

PERFORMANCE REPORT

2018

MINISTRY OF JUSTICE AND PRISON REFORMS

**Ministry of Justice and Prison Reforms
Superior Courts Complex
Colombo 12**

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Minister of Justice and Prison Reforms

Mr.R.M.D.B.Meegasmulla
Secretary - Ministry of Justice and Prison Reforms

Observation of the Chief Accounting Officer

In 2018, the Ministry of Justice and Prison Reforms was able to carry out a great volume of work to ensure efficient realization of administration of justice, introduction of law reforms and the administration of prisons.

The Ministry of Justice and Prison Reforms is entrusted with an important task which among other things includes the efficient realization of administration of justice, introduction of law reforms and the administration of prisons. On 09th November, 2018 the scope of the Ministry included Public Administration, Home Affairs and Justice and subsequently on 28th December, 2018 the Ministry was proclaimed as the Ministry of Justice and Prison Reforms. Nevertheless, it gives me great pleasure to note that during the year 2018, the Ministry and 19 Departments coming under the purview of the Ministry have rendered an outstanding service for the interest of the entire nation.

The Ministry mainly holds responsible for the introduction of new laws and the amendments to be effected on the existing laws in order to ensure efficient administration justice for the sake of the general public. During the year under review, 05 Acts, the subjects of which are coming under the purview of this Ministry have been passed in Parliament. Necessary arrangements are now in progress intending for further 18 Bills to be passed in Parliament. Among them, steps were taken to amend the Judicature Act to provide for the establishment of three Permanent High Courts at Bar to take up court matters daily. Accordingly, one of such permanent High Courts Trial at Bar was established and speedy measures are now in progress to provide necessary facilities to establish the other two Permanent High Courts at Bar immediately. During this year, the Legal Draftsman's Department has finalized 229 Bills in three languages and handed over the drafts to the relevant parties. Meanwhile, the Department of Law Commission has made necessary arrangements to submit recommendations on law reforms in respect of ten identified areas in the field of law.

One of the biggest challenges which the judicial system of the country experiences at present is to arrest the delay in the process of administration of justice by expeditious disposal of huge backlog of court cases piled up before the courts throughout the country. Introduction of new technology to the entire court system makes much headway to cope with the existing delay. In an attempt to have a speedy solution, preliminary arrangements have already been finalized for a pragmatic approach known as "Court Automation."

In consequence of delay in receipt of analytical reports, many court proceedings have dragged on for years. However, actions taken recently have avoided the delay which proves by the fact that as of date during the year under review, 36,642 analytical reports have been referred to courts responding to 42,166 applications asking for testing reports. To see further progress, arrangements are now put in place to purchase a Ballistic Identification System to the Government Analyst's Department.

Best endeavors have been placed to strengthen the Attorney General's Department so as to relieve the backlog pending at the Department. Accordingly, 30 Assistant State Counsels and 50 State Counsels were recruited. During the year under review, the

Attorney General Department has been in receipt of case records of which 95% have been concluded.

The Ministry often emphasizes mechanisms for resolution of disputes alternative to litigation with the objective to minimize the backlog of court cases. 329 Mediation Boards presently functioning throughout the country as a means of alternative disputes resolution mechanism are successfully capable of resolving disputes, in that during the year under review, the Boards have settled disputes exceeding 67% out of the disputes presently pending before the Boards. The Department of Debt Conciliation Board is operating to relieve the burden of heavy indebtedness of the debt stricken public who are suffering in consequence of loans taken out on conditional transfers of their immovable properties mainly land and housing properties. Amendments to the Debt Conciliation Ordinance are now in progress to decentralize its powers so as to provide the general public with easy access for service of conciliation.

Lack of understanding as regards matters relating to Law has emerged as one of the key factors for the general public to passively compel to commit crimes. In a firm effort to remedy the situation, as a concept being put forward by the Hon. Minister, preliminary arrangements have already been put in place to introduce Law for the school children to be taught in the school curriculum. For this purpose, approval of the Cabinet of Ministers has already been obtained and pursuant to which, measures have now been taken to teach Law as a subject in the school curriculum from Year Six in order for the student population to have a basic familiarity with the background to the Law

The well equipped infra-structure facilities are of very significance so as to best ensure the process of realization of administration of justice. The old court complex in Hulftsdorp presently in the state of dilapidation is proposed to be replaced by the "House of Justice", the procurement activities of which are now in progress. During the year under review, the Court Complex in Wattala was declared open for the general public by His Excellency the President and the construction works of several other courts are now being carried out. The commencement of construction works of court complexes in Ratnapura, Welimada, Theldeniya and Kilinochchi took place in 2018.

Well established and quite safe residential facilities are very essential for Judicial Officers to administer the justice independently. This year, construction works of Judges' official residences in Bibila, Siyambalanduwa and Polonnaruwa have been completed and construction works of further official residences for Judges have already been given priority. The Sri Lanka Judge's Institute has conducted 24 local and foreign seminars, workshops and training courses during the year with the objective to advance the professional expertise of the Judicial Officers.

In view of those who have been unable to have the redress of the justice on the ground of poverty and ignorance, 85 Legal Aid Centres have already been established throughout the country so that general public stricken by poverty are given easy access to justice. Accordingly, 163,180 persons who have reached Legal Aid Centres have been provided with legal aid. The National Authority for the Protection of Victims of Crimes and Witnesses have already proceeded to initiate steps in respect of 86 complaints received both from the general public and many public institutions.

As a result of the Cabinet reshuffle during the end of year, matters relating to prisons and community based corrections were entrusted with this Ministry. Two proposals; one to introduce new technology to avoid illegal acts within the prisons and other to establish export-oriented production villages in terms of agricultural and industrial products have been submitted for the Budget - 2019. At present nearly 24,000 inmates are detained in the prisons. In order to relieve the prison overcrowding, commutation of sentences are being carried out on identified basis. During the year, the Department of Community Based Corrections has obtained 12,783 community based correction orders in respect of minor offenders.

The Ministry of Justice including the Departments and Institutions coming under its purview have achieved their objectives by better using financial provisions made available to them by the Department of the National Budget for the year 2018. Accordingly, they have recorded a progress in terms of average recurrent expenditure by exceeding 96% and as well as by exceeding 74% in terms of average capital expenditure. I wish to note that in 2018, the Courts Administration Division has collected revenues that exceeded the estimated amount.

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

Finally, I would like to express my sincere gratitude to Hon. Thalatha Atukorale for firm guidance in order for the Ministry of Justice and Prison Reforms and as well as the Departments coming under its purview to achieve significant progress in the judicial field. Similarly, I also extremely grateful to the staff of the Ministry and all Heads of Departments under the Ministry for their invaluable assistance to make this task a great success.

R.M.D.B.Meegasmulla
Secretary
Ministry of Justice and Prison Reforms

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Ministry of Justice and Prison Reforms

