

# PERFORMANCE REPORT

## MINISTRY OF JUSTICE

JANUARY – DECEMBER 2015

Superior Courts Complex

Colombo 12

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

**Hon.Dr. Wijeyadasa Rajapaksha P.C**  
**Minister of Justice**

**Hon. Sarathi Dushmantha, Attorney-at-Law,**  
**Deputy Minister**

**Mr.Pathmasiri Jayamanne**  
**Secretary - Ministry of Justice**

## CONTENTS

	PAGE
1. VISION & MISSION	04
2. FUNCTIONS OF THE MINISTRY OF JUSTICE	05
3. DEPARTMENTS COMING UNDER THE PURVIEW OF THE MINISTRY OF JUSTICE	06
4. FUNCTIONS OF THE DIVISIONS UNDER THE MINISTRY	08
5. PROGRESS OF THE MINISTRY OF JUSTICE	
5.1 LEGAL DIVISION	09
5.2 ADMINISTRATION & ESTABLISHMENT DIVISION	16
5.3 ACCOUNTS DIVISION	19
5.4 INFRASTRUCTURE DIVISION	19
5.5 DEVELOPMENT DIVISION	22
5.6 PLANNING DIVISION	23
5.7 INTERNAL AUDIT DIVISION	23
6. PROGRESS OF THE DEPARTMENTS AND INSTITUTIONS UNDER THE MINISTRY	
6.1 ATTORNEY GENERAL'S DEPARTMENT	24
6.2 LEGAL DRAFTSMAN'S DEPARTMENT	26
6.3 DEPARTMENT OF LAW COMMISSION	28
6.4 GOVERNMENT ANALYST'S DEPARTMENT	30
6.5 DEPARTMENT OF PUBLIC TRUSTEE	32
6.6 DEPARTMENT OF DEBT CONCILIATION BOARD	35
6.7 LEGAL AID COMMISSION	36
6.8 MEDIATION BOARDS COMMISSION	38
6.9 OFFICE OF THE SECRETARY LABOUR TRIBUNALS	41
6.10 TRAINING INSTITUTE FOR NON JUDICIAL OFFICERS	42
6.11 SUPERIOR COURTS COMPLEX BOARD OF MANAGEMENT	43
7. COURTS OF LAW	
7.1 REGISTRY OF THE SUPREME COURT	45
7.2 REGISTRY OF THE COURT OF APPEAL	46
7.3 QUAZI COURTS AND QUAZI BOARD OF APPEAL	47
8. RELATED INSTITUTIONS	
8.1 SRILANKA JUDGES' INSTITUTE	49
8.2 SRILANKA LAW COLLEGE	50

# 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;

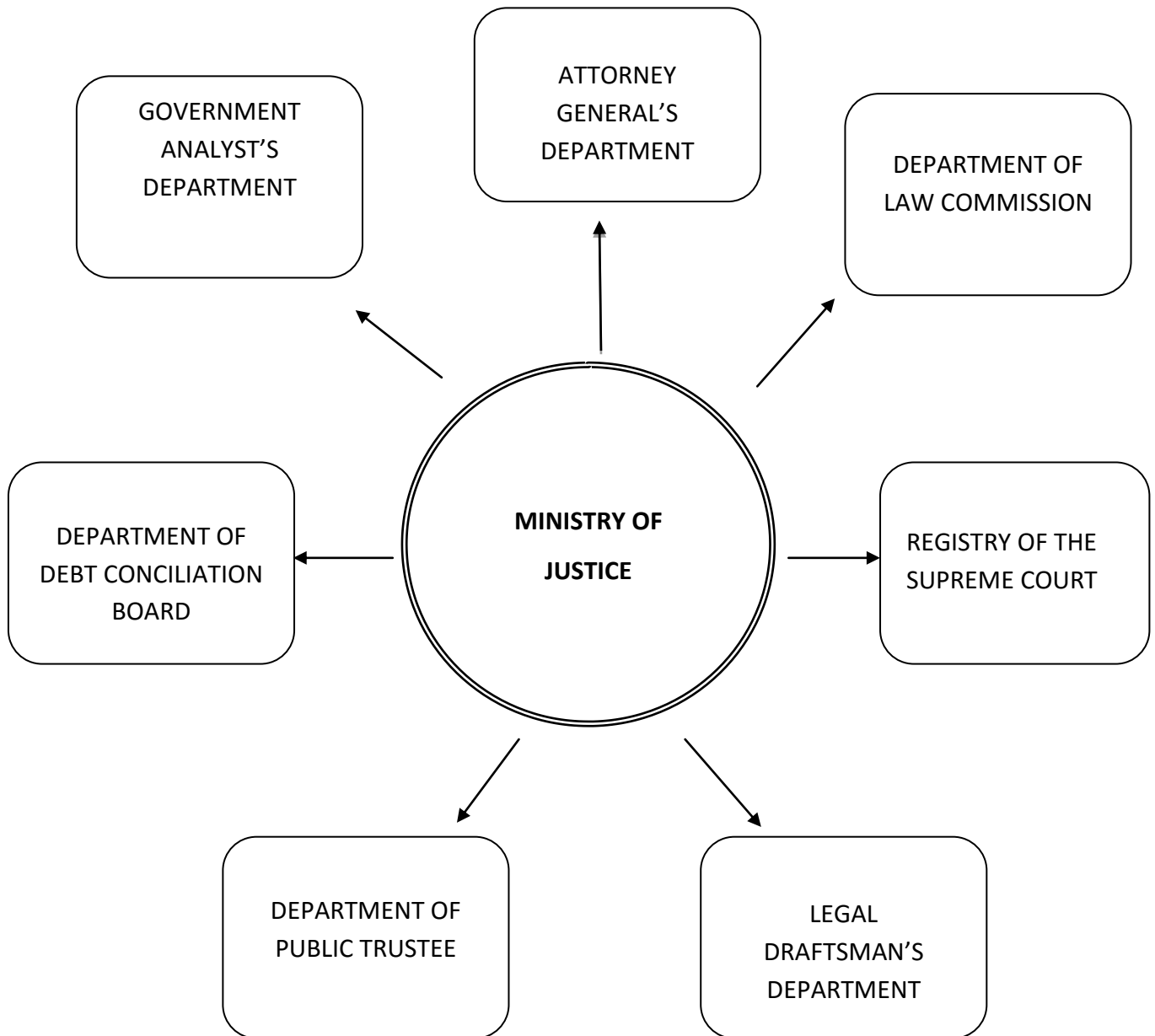
## THE MISSION

- 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.

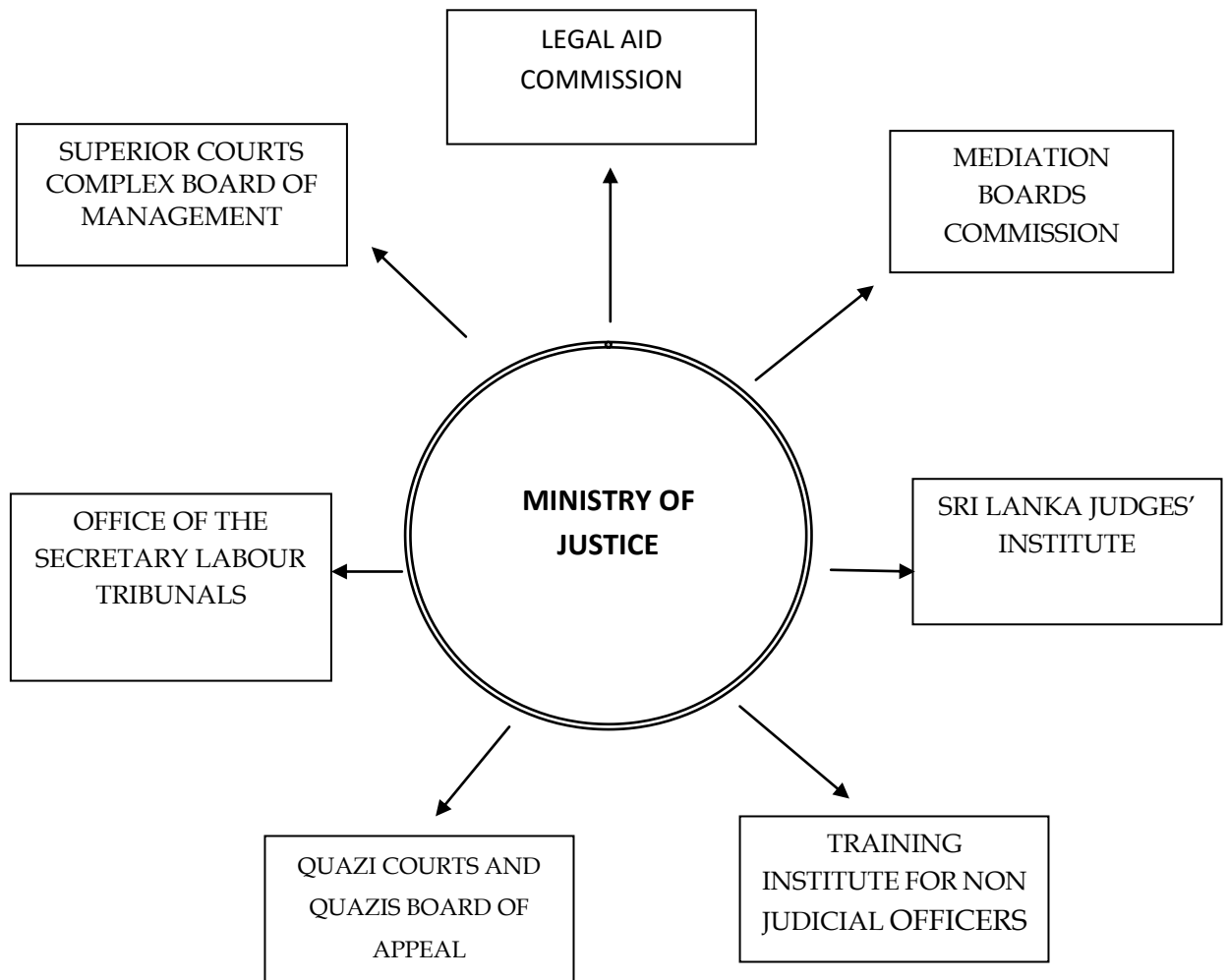
## **02. Functions of the Ministry**

- 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.

