup>th</sup> September 2017 for the academic year 2018.