THE VISION

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

THE MISSION

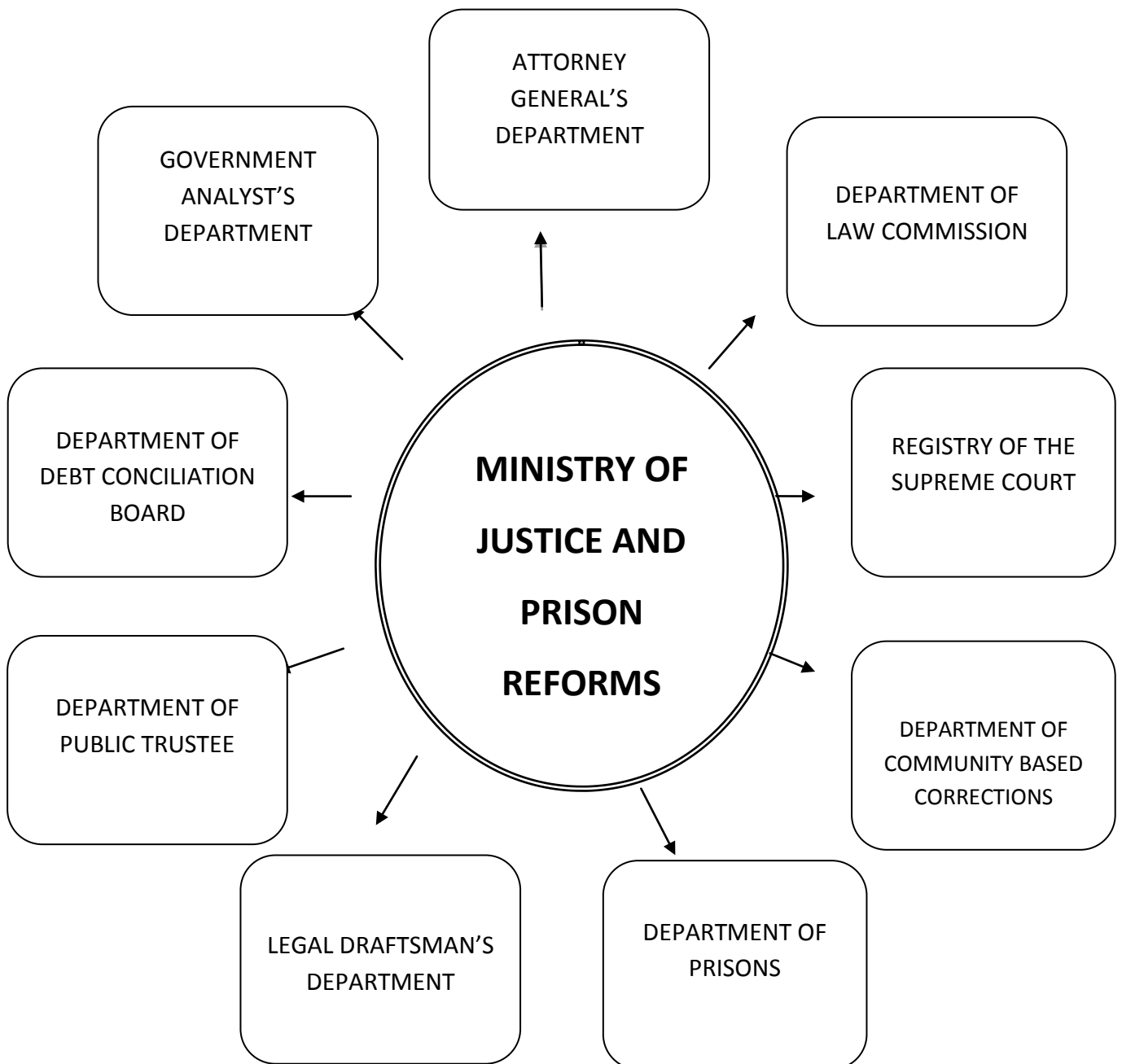
- ❖ Formulation and implementation of policies, plans and programmes aimed at the efficient and meaningful administration of justice;
- ❖ Law reform for greater recognition, protection and promotion of the rights of the citizens.

02. FUNCTIONS OF THE MINISTRY OF JUSTICE AND PRISON REFORMS

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

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

DEPARTMENTS COMING UNDER THE PURVIEW OF THE MINISTRY OF JUSTICE AND PRISON REFORMS



**INSTITUTIONS COMING UNDER THE PURVIEW OF THE
MINISTRY OF JUSTICE AND PRISON REFORMS**



04. FUNCTIONS OF THE DIVISIONS UNDER THE MINISTRY OF JUSTICE AND PRISON REFORMS

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

I. Legal Division

Formulation of policies to be in par with the international best practices and standards and creating new laws and amending the existing laws which are instrumental in the administration of Justice, publication and translation of law reports.

II. Establishment Division

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

III. Development Division

Planning Division discharges the functions relating to Planning the Projects, Progress, maintenance and supervision in the Ministry and the Departments coming under it. The Development Division involves in carrying out the development work and co-ordination in the Ministry and the Departments under the purview of it. The Engineering Division takes charge of Construction, Renovation and Maintenance, of Court Complexes, court buildings, Judges' Official Residences. All duties carried out by these three divisions are subject to the supervision of the Additional Secretary (Development).

IV. Prison Reforms Division

The duties entrusted with this Division include the improvement of physical resources and infra - structure facilities by way of implementation of prison reforms and as well as formulation, super vision and follow up of policies necessary to regularize and upgrade the inmate rehabilitation activities in keeping with the contemporary requirements.

V. Finance Division

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

VI. Internal Audit Division

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

05. PERFORMANCE OF THE MINISTRY OF JUSTICE AND PRISON REFORMS

5.1 LEGAL DIVISION

5.1.1 A brief outline of the Acts passed in Parliament and the proposed Bills to be submitted in Parliament by the Ministry of Justice with special reference to the period from 01st January to 31st December 2018.

a) Acts Passed

01. Judicature (Amendment) Act

This amendment which has taken the form of an amendment to the Judicature Act, No.02 of 1978 provides for the establishment of a permanent High Court at Bar in the Republic of Sri Lanka which will have three judges sitting together to try offences specified under the schedule listed in the Act.

The Attorney General or the Director General of the Bribery or Corruption Investigation Commission will, taking into account objective criteria such as the nature and circumstances of the offence, its gravity and complexity, institute proceedings in the Permanent High Court at Bar at the discretion of the Hon. Chief Justice. The proposed Bill was passed in Parliament as the Judicature (Amendment) Act, No.09 of 2018.

02. Trust (Amendments) Act

In order to combat the apparent risk of money laundering and raising funds in favour of terrorism, the Asia Pacific Group, by its evaluation, and the Financial Intelligent Unit, by its observations, have raised much concern and emphasized the urgent need to amend the above Act to suit the requirements of the international norms and to expand the scope of the provisions.

Incorporating the proposed amendments, the Act was passed in Parliament as the Trust (Amendment) Act, No.06 of 2018.

03. Mutual Assistance in Criminal Matters (Amendment) Act

Paying firm attention on representations being made by the Asia Pacific Group on Money Laundering and Raising Funds in Favour of Terrorism, and in compliance with the UN Convention on Anti Corruption and as well as the international obligations of the Budapest Convention on Cyber Crimes, the Mutual Assistance in Criminal Matters (Amendment) Bill was presented in Parliament.

Upon incorporating amendments agreed upon at the Committee Stage, the Mutual Assistance in Criminal Matters (Amendment) Act, No. 24 of 2018 was passed in Parliament. Based on the amendments, the order made in terms of Section 2 thereof was published in the Gazette Extraordinary No.2088/28 dated 11.09.2018.

04. Amendment to Rule 2 by the Incorporated Council of Education as per Section 7 of the Incorporated Council of Education Ordinance.

By this amendment, a post of Deputy Principal is expected to be created in the Sri Lanka Law College. The objective of this amendment is on the basis that there should be a second in command of the College in order to take away a part of the work load which presently falls on the Principal of the College. The amendments was passed in Parliament.

05. Minimum age limit of criminal responsibility

(a) Penal Code (Amendment) Bill

The proposed amendment specifies that nothing is an offence committed by a child under 12 years of age. The Bill provides that as regards a child above 12 years and under 14 years it is accepted that it is appropriate to confer discretion on a Magistrate to determine as to whether such child has the required degree of cognitive maturity to form the requisite intent or to entertain requisite knowledge which serves as the *mens rea* of the impugned offence committed by the relevant child. This Bill was passed in Parliament as the Penal Code (Amendment) Act, No 10 of 2018.

(b) Code of Criminal Procedure (Amendment) Bill

In addition to the above amendment to the Penal Code, this amendment is introduced to provide for the Magistrate to refer the child to a Government Medical Officer to examine and to have a report to the police indicating the Government Medical Officer's opinion on whether the child has attained sufficient maturity of understanding to judge of the nature and consequence of his conduct in the instance of his committing an alleged offence and whether the child is in need of any therapeutic intervention. This Bill was passed in Parliament as Code of Criminal Procedure (Amendment) Act, No 11 of 2018.

b) Proposed Bills

01. Children Protection Justice Bill

Upon the ratification of the UN Convention on the Rights of the Child, the need has arisen on the part of Sri Lanka to formulate immediate and long term responses to overcome the lacunas and barriers impeding the way for child care and the protection of juvenile justice system. Presently, the Children and Young Persons Ordinance, No.48 of 1939 applies to these matters. In order to give effect to the anticipated objectives and in compliance with representations made at the discussions had with the leading and principal stakeholders such as the line Ministries, the Department of Probation and Child Care, UNICEF in Sri Lanka, Police, Judicial Medical Officers and NGOs, approval of the Cabinet of Ministers was granted to repeal Parts I, II, V and VI of the above Ordinance and to draft an internationally recognized Bill incorporating the norms and standards embodied in the UN Convention on the Rights of the Child.