**03. 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. Administration/ Establishment Division
  - III. Accounts Division
  - IV. Infrastructure Division.
  - V. Development Division
  - VI. Planning Division
  - VII Internal Audit Division

### I. Legal Division

Formulation of policies regarding the laws relating to and instrumental in the administration of Justice, publication of law reports and promotion of Legal Aid. The functions of Central authority for the Mutual Assistance in Criminal, Civil and Commercial matters and the Civil Aspects of International Child abduction. Transferring of Prisoners under Transfer of Sentence Persons. Functions of the Cabinet Sub Committee on Legislation and Recommendations on Grant of Pardons.

### II. Administration/ Establishments 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. Accounts 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

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



## **05 PROGRESS OF THE MINISTRY OF JUSTICE**

### **5.1 LEGAL DIVISION**

The following Bills and amendments to Acts have been prepared by the legal division up to 31<sup>st</sup> December, 2015.

#### **01. CHILDREN (JUDICIAL PROTECTION) BILL**

This Bill seeks to provide for contemporary realities relating to Child Protection and repeals the antiquated Children and Young Persons Ordinance. It seeks to increase the collaboration between the Court, the Police, Prison and Probation. The best interest of the child is given paramount consideration. A draft incorporating the suggestions made by the Attorney General's representatives has been received and further proposals are to be discussed in the near future.

#### **02. PRESCRIPTION (Special Provisions) BILL**

The Bill seeks to give relief to persons who were disadvantaged during the period 1983 - 2009 from the provisions of the Prescription Ordinance. The Act was passed in Parliament on 06<sup>th</sup> April 2016.

#### **03. OBSCENE PUBLICATIONS BILL**

A section which dealt with child pornography, in the Computer Crimes Bill was removed, on the understanding that it would be included in the New Obscene Publication Bill. Accordingly, it was included in the New Obscene Publications Bill. When the Bill was submitted to Cabinet, it was decided that the observations of ICTA be accepted.

#### **04. CRIMINAL PROCEDURE CODE (Special Provisions) Bill**

This Bill provides for enhanced detention in connection with certain specified offences. Passed by Parliament on 22-01-2013 (Act, No. 2 of 2013) the order passed by Parliament on 19<sup>th</sup> March 2015.

#### **05. AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE ACT, No. 15 of 1979**

The Bill has been drafted, to give effect to certain recommendations contained in the National Human Rights Action Plan.

#### **06. AMENDMENT TO THE HUMAN RIGHTS COMMISSION OF SRI LANKA ACT**

The Bill has been drafted to give effect to certain recommendations in the National Human Rights Action Plan. The Human Rights Commission too has submitted a draft Bill. The two drafts have been consolidated, and sent for the observations of the Human Rights Commission.

#### **07. ASSISTANCE TO PROTECTION OF VICTIMS OF CRIME AND WITNESSES BILL**

This Act makes provision for providing assistance and protection to victims and witnesses. The Act was passed and bearing No. 4 of 2015.

#### **08. NOTARIES (AMENDMENT) BILL**

Due to the high prevalence of land frauds, it is sought to amend the Notaries Ordinance to provide for bio-metric signatures to deeds at the time of signing. The Bill incorporates certain other provisions designed to prevent fraud. The Bill approved by

the Cabinet Sub Committee on Legislation, was referred to the Ministry of Public Administration and Home Affairs, as it is the Ministry which bears responsibility for the subject.

**09. MUSLIM MARRIAGE AND DIVORCE (AMENDMENT) BILL**

Amendments to the Muslim Marriage and Divorce Act are being discussed at a Committee appointed by the Hon. Minister of Justice and are in the process of being drafted.

**10. PRISONS ADMINISTRATION BILL**

This Bill provides for a new regime for the administration of prisons. Certain amendments have been suggested by the Prison Authorities. The suggestions have been forwarded to Department of Legal Draftsman. Certain proposals made by the Ministry of Finance too were incorporated in the Bill. Since the subject is now coming under the Ministry of Prisons, Rehabilitation, the same has been referred to the said Ministry.

**11. PARENTAGE TESTS IN CIVIL PROCEEDINGS BILL**

The Bill provides for DNA tests to be done to determine paternity or maternity. The Bill would be of great assistance in matters such as custody of children, maintenance proceedings and inheritance. The Bill was submitted to the Cabinet and it was deferred.

**12. CIVIL PROCEDURE CODE (PRE-TRIAL /PROCEEDINGS) BILL**

The Bill was considered, by the Cabinet Sub Committee on Legislation and the recommendation of the Sub Committee was incorporated. The final draft of the Bill has been received from the Legal Draftsman's Department.

**13. RECIPROCAL ENFORCEMENT OF FOREIGN JUDGMENTS.**

The draft bill sent by the Law Commission is under consideration.

**14. CONTEMPT OF COURT BILL**

It is under consideration.

**15. POWER OF ATTORNEY (Amendment) BILL**

This Ordinance is being amended to prevent fraud. A draft has been finalized by the Committee and was handed over to the Hon. Minister of Justice. A joint Cabinet memorandum with the Minister of Home Affairs is proposed to be presented to Cabinet.

**16. PREVENTION OF CRIMES (Amendment) Bill**

A draft has been prepared adding inter alia certain offences to the schedule. The Bill is with the Attorney General.

**17. CRIMINAL PROCEDURE (Amendment) Bill**

A draft has been prepared to make provisions for disposal of court productions. It was sent for the observation of the Attorney General on 3<sup>rd</sup> December 2015.

**18. AMENDMENTS TO THE VAGRANTS ORDINANCE**

A draft has been prepared and has been sent to the Ministry of Social Services as it is the responsible Ministry.

**19. EXCISE ORDINANCE**

Draft amendments to the Excise Ordinance have been prepared to empower Police also to act under the Ordinance. Another amendment had gone to the Legal Draftsman from the relevant Ministry.

**20. Amendment to the Penal Code to criminalize incitement of feelings, of religious, racial or communal disharmony or hostility.**

The Bill had to be withdrawn due to opposition in Parliament.

**21. Abolishing the Prevention of Terrorism (Temporary Provisions) Act**

A draft was sent by the Law Commission. The same has been referred to Ministry of Defense since it is the line Ministry.

**22. Draft Disability Rights Bill 2015.**

This Bill is under consideration by the Law Commission.

**23. Proposed amendment to the Partition Law**

Amendment to Partition Law, to include the right of a “parvenu nilakaraya” to institute an action for partition or sale of that “panguwa” or any of the lands in that “panguwa” and that the proposed amendment be made to apply retrospectively to cover all pending legislation. The Bill is with the Attorney General.

**24 Revocation of Irrevocable Deeds of Gift (Special Provisions) Act**

This Bill provides for the Revocation of Irrevocable Deeds of Gift to be only on the Order of a competent court. It was submitted to the Cabinet on 4<sup>th</sup> November 2015. Based on the Cabinet approval, draft was sent to the Legal Draftsman on 24<sup>th</sup> November 2015.

## **Other Functions**

- **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.

- **INTERNATIONAL CHILD ABDUCTION ACT, NO 10 OF 2001**

52 applications have been received in respect of child abduction under the Act No.10 of 2001. Most of them were settled without filing cases. Presently two cases are pending in the High Court and another in the Supreme Court. Application has been received from Japan for which voluntary return is being considered.

- **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 to Sri Lanka of any citizen of Sri Lanka convicted of an offence in a specified country. Accordingly, 23 Indian offenders, 50 Pakistan offenders and one Maldives offender have been transferred to the relevant countries. Two Sri Lankans convicted of offences in United Kingdom have been transferred to Sri Lanka under the provisions of this Act, to serve their term of imprisonment imposed upon them. A request from the Government of India has been received for transfer of 2

Indian Nationals from Sri Lanka. Negotiations are being made for the transfer of 10 Sri Lankan Prisoners from Maldives in due course.

A Prison Transfer Agreement was signed between the Government of Sri Lanka and Vietnam.

Transfer of Offenders Treaty with Russia was signed on 28<sup>th</sup> May, 2015 by the Hon. Minister of Justice. Negotiations with Ukrainian Government are to be held shortly for finalizing a treaty.

- **International Arbitration Centre**

In December 2011, The Ministry of Justice announced the setting up of Sri Lanka's first International Arbitration Centre. (IAC) The Centre is to enable international companies to resolve any commercial disputes. The Government also aims to position Sri Lanka as an international arbitration hub in the region. The Ministry of Justice has initially invested Rs.100Mn. for this project. At present, the 22<sup>nd</sup> floor of the World Trade Centre was converted as this Centre since it is situated in the center of the business hub and closer to other facilities that are necessary for International Arbitration such as close proximity to star class hotels and restaurants and to tourist attractions.

The Center was inaugurated in May 2015. Steps have been taken to formulate a company to run the Centre. The Articles of the company are being finalized. The Centre is now open for arbitration and other activities in relation to arbitration such as conducting awareness and training for the arbitrators.

- **Matters pertaining to summons issued by the Courts in Sri Lanka for the service on defendants abroad.**

In pursuance of Mutual Assistance in Civil and Commercial Matters Act, No.39 of 2000, 399 foreign summons issued by the Courts of Sri Lanka with reference to the period between January 2015 to December 2015, have been furnished to different Courts through the Ministry of Foreign Affairs as indicated below.

Country	No. of Summons Issued	Country	No. of Summons Issued
Australia	22	Malaysia	06
Bahrain	04	Maldives Island	03
Bangladesh	01	Malta	03
Canada	23	Mauritius	03
China	05	Netherlands	01
Cyprus	04	New Zealand	01
Denmark	01	Norway	03
Doha Qatar	22	Oman	01
Finland	01	Pakistan	03
France	16	Philippines	02
Germany	09	Russia	04
India	14	Seychelles	02
Indonesia	02	Singapore	08
Ireland	01	Spain	02
Israel	10	Sweden	04
Italy	59	Switzerland	04

Japan	06	United Arab Emirates	22
Jordan	06	United Kingdom	54
Korea	09	United States of America	21
Kingdom of Saudi Arabia	25	Vietnam	01
Kuwait	11		

- **Treaties on Mutual Legal Assistance in criminal Matters**

The treaty on Mutual Legal Assistance in Criminal matters between Sri Lanka and Belarus provides for parties to grant each other mutual legal assistance in criminal matters, including investigations, prosecutions, trials and resulting proceedings. The objective of the memorandum of understanding between the Ministry of Justice of Sri Lanka and the Ministry of Justice of the Republic of Belarus is to provide a legal framework for cooperation between the parties on issues pertinent to the development of their legal systems, institutions and legislation in a manner which would be beneficial to both countries and in conformity with their laws and international treaties which the respective states have accepted or signed.

Sri Lanka entered into Mutual Assistance in Criminal Matters Agreements with China, Belarus and UAE, during the year 2014. Mutual Legal Assistance Treaty with Russia was signed on 28<sup>th</sup> May 2015 by the Hon. Minister of Justice.