02. Obscene Publication Bill

The present law providing for matters pertaining to obscene publications mainly in respect of children is contained in the Penal Code enacted in 1883 as amended by an Act in 1995 and in the Obscene Publication Ordinance enacted in 1927 as amended by an Act in 1983. The provisions laid down in these two laws are totally inadequate to deal with the matters more particularly relating to crimes committed against children in the present context.

A Revised bill has been referred to the Attorney General for the certificate of constitutionality.

03. Notaries Ordinance (Amendment) Bill.

Fraudulent transactions to perpetrate land frauds by forged attestation, sale upon forged instruments have become ever increasing To discourage the acts of fraudulence and swiftly bring the perpetrators before the law to be meted out with punishment, the need has arisen to insert amendments to the Notaries Ordinance for which approval of the Cabinet of Ministers has been granted.

Accordingly, the proposed Bill drafted incorporating the requirement for the use of bio-metric signatures at the time of attestation to prevent frauds has already been submitted to the Ministry of Home Affairs for further steps. Immediately upon the approval of the Cabinet Sub-Committee on Legislation was given to the proposed draft, it has been sent to the Legal Draftsman along with the observations being made by the Attorney General's Department. Notably, the observations of the Attorney General have also been sent the Ministry of Home Affairs and as well as to the Legal Draftsman. Subsequently, observations from the Bar Association of Sri Lanka were also obtained and certificate of constitutionality has been received for the revised bill. Accordingly, it has been informed of the fact that the finally drafted bill and the Cabinet Memorandum in that regard have been referred to the Minister of Home Affairs for signature.

04. Muslim Marriages and Divorce (Amendment) Bill

The final report incorporating amendments proposed to the Muslim Marriages and Divorce (Amendment) Act by the Committee chaired by Mr. Saleem Marzook, PC, retired Supreme Court Judge appointed by the Hon. Minister of Justice was presented to the Hon. Minister of Justice. Further discussion focusing attention on material contents of the report are now in progress with the Islam religious leaders, MPs and various organizations representing the Muslim community. In an attempt to reach an agreement, it is intended holding a discussion between Mr. Saleem Marsoof and Mr.A.W.A.Salam.

05. Power of Attorney (Amendment) Bill

The Legal Draftsman, having incorporated the observations made by the Attorney General, has sent the proposed Bill to the Ministry of Home Affairs. Subsequent to the receipt of the observation made to the Bill by the Bar Association of Sri Lanka, the Bill has been amended. The final Bill has been sent to the Ministry of Home Affairs by the Legal Draftsman's Department. Attorney General's certificate of constitutionality has been received. It has been informed of the fact that the Cabinet Memorandum in

that regard has been referred for recommendation of the Minister in order to submit the same to the Cabinet of Ministers for approval.

06. Code of Criminal Procedure (Special Provisions) Bill - (Access to Legal Counsel)

The Committee headed by the Attorney General appointed by the Hon. Minister of Justice to review the amendments proposed to be introduced to the Code of Criminal Procedure Act to give effect the right of persons arrested by the police to retain and consult an Attorney at Law, has prepared a draft Bill.

The draft Bill providing for matters that the law may be initially operative for a period of four (04) years from the date of enactment in the first instance reserving a discretion to decide any extension for a further period of operation thereafter based on an assessment of its potential operation during the initial period was submitted in Parliament. However, on the basis of the conclusion being mutually reached by this Ministry and the Ministry of External Affairs, the Minister has decided that there may be no need for the draft Bill to be enacted in Parliament.

07. Amendments to the Civil Procedure Code (Section 118, 119) - Appointment of Sworn Translators

There is no regularized procedure of appointing sworn translators at present and no proper method to monitor their professional conduct. Although the Section 119 of the Civil Procedure Code contains some provisions regarding the same it was noted that those provisions do not adequately address the existing issues.

As the Cabinet approval has been received to amend the Civil Procedure Code to overcome the prevailing issues, the Legal Draftsman has forwarded the draft legislation. Currently, after review by the Ministry of Justice, the revised Bill has been referred to Legal Draftsman for the preparation of final draft Bill. However, at present this matter is under further discussions as it has been submitted that these issues may be resolved by way of administrative means.

08. Proposed Amendments to the Partition Act

The proposed draft intends to amend Partition Act to provides for the "Paraveni Nilakaraya" enabling him to initiate a partition action or to bring an action with regard to a land belonging to "Panguwa". The proposed law is intended to be brought to incorporate all pending litigations applying retrospectively. The amended Bill accordingly drafted has been referred to the Attorney General and further discussions focusing attention on the observations of the Attorney General are to be conducted with the Department of Law Commission.

09. Judicature Act No.02 of 1978 (Amendment to Section 45)

Currently, Justices of the Peace are ordinarily appointed to Judicial Zones. However, as this procedure has emerged in certain instances to raise numerous difficulties, this new amendment has been brought whereby Justices of the Peace are to be appointed to Judicial Districts other than Judicial Zones with the objective to relieve prevailing issues. Accordingly, the Minister has submitted a Cabinet Memorandum seeking

approval of the Cabinet of Ministers to publish the proposed Bill in the Government Gazette and to present same in Parliament for approval. The proposed Bill contains amendments that *inter alia* includes,

- 1) Incorporating provisions relating to matters of termination, cancellation and suspension of appointments of the Justices of the Peace;
- 2) Absorption the Justices of the Peace already appointed to Judicial Zones to Administrative Districts;

10. Amendments to the Penal Code to extend the permitted instances of medical termination of pregnancy and consequential amendments to the Code of Criminal Procedure Act

The objective of bringing this new amendment is to extend the permitted instances of medical termination of pregnancies under safe and legal abortion procedures with the consent of the woman concerned or in case of the victim became a minor girl, with the consent of her guardian on following instances:-

- Pregnancy on rape and incest,
- Pregnancy occurring in a girl below the age of 16 (A victim of a statutory rape) and
- Serious foetal impairment.

Based on the recommendations as specified in the Cabinet approval in respect of the proposed amendment, the Minister of Justice proceeded to conduct a dialogue with the Ministers of Religious Affairs and as well as religious leaders. Meanwhile, a special discussion chaired by His Excellency the President was held at the Presidential Secretariat on 06th September, 2018 in furtherance of this amendment and it has been decided to have further discussions with the participation of religious leaders.

11. Proposed amendments to the Penal Code (Marital rape and gross indecency between male persons - Section 365A)

The Committee chaired by a Supreme Court Judge appointed to look into the matters pertaining to the proposed amendments is now considering the amendments to be made to the Penal Code and the Code of Criminal Procedure.

12. Amendments to the Debt Conciliation Ordinance No. 39 of 1941

This Ordinance provides for the establishment of Debt Conciliation Board and for matters connected with or incidental thereto. The proposed amendments have been brought for establishment of branch boards in various parts of the country to popularize the Debt Conciliation Board presently restricted to the capital city of Colombo in order for the general public to have an easy and convenient access.

The Proposed amendments to the Ordinance incorporating an increased number of members to cater to the need for the establishment of branch boards throughout the country and the revision of selection criteria have been presented in Parliament for approval.

13. Bill to amend the Code of Criminal Procedure Act (Empowering the Magistrates to visit and supervise the police stations)

This amendment to the Code of Criminal Procedure Act empowers the Magistrate to visit police stations situated within the judicial divisions to which he is appointed enabling him to supervise the suspect who is being held in police custody in such

police station, at least once in every month. The proposed Bill has been referred to the Attorney General for his certificate of constitutionality indicating as to whether the Bill is consistent with the constitution.

14. Draft Bill relating to Prisons:

These amendments enable the establishment of prisons to hold and detain prisoners in prison custody, for provision of care and rehabilitation to detainees, treatment to prisoners in terms of internationally recognized principles, for management of prisons, for repealing chapter 54 of Prison Ordinance and for matters connected therewith and incidental thereto.

The proposed Bill drafted by the Legal Draftsman upon considering the Attorney General's observations is now under further study.

15. Obtaining of damages on a death of a person

This amendment enables a party to recover damages for mental pain and suffering where a defendant dies as a result of negligence or carelessness of a third party. The proposed amendment has been presented in Parliament for approval.

16. Amendment to the Criminal Procedure Code (Making mandatory day to day trials and provisions of pre-trial Procedure)

As a firm remedy for enormous backlog of court cases of grave crimes in consequence of undue delay encountered in the course of administration of system seriously undermine and subverts the public confidence towards the judicial process. Taking all these as matters of concern, to expedite trials, the Criminal Procedure Code has been amended to introduce -

- I. Making mandatory day to day trials in the High Courts as regards certain identified offences:
- II. Assigning of basic/pre-trial matters specified in law to a separate Judge to take up for designated period of time other than a trial judge.

Upon the receipt of approval of the Cabinet of Ministers, the final Bill submitted by the Legal Draftsman has been sent the Attorney General.

17. Amendment to the Code of Criminal Procedure Act (Dispensing with the requirement of personal attendance of suspect/accused persons in Court under certain identified circumstances)

The proposed amendment is to provide a response to contemporary issues plaguing the criminal justice system of Sri Lanka, particularly the occurrence of several unfortunate and violent incidents in the recent past when transporting prisoners to court. These incidents have resulted in several deaths and have raised serious concern over the safety of prisoners, prison staff and the general public at large and the entire criminal justice system. The extension of remand orders is mechanical in instances where the Magistrate is not empowered to grant bail, thus calling these matters in court is a waste of valuable judicial time impacting on the efficacy of the criminal justice system. In the circumstances, the amendment recommends to introduce a new provision to lay down a procedure which does not require the suspect or the accused

person to be produced in person before the Magistrate for purposes of the order relating to the committal to remand custody whilst retaining the requirement to supervise the wellbeing of the prisoner and thereby ensuring that a rights of a person to a fair trials are not violated under certain identified circumstances.

Upon the receipt of approval of the Cabinet of Ministers, the final Bill submitted by the Legal Draftsman has been sent the Attorney General seeking the certificate of constitutionality.

18. Amendment to the Declaration of Assets Law No.1 of 1975

The Declaration of Assets Law No.1 of 1975 ensures that certain specified categories of persons should make periodic declarations of their own assets and liabilities in and outside Sri Lanka and to provide for investigations to be conducted upon complaints being made against a person to whom the law applies. The law provides that any person who fails without reasonable cause to make any declaration of assets and liabilities which he is required to make, shall be liable to a fine or to imprisonment. This amendment is to increase the amount of fine or imprisonment for the offence of failing without reasonable cause to make any declaration of assets under the law. The Cabinet Memorandum has been submitted to amend the fine and penalty. The final Bill incorporating the recommendations based on the Cabinet decision has been sent to the Attorney General to obtain the certificate of constitutionality. However, Commission to Investigate Bribery or Corruption has informed that action is being taken to amend the said Act, and other Acts incidental thereto. Therefore, discussion is now in progress on the requirement for proposed amendments.

19. Bill regarding the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and on their Destruction (Ottawa Convention)

The joint Cabinet Memorandum on the above subject submitted by His Excellency the President, as the Minister in charge of the subject of Defense, Ministry of Prison Reforms Rehabilitation, Resettlement & Hindu Religious Affairs and Ministry of Foreign Affairs has been granted approval by the Cabinet of Ministers to include Sri Lanka to the above Convention.

On the basis of the approval being already granted, the Legal Draftsman's Department formulated a draft bill to draft necessary legislation vesting powers to enforce the provisions in respect of the aforesaid Convention.

5.1.2 Sri Lanka Law Reports

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

5.1.3 Implementation of International Obligations

a) Task Force of Judicial and Legal Causes for Prison Overcrowding and Prison Reforms

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

The First Report of the Task Force of Judicial and Legal Causes for Prison Overcrowding and Prison Reforms was placed before Parliament. The Sectoral Oversight Committee on Legal Affairs (anti-corruption) and Media is considering the said report in that the recommendations contained therein, *viz.*

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

b) A committee appointed by the Hon. Minister of Justice for the commutation of death sentence, life imprisonment and of the sentence of imprisonment of more than 20 years.

The committee appointed by the former Minister of Justice to make recommendations on commutation of death sentence, life imprisonment and of the sentence to imprisonment of long term has now interviewed the prisoners who have been serving sentence of imprisonment for long period of time. According to the records available, as of date, 245 prisoners serving a long period of sentence have already been called for interviews.

As an initial step based upon the outcome of the interviews, reports in respect of 28 prisoners have been sent to His Excellency the President along with the recommendations of the Minister of Justice and Prison Reforms for commutation of sentences or discharge as the case may be. His Excellency the President has granted approval in that regard and the Commissioner General of Prisons has been informed to take action accordingly.

c) Civil Aspects of International Child Abduction Act, No.10 of 2001

Progress of applications received pertaining to children who are accompanied to other country from Sri Lanka.

The Country into which the children have been taken	Number of requests received
Australia	02

Progress of applications received pertaining to children who have been brought to Sri Lanka from foreign countries.

The Country from which the children have been taken	Number of requests received
Australia	03
Italy	02
Japan	01
France	01
New Zealand	01

d) Applications under Transfer of Offenders Act No. 05 of 1995

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

Accordingly, one Sri Lankan convicted of offences in United Kingdom has been transferred to Sri Lanka within this year to serve the balance term of imprisonment.

An agreement, between Sri Lanka and Thailand was signed within this year, for transfer prisoners.

e) Treaties in respect of mutual assistance in criminal matters

With the objective to enforce the provisions pertaining to mutual assistance in criminal matters, Sri Lanka has ratified and signed international treaties with China, United Arab Emirates, India, Thailand, Belarus, Pakistan, Ukraine and Russia. A MOU by and between Sri Lanka and New Zealand has also been signed in this regard.

In mutually assisting in criminal matters, the treaties are intended to improve effectiveness of investigation, prosecution, prevention of crimes and in certain instances the confiscation of criminal proceeds whilst implementing the findings of the criminal proceedings.

f) Matters relating to service of court processes issued by Sri Lankan Courts to defendants/witnesses proceeded overseas

By virtue of the authority provided for by the Mutual Assistance in Civil and Commercial Matters Act, No. 39 of 2000, 429 summonses issued by the Courts throughout the country during the period from 01st January, 2018 to 30th December, 2018 have been directly served to the addresses appeared in such court processes through the Ministry of External Affairs as enumerated below.

Country	Number of summons issued	Country	Number of summons issued
Canada	22	Scotland	02
China	08	Malaysia	02
Bahrain	03	Russia	08
Haiti	01	Seychelles	01
Cyprus	07	Singapore	05
Denmark	04	Netherland	05
Poland	04	New Zealand	08
Malta	03	Philippines	02
Austria	06	Maldives	02
France	13	Switzerland	03
German	08	United Arab Emirates	34
Doha Qatar	15	Oman	02
Jordan	07	Pakistan	01
Spain	02	Sweden	05
Iran	03	Iceland	01
India	19	United Kingdom	62
Czechoslovakia	01	USA	29
Ireland	02	Korea	05
Israel	12	Saudi Arabia	18
Italy	51	Kuwait	06
Japan	14	Egypt	01
Australia	19	Greece	01
Afghanistan	01	Lebanon	01
Total			429

g) Matters relating to service of court processes/requests issued by foreign Courts to defendants/witnesses in Sri Lanka

85 requests for the service of court processes under the Mutual Assistance in Civil and Commercial Matters Act, No.39 of 2000 have been received from foreign countries as listed below.

Country	Number of requests received	Country	Number of requests received
Belarus	01	Rumania	01
Canada	13	Netherland	01
United Kingdom	01	Bulgaria	01
France	12	Poland	01
German	04	Egypt	01
Czech Republic	01	Switzerland	05
India	12	Portugal	01
Italy	08	USA	06
Japan	04	Singapore	03
Korea	04	Australia	01
Latvia	01	Denmark	01
Qatar	01	China	01
		Total	85

In terms of the Mutual Assistance in Criminal Matters Act, No.25 of 2002, 05 requests have been received while 25 requests have been referred to foreign countries from Sri Lanka.

5.1.4 The National Task Force Against Human

In 2010, the Ministry of Justice set up the National Task Force Against Human Trafficking. The NAHTTF acts as a National Coordination Body in taking charge of coordination, convening meetings, conducting discussions etc. in respect of matters of concerns against human trafficking. The objective of the NAHTTF is to strengthen the coordination among the State agencies so as to expedite the institution of prosecutions and to tighten the security and protection of the victims. The NAHTTF represents all most all State agencies identified to be accountable for addressing issues pertaining to incidences of human trafficking.

The NAHTTF_ has developed standard operational procedures pertaining to identification of victims of human trafficking, reference for counseling, enhancement of protection of victims and the standard operational procedures were implemented in March, 2015 based on the approval of the Cabinet of Ministers. The NAHTTF has given emphasis and has paid special attention to the capacity building training programme to be conducted for the Sri Lanka Police and as well as other public officials.