- **UNDP -Strengthening Enforcement of the Law, Access to Justice and Social Integration Project ( SELAJSI)**

The SELAJSI Project which commenced its activities in February 2014, has completed and embarked on several initiatives.

- In the interest of addressing laws delays, which is a key outcome of the Project, a **Special Translation Unit** was established at the Court of Appeal in order to translate case briefs from Tamil to English Language. Approximately 98 briefs translated.
- **Establishment and operation of District Criminal Justice Case Flow Management Committees** in Batticaloa, Ratnapura, and Anuradhapura. The first area model CFM Committee meeting was held in Batticaloa on 25<sup>th</sup> June 2015 and the second meeting in Ratnapura on 16<sup>th</sup> July 2015.
- **Establishment of the Case Flow Management Committee at the National Level**  
The second meeting of the National CFM Committee was held on 14<sup>th</sup> July 2015 under the chairmanship of the Minister of Justice, Hon. Wijeydasa Rajapakse.
- **Institutional Needs Assessment on the challenges to Case-flow Management within the Penal Chain**  
Verite Research was contracted to conduct a comprehensive institutional needs assessment within the penal chain institutions. A majority of the stakeholder's interviews was completed in 2015.
- Conference on Case Flow management was conducted for Judicial Medical Officers.
- **Assist Judicial and Prosecution services to identify and process priority cases to clear case backlog**  
The Ministry of Justice entered into a memorandum of understanding with the AG's Department to support the department with 8 State Counsel to assist with the clearing of the backlog of certain cases. Total Files attended; Narcotics - 902, Child Abuse Unit -865 and Mahajana Pethasam Unit - 80

- **Development of a National Policy on Legal Aid**  
The Consultant developing the National Policy on Legal Aid in collaboration with Ministry of Justice and Legal Aid Commission presented the preliminary draft.
  - Support the establishment of Land Mediation Boards in Jaffna, Batticaloa, Trincomalee, Kilinochchi and Anuradhapura districts.
  - Support on the Victim and Witness Protection Act  
The Ministry supported the LAC to conduct a one-day Training Forum for over seventy five (75) police officers within the Colombo and Kalutara districts.
  - The Criminal Procedure Code and the Penal Code were (translated into Tamil) Consolidated in Sinhala, Tamil and English languages, reviewed and submitted to the Government Printer for publication. The Evidence Ordinance and the Judicature Act are being undertaken to be consolidated in September 2015.
  - A comprehensive Course on drafting legislation in the English Language was launched in December 2014 and was completed by the British Council Colombo for all officers attached to the Legal Draftsman's Department.
  - Support the Bar Association of Sri Lanka (BASL) in creating awareness (on developments in criminal justice.
- **Project on Child Protection and Juvenile Justice Project (CPJJ) established in cooperation with the United Nations Children's Fund**

The main objective of this project is to expedite the processing and disposal of cases of child abuse and prevention of secondary victimization of victims of child abuse. The institutions coming under this project are Attorney General's Department, Police Department and Ministry of Health. This new initiative is intended to expedite the processing and disposal of cases of child abuse in less than one year from the date of complaint to the police. The project also aims at ensuring the prevention of secondary victimization of child victims of crime when they participate in the Criminal Justice System.

The CPJJ project has conducted a three days Police Programme in February.

Since the commencement of the project an Advisory Board and a Steering committee has been established to focus on child protection within the judicial system. In June 2015, through the Advisory Board, Wattala and Negombo Magistrate Courts have allocated two separate days only to hear child abuse cases.

The CPJJ project has also provided technical support to the College of Forensic Medicine Pathologists to conduct their annual Program on child protection.

The CPJJ project is currently focusing on refurbishment of Courts, Ampara, Moneragala, Mannar, Vavuniya, Batticaloa, Puttalam, Anuradhapura and Jaffna are the main area of focus.

- **Cabinet Sub Committee on Legislation**

The Cabinet Sub Committee on Legislation was appointed by the Cabinet in 2015 under the Chairmanship of the Hon. Minister of Justice to study and make recommendations to the Cabinet on proposed legislation and Policy papers that are submitted to Cabinet.

An Officials Committee has been appointed under the Cabinet Sub Committee to study the legislation and Policy Papers and report to the Cabinet Sub Committee their findings and recommendations.

The Secretary, Ministry of Justice is the convener of the Cabinet Sub Committee on Legislation and consequently the analysis and recommendations at the Officials level is done at the Ministry of Justice. Very often the recommendations are given effect to in the form of draft legislation.

The Cabinet Sub Committee then goes through the recommendations of the Officials Committee and makes their own recommendations. These are compiled by the Ministry of Justice and sent to the relevant Ministry for necessary action. All Bills and policy papers submitted to the Cabinet Sub Committee are processed and recommendations sent expeditiously.

- **National Anti-Human Trafficking Task Force**

In 2010, the Ministry of Justice established the National Anti-Human Trafficking Task Force (Task Force) which is functioning as the national coordinating body to advise and monitor activities to be implemented in combating human trafficking in Sri Lanka. The Task Force aims to strengthen the co-ordination among key government institutions which were recognized as responsible institutions in addressing human trafficking in the country.

A Standard Operating Procedures (SOP) was developed by the Task Force to increase identification, referral and protection of victims of human trafficking. It has been approved by the Cabinet Office and was launched in March 2015.

Establishment of a shelter for women victims of human trafficking as an urgent need of national importance was identified by the Task Force and it was established by the Ministry of Child Development and Women's Affairs in 2012.

Ministry of Women's Affairs under the direct supervision of the Task Force developed shelter guidelines and has given training for shelter staff in June 2015.

The Task Force also supervises the member institutions in conducting awareness programmes on human trafficking for the general public and state officials.

The Task Force has given special focus in conducting capacity building training programmes for the Sri Lanka Police Department.

## 5.2 ADMINISTRATION & ESTABLISHMENT DIVISION

The primary object of the Administration and Establishment Division is to assist in providing trained and skilled human resources to the Ministry of Justice and the Departments and other institutions which come under the purview of the Ministry. This includes approval of cadre, preparation of recruitment procedures, selections and recruitments, trainings, transfers, promotions and disciplinary control of officers. Accordingly, the Administration and Establishment Division of the Ministry bears the responsibility in respect of the administration and control of 215 officers directly attached to the Ministry of Justice in addition to 3697 officers who are serving in the courts throughout the island.

Additionally, approval of loan and advances, securities of public servants and auction of court productions confiscated by courts are also carried out by the Establishment and Administration Division.

Further, appointment of Inquirers into Sudden Deaths, Justices of the Peace, Justices of the Peace and Unofficial Magistrates, Commissioner for Oaths and Sworn Translators are other functions discharged by the Administration and Establishment Division.

Upon the Cabinet reshuffle that took place in January 2015, the Attorney General's Department, Legal Draftsman's Department and Department of Public Trustees came within the purview of the Ministry of Justice which has resulted in the increase of the work of Administration branch. As per the Action Plan for the year 2015, the duties and the functions performed and discharged by the Administration branch.

The services rendered by the Establishment and Administration Division for the period from 01.01.2015 to 31.12.2015 are given below.

- **Creation of posts**

As per the Financial Regulation 71, new posts created with reference to the above period are as follows.

Department	Staff Grade	Parallel Services	Minor employees	Total
Ministry of Justice	-	-	88	88
Dept. of Debt Conciliation Board	-	-	02	02
Judges' Training Institute	-	01	03	04
Registry of the Supreme Court	-	04	-	04

- **Preparation of schemes of recruitment and submission for approval**

Three (03) schemes of recruitment during the period under review have been submitted to Public Services Commission for approval of them, 01 scheme of recruitment was given approval by the Public Services Commission.

### Recruitments and Appointments

- **Recruitments**

Institution	Post	Number of Recruitments
Ministry of Justice	Additional Secretary -Legal (Promotion)	02
	Post of Drivers	02
Ministry of Justice(for courts)	KKS	119



Office of the Labour Tribunals	Courts Security	24
	Stenographers	24
	KKS	01
Mediation Board Commission	Driver	01
Court of Appeal	KKS	07
Government Analyst Department	KKS	02

- **Appointments**

By virtue of powers vested in the Hon. Minister of Justice, the details of recruitments and appointments made are given below:-

Post	No. of Appointments
Commissioner for Oaths	956
Inquirer into Sudden Deaths Temporary	11
Justices of the Peace & Unofficial Magistrates	33
Justice of the Peace	2,436
Issuing Identity card for JP	2,929 ( income earned by the Government is Rs. 585,800)
Sworn Translators	06

- **Certification of Documents**

Affidavits authenticated by JPs and Sworn Translations of certain documents authenticated by Sworn Translators need to be certified by the Ministry of Justice establishing as to whether these documents have been authenticated by duly appointed JPs and sworn Translators, especially when such documents are required to be submitted to Embassies and High Commissions through Ministry of Foreign Affairs and such other legal purposes. Nearly 50 - 60 documents are received by the Ministry of Justice daily and the certification is carried out by the Administration Branch.

- **Training**

**Local**

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

Nature of Training	Number of Officers
Case Study	267
Leadership	20
Motivation	60

**Foreign**

Nature of Training	Number of Officers
Trainings (including judges)	305
Conferences/ Seminar	33

- **Approval of loan**

<b>Approval of Loan</b>		
<b>Category of Loan</b>	<b>Number of Applications graded</b>	<b>Amount (Rs.)</b>
Property/ Housing	74	95,151,952.00
Vehicle Loan	-	-
Distress Loan	126	8,832,875.00
Festival Advance	224	2,240,000.00
Special Advance	75	300,000.00
Bicycle	11	66,000.00

From 17<sup>th</sup> Aug. 2015 Property/ Housing Loans, Vehicle Loans approval has been given by the Head of Departments and High Court Judges.

- **Auctions**

<b>Number of auctions conducted</b>	<b>Amount of proceeds (Rs.)</b>
30 (Goods)	18,072,427.00
15(sand)	4,558,095.00

- **Insurance of Official Vehicles**

<b>Department</b>	<b>Number of Official Vehicles</b>		<b>Amount (Rs.)</b>
Minister's Staff	08	(Fully insured)	1,514,781.21
Official vehicles of Judicial officers	161	(Fully insured)	10,686,180.54
	01	(Third party)	1,147.94
Official vehicles of the Ministry	25	(Fully insured)	1,334,681.59
	08	(Third party)	10,905.45

- **Auction of Vehicles belonging to the Ministry of Justice**

Income generated during the period between 01-01-2015 and 31<sup>st</sup> Dec. 2015 from the sale of Vehicles disposed upon unserviceable conditions are as follows.