In pursuance of the request being made by the NAHTTF, the Criminal Investigation Department has set up a special police unit to deal with and expeditious disposal of cases relating to human trafficking. As a recognition and identification of the efforts of the Sri Lankan Government to combat the human trafficking in Sri Lanka, the

US State Department has upgraded Sri Lanka into tier 2, from tier 2 watch list in terms of the US Department report of 2017 and as a result of the successful performance of the NAHTTF, there are potentials to continue the tier 2 in the year 2018.

In pursuance of a project proposal report submitted by the Ministry of Justice, the International Organization for Migration (IOM) in collaboration with the Ministry of Justice implemented a project in May 2017 against the human trafficking upon the approval by the Australian Government. The project focuses on training of trainers programs (TOT) for selected government officials in 06 selected districts, broadcasting of TV advertisements to make the general public aware of prevention of the occurrence of the incidents of human trafficking etc. As a result of the success of the previous initiatives, in 2018, this programme has been further expanded in 03 districts.

5.1.5 Special projects implemented under the Ministry

a) Asian Development Bank (ADB)

Technical Assistance Project on Sri Lanka: Strengthening efficiently the judicial sector focusing on investment and commercial law aspects.

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

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

At the 1st step of the project, a comprehensive study will be undertaken through a need assessment and a strategic Action Plan (SAP) will be developed to serve as the road map for improving the legal regulatory framework of the judicial sector to make the sector more relevant and effective for investment, commerce and business in Sri Lanka.

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

This TA will be executed through the ADB office of the General Counsel and the MOJ will be the main implementing agency in coordination with the relevant stakeholders. Accordingly, consultants to the project have been appointed and project works have now commenced. Presently, need assessment is being carried out while collecting data necessary for the strategic plan.

5.1.6 Other functions

a) **The Committee appointed by the Minister of Justice to make amendments to the Civil Procedure Code**

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

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

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

The Committee has now submitted three interim reports to the Hon. Minister of Justice and Prison Reforms.

c) **A committee to amend legislation providing for fines**

This committee has met and considered the Penal Code, the Code of Criminal Procedure Act, Vagrants Ordinance and Bail Act, and is engaged in reconsidering the rates of fine provided for in these laws.

5.2 ESTABLISHMENT DIVISION

The Establishment Division carries out establishment functions in respect of Ministry of Justice nine departments and ten institutions that are within the purview of the Ministry of Justice and Prison Reforms. This division has also takes charge for the assurance of trained and skillful human resource, provision of facilities necessary for efficient administration and justice and coordination of such other related activities. These among other matters include arrangement for approval or cadres, preparation of recruitment procedures, selection for eligible recruitments, appointments, trainings, transfers, promotions and disciplinary control, overtime payments, provision of loan and advances, and issuance of internal circular as and when necessary.

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

5.2.1 Court Administration Division

The Establishment Division performs all establishment activities pertaining to 5609 officers except for officers in the Scheduled Service appointed by the Judicial Service Commission to serve in the courts throughout the island.

5.2.1.1 Creation of Posts

The approval has been received on 19.03.2018, 17.05.2018 and 16.08.2018 from the Department of Management Services to increase the following posts.

Designation	No. of Posts			Total
	Magistrate's Court, Homagama	Magistrate's Court, Kaduwela	Magistrate's Court, Narammala	
Development Officer	03	03	03	09
Process Server and Writ Executor	04	04	04	12
K.K.S.	03	14	11	28
Court Security	02	02	-	04
Total	12	23	18	53

The necessary applications have been submitted on 11.04.2018, 10.04.2018 and 10.05.2018 to the Department of Management Services for the Creation of following posts.

Designation	No. of Posts	Total
	Additional Magistrate's Court, Kandy	
Development Officer	03	03
Process Server & Writ Executor	03	03
Court Crier & Usher	01	01
Court Security	02	02
Fiscal Peon	02	02
K.K.S.	12	12
Fiscal Matron	02	02
Total	25	25

5.2.1.2 Recruitments

Category or Post	Executive	Tertiary	Secondary	Primary	Total
K.K.S	-	-	-	244	244
Server & Writ Executor	-	-	-	119	119
Crier & Usher	-	-	-	17	17
Court Security	-	-	-	156	156
Fiscal Matron	-	-	-	17	17
Fiscal Peon				16	16
Total	-	-	-	569	569

5.2.1.3 Provision of Communication Facilities

Communication Facility	No. of facilities available on 01.01.2018	No. of facilities provided upto 31.12.2018	No. of facilities provided from 01.01.2018 to 31.12.2018
Telephone facilities	533	543	10
Internal telephone networks	28	34	06
Internet facilities	142	155	13
Total	703	732	29

5.2.2. Departmental Administration

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

5.2.2.1 Creation of New Posts

Designation	Government Analyst's Department				Total
	Executive	Tertiary	Secondary	Primary	
Deputy Government Analyst	02	-	-	-	39
Deputy Government Analyst for questioned documents	02	-	-	-	
Assistant Government Analyst for questioned documents	04	-	-	-	
Assistant Government Analyst	16	-	-	-	
Typist	-	-	10	-	
Driver	-	-	-	04	
Department of Public Trustee					
Legal Officer	01	-	-	-	01
Total	26	-	10	04	40

5.2.2.2 Recruitment

Institution	Post	No.	Total
Attorney General's Department	State Counsel	50	206
	Assistant State Counsel (Probationary)	30	
	K.K.S.	114	
	Driver	12	
Department of Public Trustee	Driver	01	01
Government Analyst's Department	Driver	02	02
National Authority for Protection of Victims of Crimes and Witnesses	Assistant Director (Admn.)	01	04
	Driver	03	
Supreme Court	Head Peon	01	12
	Legal Examiner	11	
Department of Debt Conciliation Board	Public Management Assistant	03	04
	Driver	01	
Court of Appeal	Deputy Registrar	02	04
	Book Binder	02	
Legal Aid Commission	Management Assistant (Non Technical)	02	02
Department of Prisons	Assistant Superintendent of Prisons	09	09

Application called on 15.11.2018 to recruit 35 vacancies in the post of Stenographer for Labour Tribunal Secretariats.

5.2.3 Internal Administration

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

5.2.3.1 Administration Unit

5.2.3.1.1 Creation of Posts

Post	Executive	Tertiary	Secondary	Primary	Total
Additional Secretary (Prison Reforms)	01	-	-	-	01
Director (Investigation)	01	-	-	-	01
Assistant Director/ Deputy Director	01	-	-	-	01
Total	03	-	-	-	03

5.2.3.1.2 Recruitments

04 Technical Officers have been recruited with effect from 06.06.2018.

5.2.3.1.3 Training and Skills Development

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

(a) Local Training

Group of Officers	No. of Officers	Total Expenditure (Rs.)
Staff Officers	73	1,832,676.00
Group of Non Staff Officers	146	888,700.00
Total	219	2,721,376.00

42 trainees, who are sent to this Ministry from Vocational Training Institutions, affiliated to the Government and State Universities were provided practical Training.

(b) Foreign Training

Group of Officers and nature of training	Number of Officers	Total Expenditure (Rs.)
Officers attached to the Ministry - Conference	07	5,100,343.38
Officers attached to the Ministry - Training	19	4,938,407.21
Accountants attached to the High Court- Training	1	559,492.00
Total	27	10,598,242.59

5.2.3.1.4 Disciplinary Inquiries

a) Preliminary inquiries

During the period from 01.01.2018 to 31.12.2018, 26 preliminary inquiries have been commenced. Notably, 05 pending preliminary inquiries with reference to previous years have been concluded.

b) Formal Disciplinary Inquiries

During the period from 01.01.2018 to 31.12.2018 two formal disciplinary inquiries have been initiated and 09 formal disciplinary inquiries not concluded during the previous year have been dealt with upon entering disciplinary orders.

5.2.3.1.5 Approval of Loans

Category of Loan	No. of Officers	Amount (Rs.)
Property/ Housing	04	8,628,640.00
Distress	194	21,028,376.00
Festival	182	1,820,000.00
Special	74	296,000.00
Bicycle	-	-
Total	454	31,773,016.00

5.2.3.2 Justice of the Peace Unit

Appointment	No. of appointments
For Whole Island	5,088
For a judicial zone designated in the Letter of Appointment	2,332
Total	7,420

5.2.3.3 Inquirer into Sudden Deaths and Judicial Medical Officers' Unit

(a) Inquirer into Sudden Deaths

There are 460 Inquiries into Sudden Deaths serving throughout the island to better ensure the effective administration of justice.

Accordingly, the Division is engaged in appointing Inquirers into Sudden Deaths and re-demarcating and updating the Inquirer into Sudden Deaths Divisions for the convenience of the general public.

Inquirers into Sudden Deaths were appointed for following districts are as follows:-

District	Number of Inquirer into Sudden Deaths
Jaffna	03
Vavunia	01
Kilinochchi	01
Mannar	01
Matara	13
Colombo	01
Kegalle	01
Galle	01
Kurunegala	01
Total	23

(b) Judicial Medical Officers

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

5.2.3.4 Justice of the Peace and Un-Official Magistrate's and Commissioner for Oaths

(a) 19 Attorney-at-Laws having secured 15 years of professional experience have been appointed under the review to be the Justices of the Peace and Un-official Magistrates during the period from 01.01.2018 to 31.12.2018.

(b) 700 Attorneys-at-Law have been appointed as the Commissioner for Oaths during the period from 01.01.2018 to 31.12.2018.

5.2.3.5 Sworn Translators' Unit

The Civil Procedure Code provides for the appointment of Sworn Translators by District Judges. The necessary recommendation for such appointments is made by the Ministry of Justice.

Accordingly, 2101 Sworn Translators for Sinhala, Tamil, English and other foreign languages are working throughout the island.

The examination to recruit sworn translators was held on 30.06.2018 and the result was issued. The District Judges are to be informed about the selected persons.

Language to be translated	No. of Sworn Translators
Sinhala-Tamil	16
Sinhala-English	100
Tamil - English	20
Japanese-English	13
Japanese-Sinhala	05
French-English	01
French-Sinhala	01
Russian-English	01
Russian-Sinhala	01
Total	158

5.2.3.6 Transport Unit

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

78 vehicles have been allocated for High Court Judges and Judicial Officers under Expenditure Head 228.

Vehicles maintained under Expenditure Head 110 of the Ministry

Allocation of vehicles under Ministry Expenditure Head	Number of Vehicles
Hon. Minister and the Staff	08
Staff of the Ministry	13
Reserves	39
Total	60

Maintenance of vehicles during the period from 01.01.2018 to 31.12.2018

Object-Vehicle	Expenditure (Rs.)
110-1-1-1301	8,888,649.92
110-01-1-2003	3,170,775.70
110-1-2-1301	8,051,208.07
110-1-2-2003	2,242,031.05
Total	22,352,664.74

5.2.3.7 Staff Details as at 31st Dec. 2018 -Ministry of Justice and Prison Reforms

Cadre category	Approved Cadre	Actual Cadre	Cadre vacant
Senior Level			
Secretary	1	1	-
Additional Secretary (Administration)	1	1	-
Additional Secretary (Development)	1	1	-
Additional Secretary (Prisons)	1	0	1
Additional Secretary (Legal)	2	1	1
Additional Secretary (Judge)	1	1	-
Chief Financial Officer	1	1	-
Senior Assistant Secretary (Administration)	2	1	1
Senior Assistant Secretary (Legal)	1	1	-
Senior Assistant Secretary	1	1	-
Chief Accountant	1	1	-
Chief Internal Auditor	1	0	1
Director (Investigation)	1	0	1
Director (Planning)	1	1	-
Director (Engineer)	1	1	-
Assistant Secretary(Administration)	5	5	-
Assistant Secretary(Prisons)	1	1	-
Assistant Secretary(Legal)	4	4	-
Accountant	4	3	1
Assistant/Deputy Director -Planning	2	2	-
Engineer (Contract basis - 1)	3	3	-
Legal Consultant (Contract basis) to the Sub-committee on legislation	1	1	-
Legal Consultant (Contract basis)	-	1	-
Additional Editor (Contract basis)	-	1	-
Tertiary Level			
Superintendent of Translator	1	1	-
Administrative Officer	1	-	1
Translator	7	7	-
Information Technology officer	1	-	1
Translator (Contract basis)	-	1	-
Librarian (Contract basis)	-	1	-

Secondary Level			
Development Officer	63	46	17
Graduate Trainee	-	10	-
Accounts Assistant	1	-	1
Programme Assistant	-	1	-
Development Assistant	1	2	-
Financial Assistant	1	5	-
Public Management Assistant	66	64	2
Still Photography	1	02	-
Information and Communication Technology Assistant	2	02	-
Typist	10	4	6
Receptionist	2	2	-
Primary Level			
Technical Officer	24	19	5
Driver	30	25	5
KKS	50	49	1
Electrician	06	5	1
Plumber	06	5	1
Mason	05	3	2
Carpenter	05	5	-
Labour	10	8	2
Circuit bungalow keeper	02	2	-
Assistant Cameramen	01	1	-

5.3 DEVELOPMENT DIVISION

Planning Unit, Development Unit and Engineering Unit are functioning under the purview of the Development Division.

5.3.1 Planning Unit

5.3.1.1 Introduction

The Unit discharges the functions relating to identification, Progress review and supervision of the projects in the Ministry of Justice and Prison Reforms and the Departments coming under it, where the unit involves in matters that include.

- Identification of development projects relating to judicial sector.
- Submission of identified project to the Department of National Planning for approval.
- Submission of project proposals that are intended to be funded by foreign aid, to the Department of External Resources.
- Submission of cabinet memorandums in respect of new project proposals for preliminary approval.
- Incorporation of development projects of the Ministry to the investment plan.
- Presentation of capital budget estimates in respect of expenditure heads of the Ministry and Court Administration.
- Submission of budget proposals for the budget speech.
- Participation to progress review and reporting the progress to Departments concerned.
- Preparation of annual progress report of the Ministry to submit same to the budget debate.
- Presentation of annual performance report of the Ministry in Parliament.
- Arrangement for obtaining approval of the Cabinet of Minister where necessary for annual reports of the Department and Institutions which are within the purview of the Ministry and submission of such reports in Parliament.
- Preparation of cooperate, strategic and action plans for the Ministry.
- Co-ordination of district and regional development committees with regard to the development projects.
- Arrangement for following up development projects of the Ministry and the Department and Institutions coming under the purview of the Ministry.
- Collection of statistics pertaining to court cases throughout the country and compilation of annual statistical report.

5.3.1.2 Performance of achieved for the period from 01.01.2018 to 31.12.2018

a. Identification of development projects

i. Identification of development projects for the period of 2018-2021 to facilitate the government investment plan.

Department/ Institution	Development Projects			
	2018	2019	2020	2021
Ministry of Justice and Prison Reforms	Construction of Court Complexes in			
	Ratnapura, Welimada, Kilinochchi, Teldeniya, Pugoda and Kantale.	Mawanella, Walapane, Wakare, Helboda and Narammala.	Puttalam, Moratuwa, Potuwil and Baddegama.	Gampaha and Udugama
	Construction of court offices in Rambadagalla and Hatton.	Construction of Quarters for Judges in Akkaraipattu, Maho, Kuliypitiya, Embilipitiya, Nawalapitiya and Chilaw.	Construction of circuit bungalow at Kuchchaveli.	
		Extensive renovation of court complex in Mount Lavinia.		
		Digitalization of case records.		
Government Analyst's Department		Integrated ballistic identification system		
Department of Prisons	Construction of remand prison in Mannar.	Development of remand prison in Wariyapola, relocation of Matara Prison, Construction of official residences in Welikada, Anuradhapura, Kalutara and Mahara. Installation of CCTV cameras in the prisons.	Relocation of Galle Prison	
National Authority for the Protection of Victims of Crimes and Witnesses		Construction of head office complex.		
Legal Aid Commission		Construction of Legal Aid Centres in Dambulla and Kaduwela. Improvement of Legal Aid Centres in Polonnaruwa, Gampaha and Bandarawela.	Construction of Legal Aid Centres in Valachchenai, Siyambalanduwa and Pugoda. Improvement of Legal Aid Centres in Kuliypitiya, Anuradhapura, Balangoda and Mawanella.	Construction of Legal Aid Centres in Udugama and Deiyandara.

ii. Identification of 564 renovation Projects to be carried out in 2019 in respect of 164 courts.

b. Projects proposals in respect of which approval of the Department of National Planning has been sought