Total income earned from the sale of vehicles	-	Rs	28,598,180.00
Income earned due to cancellation of tender documents	-	Rs	80,000.00
Income earned due to sale of tender documents	-	Rs	194,000.00
<b>Total Income</b>	-	<b>Rs</b>	<b>28,872,180.00</b>

- **Introduction of productivity concept to the staff attached to the Courts**

Awareness programmes on productivity have been conducted in 102 Courts and 36 Labour Tribunals. Of these Courts and Labour Tribunals, 94 Courts and 36 Labour Tribunals have participated in the Productivity Competitions. The winners of these competitions have already been announced and arrangements have been made to award prizes and certificates for those who have won the competitions.

### 5.3. ACCOUNTS DIVISION

Functions of regularizing the accounts under the expenditure heads of the Ministry Administration and Courts Administration have been initiated as indicated below during the year 2015, for the improvement of the efficiency and the effectiveness of the accounting functions of the Ministry of Justice.

In making financial allocations to the Ministry of Justice, it is executed in the following manner.

1. Hon. Minister's Office
2. Administration of the Ministry
3. Courts Administration
4. Mediation Boards Commission
5. Legal Aid Commission/ Sri Lanka Judges' Institute

#### Financial Progress (From 1<sup>st</sup> of Jan 2015 to 31<sup>st</sup> of Dec. 2015)

##### Ministry Administration- 110-1, 2, 3

Description	Allocation (Rs)	Expenditure (Rs)
Recurrent Expenditure	764,220,000	685,851,696
Capital Expenditure	110,537,000	88,538,798
<b>Total</b>	<b>874,757,000</b>	<b>774,390,494</b>

##### Courts Administration 228-1, 2

Description	Allocation (Rs)	Expenditure (Rs)
Recurrent Expenditure	5,061,927,000	4,992,982,468
Capital Expenditure	1,205,092,000	824,065,687
<b>Total</b>	<b>6,267,019,000</b>	<b>5,817,048,155</b>

### 5.4 .THE INFRASTRUCTURE DIVISION

- 1) The Infrastructure division of the Ministry of Justice plays a major role in this Ministry as the facilitator of the judicial system in Sri Lanka by providing Infrastructure facilities, such as construction and maintenance of courts buildings, Judge's Bungalows and acquisition of lands etc.

**The following projects have been completed.**

1. Construction of Record Room and Production Room at Hingurakgoda DC/MC
2. Construction of Record Room and Production Room at Mahiyangana DC/MC
3. Matugama DC- Garage, Public Toilet
4. Construction of Office Building at Naula Magistrate's Court
5. Batticaloa Court Complex Stage ii



6. International Arbitration Center



7. Construction of Timber Podium Kekirawa District Court

8. Construction of New Security Hut at Horana Court Complex

9. Construction of Boundary Wall at Bandarawela District Court

10. Construction of Quazi Court at Saindamarudu

**The following projects are being implemented**

1. Galle Court Complex



2. Homagama Court Complex



3. Wattala Courts Complex



#### 4. Galagedara Court Building



5. Matara Court Building
6. Construction of New Magistrate Court Building, Boundary Wall and Magistrate's Quarter at Embilipitiya
7. Muttur District / Magistrate Court Building
8. Construction of Record Room at Wellawaya
9. Construction of High Court Judge's Bungalow at Puttalam
10. Construction of High Court Judge's Bungalow at Polonnaruwa
11. Construction Magistrate's Bungalow at Bibila
12. Construction of Office Building at Elpitiya
13. Construction of Boundary Wall at Avissawella HC
14. Construction of security Hut at Gampola District Judge's Bungalow,
15. Construction of Toilet Block at Helboda Circuit Magistrate's Court.
16. Construction of Toilet Block at Gampola District/ Magistrate's Court
17. Construction of Buddhist Court and Record Room for District Court Kandy.
18. Construction of Canteen and Office Block at Badulla Court Complex
19. Construction of Record Room at Tissamaharama DC/MC
20. Construction of Record Room & Production Room at Kaluvanchikudi Court
21. Construction of 1<sup>st</sup> Floor at Kegalle Civil Appellate High Court
22. Construction of Boundary Wall and Lunch Room at Galle District Court
23. Construction of Record Room at Pointpedro DC/MC
24. Construction of Record Room and Production Rooms at Anamaduwa MC
25. Construction of Record Room and Production Rooms at Nikawaratiya MC
26. Construction of Record Room and Production Rooms at Hetipola MC
27. Construction of Record Room and Production Rooms at Galgamuwa MC.
28. Construction of Record Room and Production Rooms at Kesbawa DC/MC.

#### **The following Buildings are being renovated in 2015.**

1. Repair of Magistrate's Court at Colombo,
2. Repair of Colombo Chief Magistrate's Bungalow and Repair of Chief Magistrate's Court Colombo
3. Basement floor converted to Production Room at Colombo Chief Magistrate's Court,
4. Repair of Magistrate's Court in Colombo fort
5. Repair of Staff Lunch Room and Office at Gampaha DC
6. Repair of Kantale Magistrate Bungalow
7. Repair of Kegalle District Judge's Bungalow
8. Repair of Matara District Judge's Bungalow
9. Repair of Toilet at Mount-lavinia Magistrate's Court
10. Repair of Guard Room at Nugegoda Magistrate's Bungalow

11. Repair of Record and Production Room at Siyambalanduva Circuit Magistrate's Court
12. Full Repair of Warakapola District Judge's Bungalow
13. Full Repair of Magistrate's Court at Dehiattakandiya
14. Repair of District Judge's Bungalow at Wariyapola
15. Repair of Akkraipattu Magistrate's Court
16. Full Repair of Additional District judge's Bungalow at Kegalle
17. Partition Work to Registrar's Room and Construction of Security Hut and Motor Cycle yard at Minuwangoda DC/MC
18. Repair of High Court Judge's Bungalow at Stanmore Crescent, Colombo 07.

**Financial Progress as at 31<sup>st</sup>December. 2015 (228-01-01)**

Object Code	Particulars	Allocation (Rs.)	Expenditure (Rs.)
<b>2502</b>	<b>Construction of Building and Structure</b>	<b>700,000,000</b>	<b>369,766,779</b>
1	Galle Court Complex	105,000,000	34,168,278
2	Homagama Court Complex	183,510,000	86,427,650
3	Wattala Court Complex	50,000,000	11,355,268
4	Batticaloa Court Complex Stage II	56,490,000	45,578,898
5	International Arbitration Center	5,000,000	0
6	Galagedara Court Building	50,000,000	5,585,904
7	Matara Court Building	50,000,000	0
8	Small Scale Development Projects	200,000,000	186,650,781
<b>2001</b>	<b>Rehabilitation of Building &amp; Structure</b>	<b>200,000,000</b>	<b>187,240,390</b>
	<b>Total</b>	<b>900,000,000</b>	<b>557,007,169</b>

## 5.5 DEVELOPMENT DIVISION

The Development Division of the Ministry of Justice coordinates and carries out development activities of the Ministry of Justice and the Departments coming under the purview of the Ministry of Justice. Accordingly, during the period from January to December in 2015, the Division has played an important role in discharging of its functions pertaining to development activities of the Departments mainly the Department of Prisons. As a result of the Department of Prisons and Department of Community Based Corrections being placed under the purview of the Ministry of Law, Order and Prison Reforms, the Development Division is therefore presently engaged in duties which *inter alia* include -

- Identification, planning, implementation and follow up of the Development programmes and projects of the Ministry of Justice jointly with the Infrastructure Division and the Planning Division.
- Establishment of peaceful and vacant possession of the lands belonging to the Ministry of Justice by initiating necessary action in compliance with the provisions laid down in the Land Acquisition Act, State Lands Ordinance and State Lands (Recovery and Possession) Act.
- Provision of buildings to the Departments coming under the purview of the Ministry of Justice and Official Quarters to the Judicial Officers on rent or lease.
- Collection, analysis and examination of data jointly with Planning Division.
- Implementation of various development programmes initiated by the Government in co-ordination with institutions coming under the Ministry.

## 5.6 PLANNING DIVISION

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 Budget Estimates for the Ministry
- Preparation of Annual Action Plan
- Preparation of quarterly progress and submission to the relevant institutions.
- Conducting follow up activities relating to construction of court buildings
- Preparation of annual performance report
- Preparation of progress report (this should be submitted to the Parliament to obtain the provisions for the coming year.)
- Collecting statistics in respect of court cases
- Preparation of annual report in respect of court cases
- Preparation of project reports and obtaining recommendations of the National Planning Department.
- Taking action to submit Annual Accounting Statements of the institutions coming under the Ministry to the Parliament
- Reviewing the progress and conducting the follow up activities of the programmes implemented by the Ministry
- 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 Parliamentary Consultative Committee.
- Execution of co-coordinating activities regarding Parliament questions.

## 5.7 INTERNAL AUDIT DIVISION

Auditing of accounts of the Ministry, the departments under it and the 03 statutory institutions i.e. Superior Courts Complex Management Board, Judges Institute and Legal Aid Commission, the Mediation Board Commission which is functioning as a support project under the expenditure head of Ministry Administration, the office of the Labour Tribunal which is functioning as a support project under the expenditure head of Courts Administration, and High Courts, Civil Appeal High Courts, District Courts and Magistrate's Courts which are under the expenditure head of Courts Administration are carried out by the Internal Audit Division.

This division is headed by a Chief Internal Auditor and supported by 06 Financial Assistants, 04 Management Assistants, and 6 Development Officers.

These officers are conducting internal audits at the above organizations with special emphasis on system audit. Considering the Period from January to December 2015, this division has completed a total of 101 audit inspections including at 13 High Courts, 18 District/Magistrate's Courts, 07 District Courts, 20 Magistrate's Courts, 19 Labour Tribunals, 7 Court of Appellate and 15 Departments and Institutions including two special audit inspections.

## **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.

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.

#### **6.1.1 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, there exist a number of units for which special responsibilities are entrusted to carry out functions smoothly and efficiently in the Department.

These units are;

- ^ Public Petitions Unit (Engaged in dealing with matters relating to public petitions)
- ^ Child Abuse Unit ( Engaged in dealing with matters relating to child abuse cases)
- ^ EER Unit (Engaged in dealing with matters relating to the cases initiated under the Emergency Regulations and Prevention of Terrorism Act)
- ^ Immigration and Emigration Unit (Engaged in dealing with matters relating to cases instituted under the Immigration and Emigration Law)

All these Branches and Units carry out duties which they are entrusted so as best to fulfill the task owed to be discharged by the Department in assisting the process of administration of justice for the sake of the entire nation. Further, Administration and Accounts Divisions of the Department are also assisting on a greater scale to achieve the goals of the Department.