Department/ Institution	Project proposal
Ministry of Justice and Prison Reforms	Construction of court complexes in Mawanella, Walapane, Narammala, Wakare and Helboda and Renovation of court complex in Chila Court Building and Mount Lavinia.
	Construction of court production rooms in Akkaraipattu, Maho and Kuliypitiya.
	Construction of official residences for Judges in Chilaw, Embilipitiya, Nawalapitiya and Deiyandara.
	Digitalization of court case records.
	Granting of provisions to Sri Lanka Judicial Medical College to enhance the testing methods in respect of influence of alcoholism.
Department of Community Based Corrections	Correction of drug offenders addicted to illicit drugs under community-based correction orders.
	Introduction of treatment programmes to drug offenders addicted to heroin, in the Western Province under community based correction orders.
National Authority for the Protection of Victims of Crimes and Witnesses	Conducting Awareness programmes for Judges, Lawyers and Officers in charge of Police.
	Provision of facilities to victims of crimes and witnesses and conducting of inquiries under Section 13 of Act, No.40 of 2015.
Legal Aid Commission	Establishment of management methodology of Legal Section and Project Section of the Legal Aid Commission.
	Construction of Legal Aid Centres in Dambulla and Kaduwela.
	Regularization of the Programme Supported Division for expansion of legal aid assistance.
	Formalizing the programme Support Unit (PSU) to expand the Legal Aid Assistance for IDPs, Refugee Returnees, Women Headed Households, Families of Missing Persons and Migrant workers.
Superior Courts Complex Board of Management	Purchasing of central air conditioning chiller .

c. Following project proposals have been submitted to the Department of External Resources with the objective to raise foreign aid.

- ✚ Proposal for finding a potential foreign aid source so as to provide the Government Analyst 's Department with an Integrated Ballistic Identification System.
- ✚ Proposal for offering training to officers in the scientific service in the Government in collaboration with the KOICA.

- ✚ Proposal for providing the Government Analyst 's Department with a Data Analytical System and for offering training to officers in the scientific service in the Department in collaboration with the UNIDO.

d. Cabinet memorandums sent to the Cabinet of Ministers regarding the development projects are as follows.

1. A Cabinet Memorandum for the implementation of Court Automation Project through the funds made available by the Hungarian Government.
2. A Cabinet Memorandum seeking financial provisions through budgetary estimates for the correction of offenders addicted to illicit drugs.
3. A Cabinet Memorandum to purchase a Integrated Ballistic Identification System to the Government Analyst 's Department
4. A Cabinet Memorandum seeking budgetary provisions in order to purchase a chiller to the Superior Courts Complex Board of Management.

e. Submission of Budget Estimate

Capital budgetary estimate under the expenditure heads of the Ministry and the court administration for the year 2019 have been submitted to the Accounts Branch on 07.08.2018 so as to forward them to the Department of National Budget.

f. Submission of budget proposals

Following proposals have been submitted to facilitate the budget speech for the year 2019

1. Renovation and modernization of court buildings.
2. Digitalization of court case records.
3. Installation of latest technology to ensure the protective environment within the prison premises.
4. Awareness of general public on law.
5. Provisions of infrastructure facilities to courts.
6. Construction of official residences for judges in difficult areas.
7. Establishment of a export related production village

g. Submission of Action Plan

For the purpose of capital expenditure for the year 2018, Action Plan of the Ministry was sent on 15.02.2018 both to the Department of Budgets and as well as the Department of Project Management Services.

h. Progress review

i. Preparation of Progress Reports

Description of the Reports	No. of Report
Quarterly prepared progress reports for capital expenditure	04
Monthly prepared progress reports for development projects	12
Monthly reports of court renovation projects	12

ii. Conducting of Progress Review Meetings

Description of the Meetings	No. of Meeting convened
Meeting chaired by the Hon Minister to review the progress of the Departments/Institutions.	04
Meeting chaired by the Hon Minister to review progress of the development projects.	02
Meeting chaired by the Secretary to the Ministry to review the progress of development projects.	07
Meeting chaired by the Additional Secretary (Development) to review the progress.	10
Total	23

iii. Submission of Progress Reports

Departments/ Institutions	Progress
Presidential Secretariat	<ul style="list-style-type: none"> - Progress of the development projects that are being implemented by the Ministry and its Departments have been submitted on a quarterly basis. - The report setting out the progress of the development projects in respect of this Ministry for the period from January 2015 to 30th June, 2018 approved by the Cabinet of Ministers has been presented on 09.08.2018.
Prime Ministers' Office	<ul style="list-style-type: none"> - The progress both in respect of the projects implemented and completed from 2015 to 2018 and as well as the projects in perpetual nature has been submitted on 02.08.2018
Department of National Budget	<ul style="list-style-type: none"> - In compliance with the National Budget Circulars, financial and physical progress of the development projects has been reported monthly and quarterly in case of physical progress. - The progress of the implementation of budget proposals has been submitted on a monthly basis.
Department of Project Management and Supervision	<ul style="list-style-type: none"> - The progress of the development projects, the estimated cost of which exceeds Rs.500 million has been submitted on a monthly basis. - The overall progress of all development projects prepared in the relevant specimen format has been submitted on a quarterly basis.
Progress of the local and foreign development projects and budget proposals	<ul style="list-style-type: none"> - The relevant reports on progress have been forwarded on a quarterly basis to the Department of Project Management and Supervision, Presidential Secretariat and the Department of Government Information.
District Secretaries of Gampaha and Ratnapura	<ul style="list-style-type: none"> - The relevant action plans and progress reports in respect of the development projects implemented in these areas have been submitted to the District Co-ordination Committees.
Central Bank of Sri Lanka	<ul style="list-style-type: none"> - The necessary information required for the annual report of the Central Bank of Sri Lanka for the year 2017 have been submitted on 15.02.2018.

i. Submission of Annual Reports

In pursuance of the directions being specified in the public Accounts Circular No.402 and General Treasury Circular No.1/2004, the annual reports are submitted as follows:

Department/ Institution	Report	Progress
Ministry of Justice	Performance Report-2017	The report was submitted in Parliament on 30.05.2018 and was tabled on 07.06.2018.
Department of Public Trustee	Performance Report -2017	The report was submitted in Parliament on 11.06.2018 and was tabled on 22.06.2018.
Department of Law Commission	Performance Report -2017	The report was submitted in Parliament on 28.05.2018 and was tabled on 07.06.2018.
Legal Draftsman's Department	Performance Report -2017	The report was submitted in Parliament on 28.09.2018.
Department of Prisons	Performance Report- 2017	The report was submitted in Parliament on 23.05.2018 and was tabled on 07.06.2018.
Department of Debt Conciliation Board	Performance Report -2017	The report was submitted in Parliament on 26.06.2018 and was tabled on 04.07.2018.
Supreme Court Registrars' Department	Performance Report -2017	The report was submitted in Parliament on 28.06.2018 and was tabled on 17.07.2018.
Department of Community Based Corrections	Performance Report -2016 and 2017	The report was submitted in Parliament on 30.09.2018. and was tabled on 11 th Oct. 2018.
Sri Lanka Judges' Institute	Annual Report -2015	The report was submitted in Parliament on 19.02.2018 and was tabled on 05.04.2018.
Superior Courts Complex Board of Management	Annual Report -2015	The report was submitted in Parliament on 28.02.2018 and was tabled on 05.04.2018.

j) The Statistical Officer attached to this Division has collected the necessary statistical data from courts and prepared the reports both annually and biannually, the summary of which for the period from 01.01.2018 to 30.09.2018 is given below.

Court	cases brought forward from 2017	cases filed 01.01.2018 - 30.09.2018	cases concluded 01.01.2018 - 30.09.2018	cases pending as at 30.09.2018
Supreme Court	4,033	1,376	1,243	4,166
Court of Appeal	4,923	1,126	1,678	4,371
Commercial High Court	6,093	1,214	1,151	6,156
Provincial Civil Appellate High Court	5,914	2,307	2,114	6,107
High Court (Crimes)	17,395	8,786	8,927	17,254
District Courts	196,745	57,991	43,515	211,221
Magistrate's Courts	460,933	655,297	616,200	500,030
Children Magistrate's Court	1,280	183	224	1,239
Total	697,316	728,280	675,052	750,544

k) Special tasks

A special introductory session for foreign funding agencies focusing attention on the areas that must be strengthened in the judicial sector was held on 31.08.2018 at Hotel Galadari, Colombo chaired by Hon. Minister of Justice and Prison Reforms with the participation of Ambassadors and relevant officers representing the foreign funding agencies and the government institutions including the representative of the UNICEF.