**Performance of each Division from 1<sup>st</sup> January 2015 to 31<sup>st</sup>December 2015 is as follows:**

Division	No. of case files opened	No. of indictments filed	No. of instructions given	No. of acquitted	No. of cases closed
Civil Branch	2,719	-	158	-	171
Criminal Branch	4,791	2,019	975	471	3,473
State Attorney's Branch	165	-	-	-	3,315
Supreme Court Branch	508	-	-	-	532
Corporation Branch	1,681	-	-	-	1,871
Women and Child Abuse Unit	3,338	577	370	854	1,801
Public Petitions Unit	591	-	35	-	217

- Please note that a large number of records opened by the Civil Division are dealt with through the State Counsel Division.

**Financial Progress from 01/01/2015 to 31/12/2015**

Description	Allocation (Rs.)	Expenditure (Rs.)
Recurrent Expenditure	657,616,000	655,066,755
Capital Expenditure	610,500,000	91,192,070
<b>Total</b>	<b>1,268,116,000</b>	<b>746,258,825</b>

## 6.2 LEGAL DRAFTSMAN'S DEPARTMENT

### Vision

- To ensure good governance by assisting the Government to transform the policies of the Government into legislation

### Mission

- Drafting of legislation in accordance with the Constitution in Sinhala, Tamil and English in order to assist in transforming the Government policies into legislation.

The main function of the Legal Draftsman's Department is the transformation of the Government policies on diverse subjects into legislation in line with the Constitution and the decisions made by the Cabinet of Ministers. In this process, the Department drafts Bills to enact new legislation and to amend existing legislation, and also revises the subordinate legislation submitted by various Government Ministries. 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 co-coordinating with the Parliament when the Bills are taken up for debate. This Department provides services to all Government Ministries and Departments including the State Corporations and Statutory Bodies coming under the Ministries. The Department also provides legal advice to Government Ministries and Departments with regard to the preparation of various Bills and subordinate legislation.

The unique feature of this Department is that the Department 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 subsidiary legislation submitted to it by the respective line Ministries throughout any particular year. Every part of the function of the Department that deals with legislation (whether primary, or subsidiary legislation) has to be completed in all three languages before it can be released to the requesting Ministry or Department.

### Progress from 1-1-2015 to 31<sup>st</sup> December 2015

The following Acts passed by the Parliament

01	Appropriation (Amendment) Act	1/2015
02	Fisheries and Aquatic Resources (Amendment) Act	02/2015
03	National Authority on Tobacco and Alcohol (Amendment) Act	03/2015
04	Assistance to and Protection of Victims of Crime and Witnesses Act	04/2015

05	National Medicines Regulatory Authority Act	05/2015
06	Madapola Sri Ratnapalaramaya Religious and Buddhist Educational Development Foundation Act	06/2015
07	19th Amendment to the Constitution Act	-
08	Immigrants & Emigrants (Amendment) Act	07/2015
09	National Authority on Teacher Education(Repeal) Act	08/2015
10	Inland Revenue (Amendment) Act	09/2015
11	Finance Act	10/2015
12	Value Added Tax (Amendment) Act	11/2015
13	Nation Building Tax (Amendment) Act	12/2015
14	Economic Service Charge (Amendment) Act	13/2015
15	Betting and Gaming (Amendment) Act	14/2015
16	Appropriation (Amendment) Act	15/2015
17	Appropriation Act	16/2015

#### Finalized Drafts as at 31<sup>st</sup>December 2015

01	Amendments to the Land Development Ordinance	LDO 25/2005
02	Amendments to the Prescription Ordinance	LDO 21/2010
03	Electricity Act, of 31/ 2013	LDO 19/2014
04	Telecommunication levy	LDO 15/2015
05	Theravada Bikku Kathikawath	LDO 15/2014
06	Fisheries and Aquatic Resources (Amendments Bill)	LDO 46/2015
07	Buddhist Temporalities Bill	LDO 20/2014
08	Local Authority Election (Amendments) Bill	LDO 35/2015
09	Micro Finance Bill	LDO 32/2012
10	Relief Allowance of workers Act	LDO 27/2015
11	National minimum Wages of works Act	LDO 51/2015
12	Registrations of Persons Bill	LDO 33/2013
13	Penal Code(Amendments) Act	LDO 28/2015
14	Criminal Procedure (Amendments) Act	LDO 40/2015
15	Audit Act	LDO 3/2015
16	Information Act	LDO 04/2015

Legislations drafting in respect of 23 Bills, 62 and 18 Private members' Bills were finalized in all three languages as at 31.12.2015

### Financial Progress from 01/01/2015 to 31/12/2015

Description	Allocation (Rs.)	Expenditure (Rs.)
Recurrent Expenditure	87,840,000	76,206,838
Capital Expenditure	70,810,000	11,920,605
<b>Total</b>	<b>158,650,000</b>	<b>88,127,443</b>

## 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

- To discharge duties and functions imposed under the Law Commission Act for the purpose of promoting the reform of the law.

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

- i. The codification of law
- ii. The elimination of anomalies
- iii. To take and keep under review the law, both substantive and procedural with a view to its systematic development and reform.
- iv. The repeal of obsolete and unnecessary enactments
- v. The simplification and modernization of the law
- vi. To receive and consider any proposals for the reform of the law
- vii. 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,
- viii. 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

### **Progress from 01.01.2015 to 31.12.2015**

- New members were appointed for the Law Commission.
- The new Law Commission were suggested to consider the issues of Bail act, Partition act, Custody of Children, Marriageable age, Revocation of gifts, Parate – execution and amendment of Supreme Court Rule.
- The Law Commission published advertisement to invite the General Public to forward their views on necessary legal reforms.

The following law reform activities are being carried out by the Department of Law Commission

- Right of Paraveninilakaraya to institute a Partition Action  
The Commission has taken action to forward the draft proposed amendments to the Partition Law (Right of Paraveninilakaraya to institute a Partition Action) to the Minister of Justice.
- Social Media & Right to Privacy  
The draft amendment has been prepared.
- Amendments to the Supreme Court Rule
- Amendments to the Court of Appeal (Appellate Procedure Rules)  
The draft proposed amendment has been prepared.
- Sentencing Policy on Statutory Rape
- Amendments to the Motor Traffic Act
- Revocation of Irrevocable Deeds of Gifts
- Amendments to the Prevention on Terrorism Act
- Proposed Violations of the Privacy Law

### **Financial Progress as at 31<sup>st</sup> Dec. 2015 (235-01-01)**

<b>Details</b>	<b>Allocation(Rs)</b>	<b>Expenditure (Rs)</b>
Recurrent Expenditure	15,000,000	10,095,392
Capital Expenditure	2,000,000	1,131,701
<b>Total</b>	<b>17,000,000</b>	<b>11,227,093</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.

The Government Analyst's Department, being the only forensic laboratory in Sri Lanka, consists of two major Divisions as 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 Section, Forensic Toxicology Section, Explosives a 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 and analytical testing on productions referred to it by the law Courts of the country, Department of Police, Department of Customs, Department of Excise, Ports, Local Government Institutions, Ministry of Health and as well as other Government Departments and Statutory Bodies. Further, it carries out analytical testing to ensure quality control 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 tested and analyzed for quality control 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 will be referred to relevant tests according to various ordinances such as the Food and Drugs Act, National Environment Act, Excise Ordinances, National Authority of Tobacco and Alcohol Act, Cosmetic; Devices Drug 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.

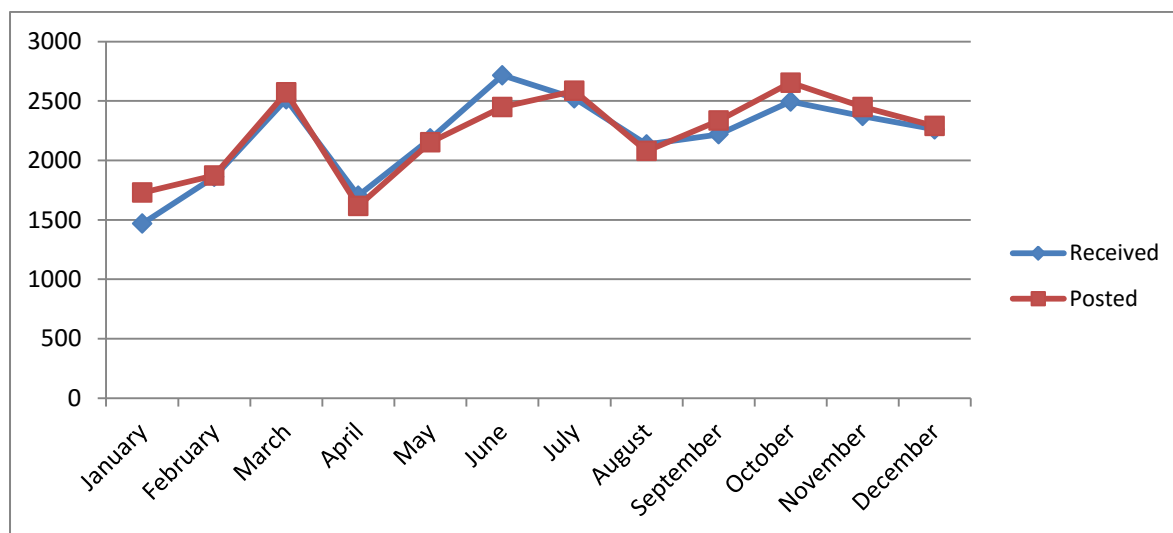
This Department also functions as the scientific consultant to other government departments and Government sponsored institutions. Specially, the contribution given by these experts to Sri Lanka Standard Institute in making standards provides an important service. These Experts assist the Technical Evaluation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

In May 2013, this Department was shifted to a new building equipped with state of the art technology and all modern facilities at Pelawatte, Battaramulla. A DNA Laboratory which was an essential need has now been established at these premises with all necessary equipment and the analysis of Court productions has commenced. The Department has also established a Provincial Laboratory at Kurunegala.

**Progress from 1<sup>st</sup> of Jan 2015 to 31<sup>st</sup> December. 2015**

Section	Pending cases on 01.01.2015	No.of cases Received	No.of cases reported	No.of cases not reported on 31.12.2015
Narcotics and other Drugs - CD	326	7,269	6,978	617
Firearm & Ammunition - CF	454	361	436	379
Explosives & Fires - CE	254	315	407	162
Poisons - CT	1,302	2,062	2,299	1,065
Blood & other Physiological Fluids - CB	1,196	1,330	1,242	1,284
Questioned Documents	383	769	886	266
Forensic Miscellaneous - CM	195	273	321	147
Head Office Court Samples	1	2,079	2,079	1
Miscellaneous - Liquors & Tobacco	8	1,799	1,784	23
Liquors -CL- Kurunagala	27	2,726	2,753	0
Food Samples under food Act	93	5,973	6,059	7
Food Miscellaneous	52	1,487	1,535	4
<b>Total</b>	<b>4,291</b>	<b>26,443</b>	<b>26,779</b>	<b>3,955</b>

**Progress from 1<sup>st</sup> of Jan 2015 to 31<sup>st</sup> December 2015**



**Progress at 31<sup>st</sup>December 2015 (233-01-01)**

Details	Allocation ( Rs)	Expenditure
Recurrent Expenditure	224,800,000	210,080,000
Capital Expenditure	290,500,000	162,600,000
<b>Total</b>	<b>515,300,000</b>	<b>372,680,000</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 uphold 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 parties relevant to those estates including the beneficiaries.

Office of the Public Trustee of Sri Lanka has been established as a corporate sole under that name, with perpetual succession and an official seal, and may sue and be sued under the above name like any other corporate sole 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.

Deputy Public Trustee or Deputies can be appointed to assist the Public Trustee, under the sec. 4 of the Act No.61 of 1988. The Public Trustee and Deputy Public Trustee should be Attorneys at law having twelve to Fifteen years' Experience. Most of the Functions and duties devolved under the ordinance are based on legal background and mostly to the civil law.

#### **6.5.1 Legal Background**

Office of 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. And further according to the Sec. 02 of the Trusts Ordinance, where there are no specific provision made under this ordinance or any other written law, shall be determined by the principles of equity for the time being in force in the High Court of Justice in England.

#### **6.5.2 General Powers and duties of the Public Trustee**

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

1. As an ordinary trustee, as a custodian trustee,
2. As collector of estates under an order to collect,
3. As curator of the estate of a minor, as the next friend or guardian for the action under Chapter XXXV of the Civil Procedure Code of any minor or person of unsound mind,



4. As a manager of the estate of a person of unsound mind,(When entrusted by the District Court)
5. 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.)
6. As attorney for persons absent from Sri Lanka for the purpose of receiving and paying money.
7. Under the Civil Procedure Code the Public Trustee shall be deemed to be a suitable person as a manager of an estate.
8. As an administrator of an intestate estate under the Civil Procedure Code.
9. As a custodian trustee of properties of person who is serving a sentence in prison.
10. The Public Trustee may accept the custody for the purpose of safe keeping a Last will of any living person.
11. Public Trustee as a trustee of the compensation given to the acquisition of temple property.

### **6.5.3 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.
- Payment of compensations related to Buddhist Temples under Act No 61of 1988.
- 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.

### **6.5.4 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.

- Awarding scholarships from the income gained by the trusts established with the view of encouraging skilled children with financial difficulties who are engaged in studies.
- Appointment of two Directors and Chairman of the Associated Newspapers Of Ceylon Limited.
- Distribution of Foreign Compensation.
- Distribution of compensation to Buddhist Temples.
- Transfer of funds charged as fees for the management of Private Trusts. (Rs.10,188,334.08 has been remitted to the General Treasury as statutory income charged by Public Trustee.)

#### 6.5.5 Trust Estate

Number of trusts instituted with the Department as at 31<sup>st</sup> of Dec. 2015 is 1044. The number of estates controlled by the Department is 137. Relevant duties in respect of these trusts are performed in accordance with the directions of the donors who have instituted such trusts at the department.

Year	Number of Trusts	Number of estates
2011	981	119
2012	999	126
2013	1019	130
2014	1034	134
2015	1044	137

#### 6.5.7 Sum of money sent to the General Treasury

Capital investments, Revenue fees and other charges recovered under the Public Trustee Ordinance in respect of trusts and estate vested in or instituted at the Department of Public Trustee have been sent to the General Treasury.

Year	Rs
2011	3,783,187.40
2012	6,543,360.52
2013	6,396,102.51
2014	6,675,487.77
2015	10,188,334.08

#### Financial Progress from 01/01/2015 to 31/12/2015

Description	Allocation (Rs.)	Expenditure (Rs.)
Recurrent Expenditure	45,450,000	41,352,337
Capital Expenditure	2,905,000	2,727,038
<b>Total</b>	<b>48,355,000</b>	<b>44,079,375</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.

This Department was established under the Debt Conciliation Ordinance No. 39 of 1941 with the objective of introducing of relief to help the public to get over their indebtedness caused by loans obtained on the security of deeds on conditional transfer of immovable property such as land, paddy fields, estates, houses, unsecured loans obtained on documents such as promissory notes, Cheque, along with such secured loans.

In addition thereto, the Amendment Act No.29 of 1999 enables the Board to intervene in respect of transfer deeds executed purely for a loan transaction, resulting in further expansion of its relief support.

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. No fee is charged for the applications submitted 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 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, 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.

**Progress from 01-01-2015 to 31-12 - 2015:**

Details	Numbers
No. of pending applications brought forward -01.01.2015	788
No. of new applications	417
No. of applications received for review	44
Total No. of applications 31 <sup>st</sup> December. 2015	1,249
No. of applications settled	179
No. of applications dismissed	172
No. of applications reviewed	29
No. of applications on which certificates were issued	11
No. of applications withdrawn	24
Total No. of Applications (Actions Taken)	415
No of Applications pending by the end of the 31 <sup>st</sup> December. 2015	834

**Financial Progress as at 31stDec 2015(231-01-01)**

	Allocation (Rs.)	Expenditure (Rs.)
Recurrent Expenditure	11,000,000	8,887,647
Capital Expenditure	1,000,000	493,008
<b>Total</b>	<b>12,000,000</b>	<b>9,380,655</b>

**6.7. LEGAL AID COMMISSION (LAC)**

The Legal Aid Commission (LAC) was established by Legal Aid Law No.27 of 1978. The main objective of the LAC is to provide legal aid to 'deserving persons' in Sri Lanka. The role of the LAC is to provide legal advice and free assistance of lawyers 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 fora were implemented under the following divisions during the year.

- **Legal Division: Representation in Courts on behalf of deserving persons**

At present there are 77 Legal Aid Centers island-wide inclusive of the Colombo Center located directly under the Head Office. The main focus of the centers of the Legal Aid Commission is litigation. Legal aid is given to deserving persons: that is, persons whose monthly income is Rs.15,000/= or less. Under special circumstances the income level is relaxed eg: Legal representation in courts for women who seek maintenance for themselves and or their children irrespective of their income status.

## Cases handled by the Legal Aid Commission.

Description	No. of Cases
Brought forward from 2014	20,625
New cases added (2015 Jan - 2015Dec.)	10,449
No. of cases concluded (2015 Jan - 2015Dec.)	7,465
Carried forward to the next year (2016)	23,609
No of clients serviced by LAC during the period January to Dec. 2015	76,579

## Media Programmes

- **Programmes telecast over TV Channels**

On the invitation of different TV channels the legal staff of LAC conducted programmes on legal matters to educate the public. There were several Programmes (Colombo TV, Siyatha TV, & Hiru) conducted via several TV channels up to Dec. 2015.

- **The Question and Answer pages in Newspapers** The Question and Answer pages in Newspapers is another initiative taken by the LAC to assist the public to resolve their problems as well as to improve their legal awareness. Additionally, the legal aid pages carry editorials on legal subjects of topical interest.

- **Awareness and Outreach Programmes**

Conducting legal clinics and awareness programmes are an integral part of the LAC mandate. Up to December 2015 about 219 programmes were conducted. Most of the programmes were conducted in consolidated fund.

## Special Units -Developmental Legal Aid Desks

- **Rights of Migrant Worker's Unit**

During the period this Unit carried out consultations with migrant workers who faced problems. Subsequent to the consultations such persons were referred either to Consular Division of the Ministry of External Affairs or to the Sri Lanka Bureau of Foreign Employment. The problems of migrant workers are categorized as follows: Nonpayment of wages, sexual harassment, death of migrant workers overseas, and repatriation to Sri Lanka.

- **Prisoner's Rights**

The kith and kin of any prison inmate who needs legal aid could seek assistance from any of the Legal Aid Centers. For period Jan - Dec 2015, Legal Awareness Programme has been conducted for 40 Officers in the Prison. Bail application submitted for 244 Prisoners and accused have been granted bail with the intervention of the LAC Lawyers. UNDP project is sponsored to the Prisoners project.

- **Certificate Course in Legal Education**

For a year two training programmes are held. This is a self-financing programme and the participants are levied only a nominal sum to cover the core expenses like hall charges, preparation of literature for the course. The first batch consisting of 56 participants has already been trained in the current year.

- **Programme to protect the rights of native people.**

It is intended to implement a comprehensive project in 2016 covering a varied area which inter alia includes matters pertaining to rights of the native people, drug prevention programme, training of medical officers, living with persons of HIV positive and sexual abducted workers etc., Initially, 04 separate preliminary programmes were implemented with the funds being channeled by the USAID programme.

Lawyers	Related Civil Cases	120
	Dip. in Computer	50
	Civil & Criminal Cases	120
	Management Training	15
Management Assistants	Leadership Training	10
	English Language	10

**Financial Status as at 31.12. 2015 (110-01-02)**

Details	Allocation (Rs)	Expenditure (Rs.)
Recurrent Expenditure (1503)	174,000,000	158,500,000
Capital Expenditure (2201)	25,000,000	11,600,000
Total	199,000,000	170,100,000

## 6.8. MEDIATION BOARDS COMMISSION

Mediation Boards were established under the Mediation Boards Act, No. 72 of 1988. This Act provides a mechanism for the settlement of disputes as an alternative to litigation. At present, there is a growing tendency for people who have experienced complexity in all aspects of their lives to proceed to legal action to resolve their disputes. In this process litigants have to face long delays in addition to a purposeless expense being incurred. Further the aggrieved party feels depressed. At present, 329 Mediation Board Panels have been established in Divisional Secretariat's Divisions and approximately 8266 Mediators are working in the Mediation Boards.

There are five members on the Mediation Boards Commission who are appointed by His Excellency the President by an Extra Ordinary Gazette Notification. The authority for the appointment, transfer, dismissal and disciplinary control of mediators is vested with the Mediation Boards Commission.

In the process of resolution of disputes between two or more parties by mediation the mediators play an important role as the third party.

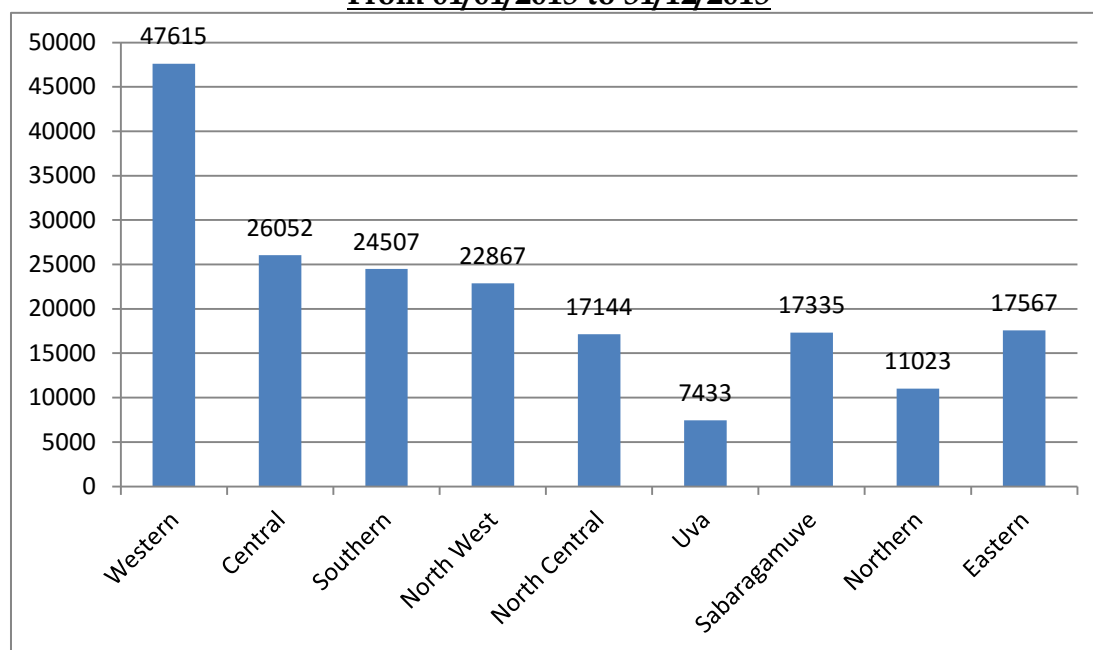
It is evident that as the community has accepted mediation to be a mechanism that settles disputes amicably with convenient and less cost approach, reference to mediation of disputes is on the increase. This amply demonstrates that disputes exceeding one hundred thousand are referred to Mediation Boards annually for resolution by means of Mediation.

**Progress from 1<sup>st</sup> January to 31<sup>st</sup> December 2015**

	No. of Disputes
Referred to the Mediation Boards	191,543
Settled	91,646
Percentage	47.85%

**Number of Disputes received by Panels of Mediation Boards (Province wise)**

**From 01/01/2015 to 31/12/2015**



- Up to 31<sup>st</sup> of December, 2015 24 five days workshops have been conducted offering training to approximately 1, 2000 Mediators have been trained.
- Community Mediation, School Mediation and other awareness programmes are also being conducted by Programme Assistants. They have conducted 20 five-days school mediation programmes, 32 one-day School mediation programmes, 03 five-days other mediation programmes and 150 one-day other Mediators Programmes.

**Interviews Progress from 01/01/2015 to 31/12/2015**

No of interviews to be conducted	62
No of interviews conducted	53
Percentage	85%

**Mediation Panel Boards in respect of which interviews have been conducted from 01/01/2015 to 31/12/2015**

Serial No	District	Mediation Panel Board
01	Gampaha	Negambo
02	Galle	Hikkaduwa, Elpitiya, Balapitiya
03	Mathara	Hakmana, Thihagoda, Dikwellia, Kotapola, Pasgoda, Walasmulla
04	Hambanthota	Anghunukolapalessa, Lunugamvehera, Walasmulla
05	Kurunegala	Kobeigane, Narammala, Galgamuwa

06	Kandy	Nawalapitiya,Doluwa,Hatharaliyedda,Yatinuwara,Pathadumbara,Hasalaka
07	Mathale	Raththota,Pallepola
08	Rathnapura	Weligepola,Eheliyagoda, Imbulpe, Kolonna
09	Kegalle	Mawanella
10	Polonnaruwa	Hingurakgoda,Thamankaduwa
11	Monaragala	Badalkumbura,Siyambalnduwa,Madulla, Medagama, Bibila, Thanamalwila, Kataragama
12	Jaffna	Uduwil,Sandilippai
13	Vavniya	Vavuniya South
14	Trincomalee	Morawewa
15	Nuwara Eliya	Nuwaraeliya
16	Puttalam	Arachchikattuwa,Mundalama
17	Kalutara	Mathugama, Bulathsinhala, Horana, Agalawatte
18	Anuradapura	Kahatagasdigiliya
19	Badulla	Mahiyanganaya

#### Mediation Panel Boards for special kind of disputes

Serial No	District	Mediation Panel Board
01	Jaffna	Jaffna
02	Kilinochchi	Kilinochchi

#### Mediation Panel Boards in respect of which appointments have been granted from 01/01/2015 to 31/12/2015

Serial No	District	Mediation Panel Board
01	Colombo	Homagama,Rathmalana,Moratuwa,Kesbewa,Kolonnava
02	Gampaha	Gampaha,Weke,Biyagama, Mahara, Attanagalla
03	Galle	Yakkalamulla,Niyagama,Elpitiya, Balapitiya
04	Mathara	Malimbada,Kamburupitiya,Thihagoda
05	Kurunegala	Kuliypitiya, Polpitigama, Narammala, Kobigane
06	Kegalle	Yatyanthota,Dehiowita
07	Anuradhapura	Nachchadoowa,Padawiya,Manupa,Kebithigollawa
08	Badulla	Passara
09	Monaragala	Madulla, Badalkumbura, Siyabalanduwa
10	Jaffna	Kopai,Chavakachcheri, Nallur, Pointpedro, Tellippalai, Delf
11	Ampara	Dehiaththakandiya,Padiyathalawa,Damana,Thirukkowil, Nindavur
12	Rathnapura	Ehiliyagoda
13	Polonnaruwa	Hingurakgoda, Tamankaduwa
14	Trincamalee	Morawewa

#### Financial Progress from 01/01/2015 to 31/12/2015 (110-01-03)

Description	Allocation (Rs.)	Expenditure (Rs.)
Recurrent Expenditure	241,900,000	228,602,794
Capital Expenditure	1,690,000	1,278,100
<b>Total</b>	<b>243,590,000</b>	<b>229,880,894</b>



## 6.9 OFFICE OF THE SECRETARY LABOUR TRIBUNAL

### Vision

“Assurance of job security of the non-governmental employees”

### Mission

“Assurance of job security of the non-governmental employees through speedy, just and efficient administration of justice with the support of the energetic, dynamic and trained staff”

The main functions assigned to the Labour Tribunals are to hear and dispose of the applications received in respect of disputes in terms of the Section 31(b) of the Industrial Disputes Act No.62 of 1957. Labour Tribunals can be defined as an institution which provides justice in respect of matters such as termination of employment of employees of the non-governmental institutions etc. and is considered a great privilege restored to such parties. 37 Labour Tribunals are functioning under the head office and they are listed as follows:-

Colombo - 06	Avissawella - 01	Chilaw - 01	Nawalapitiya - 01
Kandy - 01	Negombo - 02	Kaduwela - 01	Palapathwela - 01
Galle - 01	Batticaloa - 01	Wattala - 01	Balangoda - 01
Badulla - 01	Kurunegala - 01	Rathmalana - 01	Kegalle - 01
Ratnapura - 01	Gampaha - 01	Maharagama - 01	Ampara - 01
NuwaraEliya - 01	Panadura - 01	Kotapola - 01	Trincomalee - 01
Hatton - 01	Matara - 01	Bandarawela - 01	Kuliyapitiya - 01
Kalutara - 01	Anuradhapura - 01	Thalawakele - 01	

- The provision and management of the human resources, collective resources and financial resources required to maintain the Labour Tribunals are the main functions of the Office of the Labour Tribunals. Accordingly, establishment and administrative functions of all officers excluding the Presidents of the Labour Tribunals and all financial administration and accounting functions including payments of salaries and allowances of the staff including the Presidents of the Labour Tribunals are dealt with by the Office of the Labour Tribunals.

### Progress from 01.01.2015 to 31.12.2015

Number of cases pending as at 01.01.2015	During the period from 01/01/2015 to 31/12/2015		No. of cases pending as at 31/12/2015
	No. of cases filed	No. of cases concluded	
4,818	2,529	2,344	5,003

- During the period, 13 Training Programmes were conducted for 01 Labour Tribunal President, 01 Accountant, 08 Labour Tribunal Interpreter, 27 Stenographers, 70 Public Management Assistants and 26 K.Ks.

- The approved cadre consisted of 118 stenographers as at 31.12.2015, of them. 100 officers have already been recruited. Arrangement is in progress to recruit new officers to fill the vacancies.
- The approved cadre consisted of 30 the posts of Court care takers as at 31.12.2015, of them. 25 Court Care Takers have been recruited.
- The Director General of Management Services, by letter dated 16/01/2016 granted approval to create posts to the Labour Tribunal newly established in the district of Jaffna covering the Northern Province.

**Financial Progress from 01/01/2015 to 31/12/2015 (228-01-02)**

<b>Description</b>	<b>Provision (Rs.)</b>	<b>Expenditure (Rs.)</b>
Recurrent Expenditure	291,433,000	285,064,308
Capital Expenditure	12,592,000	9,856,996
<b>Total</b>	<b>304,025,000</b>	<b>294,921,304</b>

## 6.10 TRAINING INSTITUTE FOR NON JUDICIAL OFFICERS

### Vision

- As this institute functions within the purview of the Ministry of Justice, the vision of the Ministry of Justice relates to this Institute.

### 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.

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

From 1<sup>st</sup> of January 2015 to 31<sup>st</sup> of December 2015, the following training programmes were conducted.

<b>S. No</b>	<b>Training Programme</b>	<b>No. of Programmes conducted</b>	<b>No. of emp. participated</b>
01	KKs	07	157
02	Maintenance of Personal File	06	226
03	Training Programme on Payment Procedures	06	209

04	Training Programme on disciplinary inquiries	09	318
05	Training Programme on Stenographers	04	85
06	Training Programme on Board of Survey	07	247
07	Training Programme on Preparing the Salary Scale	07	238
08	Training Programme on Procurement	06	201
09	Training Programme on Human Resource Development	05	183
10	Training Programme on Office Procedures	04	147
11	Training Programme for Criminal Procedure	01	35
12	Training Programme for Civil Procedure	02	74
13	Training Programme on Language (Tamil and English) for six month Course started on December.	02	80

## 6.11 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.

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 Chief Justice
- A Judge of the Supreme Court appointed by the 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 the Minister in charge of the subject of Justice
- The Secretary to the Ministry of the Minister in charge of the subject of Local Government , Housing, & Construction
- The President of the Bar Association of Sri Lanka
- The Municipal Commissioner for the Colombo Municipal Council
- A Representative of the Ministry of the Minister in charge of the subject of Finance
- Two members appointed by the President of Sri Lanka

### Progress from 01.01.2015 - 31.12.2015

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

- Maintenance of the Superior Courts Complex and the maintenance of security services and provision of security services for Official quarters of the Judges.
- Repairs of Judges Quarter, Staff Quarters and Ancillary Building
- Fabricating and Fixing Aluminum partitioning in Civil Appeal High Court
- Repairs of ground Floor ladies toilet in building No211 and repair of timber doors and windows in the same building
- Acquisition of Plant Machinery, Equipment, Furniture and Fittings, Office equipment & etc., for the use of superior Courts Complex Board of Management.

### Financial Progress from 01/01/2015 to 31/12/2015 (228-01-01)

Description	Provision (Rs.)	Expenditure (Rs.)
Recurrent Expenditure	166,719,000	154,619,000
Capital Expenditure	32,000,000	6,709,000
<b>Total</b>	<b>198,719,000</b>	<b>161,328,000</b>

## 07. COURTS OF LAW

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

- Supreme Court
- Court of Appeal
- High Courts
- Provincial Civil Appellate High Courts
- District Courts
- Magistrate's Courts
- Labour Tribunals
- Quazi Courts and Board of Quazis

The Ministry exercises accounting responsibility in respect of Supreme Court, Appeal Court, 20 Provincial Civil Appellate High Courts, Commercial High Court, 31 High Courts, 51 District and Magistrate's Courts, 31 District Courts, 49 Magistrate's Courts, 2 Children Magistrate's Courts, 26 Circuit Magistrates' Courts, 37 Labour Tribunals, 65 Quazi Courts and Board of Quazis. The expenditure is disbursed through 24 High Court Accounting Centers.

### 7.1 THE REGISTRY OF THE SUPREME COURT

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 Constitutional matters,
- 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.

## Progress from 01.01.2015 to 31.12.2015

Type	No. of cases pending as at 01/01/2015	No. of cases registered as at 31/12/ 2015	Total No. of cases as at 31/12/ 2015	No. of cases leave to proceed	No. of cases concluded as at 31/12/ 2015	No. of cases pending as at 31/12/2015
Fundamental Rights Applications	738	474	1,212	27	239	946
Special Applications	336	280	616	-	85	531
Orders of the Supreme Court in respect of Parliamentary Bills	-	22	22	-	22	-
Appeal cases	356	154	510	-	109	401
SC CHC Appeal	224	36	260	-	50	210
High Courts Leave Applications	146	77	223	14	47	162
Writ Applications	02	05	07	-	02	05
Provincial Appellate High Courts cases	1,176	450	1,626	100	226	1,300
Revision Cases	05	07	12	-	01	11
Reference Cases	01	-	01	-	0	01
Miscellaneous	09	01	10	-	01	09
TAB Appeal	-	01	01	-	0	01
SC Special	13	0	13	-	01	12
<b>Total</b>	<b>3,006</b>	<b>1,507</b>	<b>4,513</b>	<b>141</b>	<b>783</b>	<b>3,589</b>

### Financial Progress from 2015.01.01to2015.12.31(234-01-01)

Details	Allocation(Rs)	Expenditure (Rs)
Recurrent Expenditure	85,740,000	76,243,721
Capital Expenditure	9,500,000	4,792,298
<b>Total</b>	<b>95,240,000</b>	<b>81,036,020</b>

## 7.2 THE REGISTRY OF COURT OF APPEAL

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.

### Performance of disposal cases from 01-01-2015 to 31-08-2015

Cases	Pending as at 1 <sup>st</sup> Jan. 2015	No. of Registered	No. of Decided	Pending as at 31 <sup>st</sup> Aug. 2015
Writ Application	1,203	561	340	1424
High Court Appeal (Criminal REM)	855 02	274 -	254 -	875 02
Provincial High Court Appeal	1,117	206	263	1,060
Civil Appeal	981	-	208	773
High Court Revision Application	282	172	143	311
Revision (Civil) and Leave to Appeal Application	84	20	40	64
Other Application	139	80	47	172
<b>Total</b>	<b>4,663</b>	<b>1313</b>	<b>1295</b>	<b>4681</b>

### Financial Progress as at 31<sup>st</sup>Aug 2015 (234-01-02)

Description	Allocation (Rs)	Expenditure (Rs)
Recurrent Expenditure	59,760,000	53,845,620
Capital Expenditure	1,500,000	1,021,121
<b>Total</b>	<b>61,260,000</b>	<b>54,866,741</b>

Remaining provisions are to be incurred on projects proposed to be implemented within this year.

## 7.3 QUAZI COURTS AND QUAZI BOARD OF APPEAL

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. Quazi Board of Appeal consisting of 5 Muslims are in operation to hear appeals of the Quasi Courts. At present, 65 Quazi Courts and one Quazi Board of Appeal are in operation.

### Quazi Courts

Addalaichenai	Kalpitiya	Polonnaruwa
Akkaraipattu	Kalutara	Pottuvil
Akurana	Kandy	Pulmooddai
Anuradhapura	Kattankudy (Manmunaipattu)	Puttalam&Chilaw
Avissavella	Kegalle	Ratnapura
Badulla	Kinniya	Refugee Population (Kalpitiya/ Puttalam)
Balapitiya&Elpitiya	Kuliyapitiya	Sainthamaruthu
Beruwela	Kurunagala	Sammanthurai
Bhora Community	Maho	Thambalagamuwa&Kantale
Biyagama	Mannar	Tangalle
Colombo East	Matale	Trincomalee
Colombo North	Matara	Thumpane

Colombo South	Mawanella	Udawalapala
Colombo West	Memon Community	Udathalawinna
Eravur	Moneragala	Udunuwara
Galle	Muthur	Valaichenai
Gampaha (Thihariya)	Navalapitiya	Vavuniya
Hambantota	Negombo	Yatinuwara
Harispattuwa&Pujapitiya	Nintavurpattu	Jaffna
Hatton	Nuwera_Eliya	
Horana	Oddamavady	
Irakkamam	Pahatha-Hewaheta	
Kalmunai	Panandura	

#### Progress of Quazi Board of Appeal Court (2011 - 2015)

Year	Total Complaints	No. of Complaints disposed	Complaints to be disposed
2011	160	48	112
2012	206	69	137
2013	219	65	154
2014	244	60	184
2015	266	112	154

#### Progress of Quazi Courts (2011 - 2015)

Year	Total Complaints	No. of Complaints disposed	Complaints to be disposed
2011	10,554	5,786	4,768
2012	13,226	8,651	4,575
2013	12,735	7,660	5,075
2014	13,479	8,479	5,005
2015	12,042	7,032	5,010

- Construction work was completed in Vellaimanal Quazi Court.
- Sainthamaruthu Quazi Court work is in progress



## 08 RELATED INSTITUTIONS

### 8.1 SRI LANKA JUDGES' INSTITUTE

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 the 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 research courses in various aspects of the administration of justice and to provide library facilities and other educational material for judicial officers.

#### Financial Progress from 01/01/2015 to 31/12/2015

Description	Provision (Rs.)	Expenditure (Rs.)
Recurrent Expenditure	22,000,000	12,450,000
Capital Expenditure	7,000,000	3,910,000
Total	29,000,000	16,360,000

#### Progress from 01.01.2015 to 31.12.2015

The following Saturday Seminars were held for High Court Judges' District Court Judges, Magistrates and President Labour Tribunals.

Name of the Training Programme	No. of Programme	No. of Judges
Role of the Government Analyst in DNA Analysis	02	99
Termination of Employment in the light of the Diplomatic Privileges Act No 9 of 1996	01	31
Ballistic Evidence	02	79
Examination of Questioned Documents	02	79
Legal and Technical Issues in Internet and Email transactions	02	75
Law of the Sea	01	54
Seminar on Partition Law	10	505
Judgment Writing in LT Appeals	1	60

## Foreign Training Programmes for Judges

Name of the Training Programme	Name of the Institute	No. of Judges
Training Programme	Judicial Training Academy New Delhi	29
Training Programme	National Judicial Academy Bhopal	90
Training Programme	Judicial and Legal Training Institute - Malaysia	62

1. The Post of Driver, Secretary, 2 minor employees, House keeper and 2 Technical Officers were recruited.
2. 03 Training Programmes were conducted for Court Registrar's
3. Cyber Crime & Electronic Evidence workshop was held at Taj Samudra Hotel, Col. 56 Foreign & Sri Lankan Judges were participated.
4. Audio equipment and facilities provided to the Conference Hall
5. MANUPUTRA LEGAL DATABASE for the use of Judges was renewed.
6. Purchased all England Law Reports to the Library.
7. Appointed two Consultants and the Librarian
8. Appointed a Committee to update the Judges Journal
9. Appointed a Committee to update the Bench Book on Evidence

## 8.2 SRI LANKA LAW COLLEGE

The Sri Lanka Law College functions under the Council of Legal Education Ordinance as amended to administer legal education. The Council of Legal Education consists of the Chief Justice (who presides over it), the Attorney - General, two other Supreme Court Judges, the Secretary to the ministry of Justice, the Solicitor - General, two members nominated by the Bar Association of Sri Lanka and six members appointed by the Minister of Justice.

The Sri Lanka Law College conducts a 3 year course of study. 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 experienced lawyers who are academically qualified.

### Progress from 01.01.2015 - 31.12.2015

- ◀ 1008 and 2,201 students sat the 2015 April examinations and 2015 October examinations respectively.
- ◀ During this period (01.01.2015 - 31.12.2015) 1,036 students were admitted to Law College including those who have obtained Law Degrees from Sri Lankan and Foreign Universities and those admitted on passing the Law Entrance Examination.
- ◀ 213 were selected and registered as students among 4,718 applicants who applied for the Sri Lanka Law College Entrance Examination held on the 26<sup>th</sup> of September, 2015 for the academic year 2016.