5.3.2 Development Unit

The Development Division takes the charge of identification, clearance, transfer and acquisition of lands pertaining to various Courts, Departments and Institutions coming under the purview of the Ministry of Justice and Prison Reforms. It also involves in matters that includes taking the buildings on lease to house certain courts, institutions and official residences in respect of which the construction of buildings has not yet been completed. Further, the Division is engaged in calling for assessment reports with regard to all lands and buildings of courts throughout the country so that the values of such properties are entered and maintained in accounts.

5.3.2.1 Acquisition of lands to the Ministry of Justice and Prison Reforms and clearance of title in respect of land belonging to courts

Functions carried out by the Development Division in respect of clearance of title to the lands of courts and official residences during the period from 01.01.2018 to 31.12.2018 are listed below.

I Identification and Transfer of suitable lands for construction of courts, official residences and other buildings and construction of new courts

- a. During the year 2018, the Division has been in receipt of 07 Title Certificates in respect of lands on which courts and official residences are located. For the clearance of lands in respect of 22 courts, applications have been submitted to Divisional Secretaries concerned.
- b. Particulars in respect of 07 lands have been submitted to the Department of Survey to carry out surveys and demarcate the boundaries lands.
- c. Based on the recommendations of Hon. Chief Justice and the Sectoral Oversight Committee on Legal Affairs (anti-corruption) and Media, 03 Additional High Courts and a Special Trial at Bar were established on the following dates:
 - o Additional High Court, Gampaha - on 14.05.2018
 - o Additional High Court, Ratnapura - on 22.05.2018
 - o Additional High Court, Kandy - on 10.09.2018
 - o A Special Trial at Bar, Colombo - on 21.08.2018

II Updating of description of lands belonging to the Ministry

- a. Descriptions of lands have been called upon through a questionnaire being circulated among the High Court Registrars and Zonal Technical Officers for facilitating the clearance of title of lands and on the basis of the descriptions which the Division has received by way of the questionnaire, the Division is now busy engaging in summarizing the descriptions of lands relating to all courts and official residences belonging to each zone.
- b. Particulars of lands and buildings relating to 53 courts have been submitted to the Department of Valuation in order to carry out assessments in respect of such lands which have been transferred to the Ministry and the buildings located on such lands.

III Acquisition of lands for construction of courts

- Necessary arrangements pertaining to acquisition of the land belonging to the B.C.C. Lanka Limited are now in progress so as to construct the proposed New House of Justice Building Complex in Colombo.
- Necessary arrangements pertaining to acquisition of an allotment of land owned by Gampaha Municipal Council are now in progress so as to construct the front elevation and access road of Gampola Courts Complex.
- Necessary arrangements pertaining to acquisition of an allotment of land owned by the Land Reforms Commission are now in progress so as to construct the Welimada Court Complex.

5.3.2.2. Official ceremonies held during the year 2018 to mark laying of the foundation stones and declare opening of court buildings.

- a. Court Complex, Wattala was declared open by His Excellency the President on 31.05.2018.



- b. The foundation stone for the Court Complex, Ratnapura was laid by Hon. Chief Justice on 10.09.2018.



- c. The foundation stone for the Court Complex, Kilinochchi was laid by Hon. Chief Justice on 03.09.2018.



5.3.2.3. Taking on lease or rent the buildings for the Departments within the purview of the Ministry and for official residences for Judges.

- a) Lease Agreements have been drafted to take buildings on lease to house Labour Tribunals in Wattala, Matara, Galle, Ratmalana, Borella and Kurunegala.
- b) Lease Agreements have been drafted to take buildings on lease to house Provincial Civil Appellate High Court, Kurunegala and Circuit Magistrate's Court, Laggala.
- c) Lease Agreements have been drafted from 01.01.2018 to 31.12.2018 for 55 official residences, the particulars of which are given below:-

District	Number of Lease Agreements drafted			
	High Court Judges'/ Civil Appellate High Court Judges' Official Residences	District Judges'/ Addl. District Judges' Official Residences	Magistrates' /Addl. Magistrates' Official Residences	Total
Colombo	1	4	5	10
Ratnapura	1	1	3	5
Kurunegala	1	-	2	3
Kandy	-	2	2	4
Nuwara-Eliya	1	1	1	3
Matara	2	-	2	4
Galle	2	1	-	3
Kalutara	-	3	3	6
Anuradhapura	1	-	-	1
Puttalam	-	-	1	1
Ampara	1	-	2	3
Trincomalee	-	-	2	2
Kegalle	-	3	-	3
Gampaha	-	-	3	3
Avissawella	-	-	1	1
Chilaw	-	1	2	3
Total	10	16	29	55

5.3.3 Engineering Unit

5.3.3.1 Introduction

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

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

- a. The projects implemented by the Ministry mainly consists of,
- Large - scale construction (Major) projects implemented under the budget estimated provisions;
 - Small - scale construction Projects carried out under the budget estimated provisions;
 - Construction and renovation projects implemented using the provisions granted under the budget proposals;
 - Renovated projects carried out using the provisions granted under the object renovation through budget estimates;

b. 01-01-2018 to 31.12.2018 Summary of the Development Projects

	Number of Projects	Allocation for 2018 (Rs. Mn)	Financial Progress		
			Amount (Rs. Mn)	Bills in hand	%
<u>Major Projects</u>					
Projects - Budget Estimate	14	1,386.84	1,000.84	87.01	78%
Projects - Budget Proposal	06	920.26	240.65	352.77	64%
Sub Total	20	2,307.10	1,241.49	439.78	73%
<u>Small Scale Development Projects</u>	17	310.00	194.29	3.01	64%
<u>Rehabilitation</u>	532	230.00	221.80	-	96%
Total	569	2,847.1	1,657.58	442.79	73%

5.3.3.2 Projects which were completed from 01-01-2018 to 31.12.2018

Name of the Project	Total Cost Estimate (Rs. Mn)	Expenditure for 2018 (Rs. Mn.)	Note
Wattala Court Complex	345.46	37.05	Final Bill has to be paid.
Judges' Quarters Polonnaruwa	32.98	1.01	Cumulative Expenditure Rs.Mn 25.99. Final Bill has to be paid.
Judges' Quarters Bibila			
Judges' Quarters Siyambalanduwa	16.21	12.48	Cumulative Expenditure Rs.Mn 15.95
Child Friend Magistrate's Court , Ampara	6.4	1.34	Cumulative Expenditure Rs.Mn 3.14
Installation of Rack, Record Room Kandy	6.1	4.71	Cumulative Expenditure Rs.Mn 4.71 Final Bill has to be paid.
Mahawa Judges' Quarters	16.57	12.48	Cumulative Expenditure Rs.Mn 17.92 with additional works

Wattala Court Complex



Judges' Quarters Bibila



Judges' Quarters Siyambalanduwa



Judges' Quarters Polonnaruwa



5.3.3.3 Continuation Projects which are being implemented in 2018

Project	Project Period	Contract Sum Rs.Mn	2017.12.31 Cumulative Expenditure Rs.Mn	2018 Allocation Rs.Mn	Expenditure upto 2018 .12.31 Rs.Mn	Bills in Hand (Rs.Mn)	Financial Progress %	Physical Progress %
Matara Court Complex	2016-2019	1101.64	543.29	300	293.4	-	98%	83%
Galle Court Complex	2013-2017	823.15	378.31	162.74	-	-		47%
Gampola Court Complex	2017-2020	422.95	107.9	89.86	46.03	31.24	51%	37%
Mullaitivu Court Complex	2017-2020	408.97	93.78	117	116.87	-	99.8%	42%
Mankulam Court Complex	2017-2020	396.75	110.62	160	103.95	55.76	65%	54%
Polonnaruwa Court Complex	2017-2019	327.75	96.68	85.28	77.34	-	91%	39%
Anuradhapura Court Complex	2017-2019	317.4	67.36	85.28	58.06	-	68%	45%
Ruwanwella Court Complex	2017-2019	235.86	71.03	62.10	58.85	-	95%	53%
Jaffna Court Building	2017-2019	207.46	49.5	110.00	103.15	-	94%	61%
Circuit Magistrate's Court , Madavachiya	2017-2019	130.92	1.47	36	34.64	-	96%	15%
Kahatagasdigiliya , Circuit Magistrate's Court ,	2017-2019	97.06	1.09	29	28.05	-	97%	17%
Luggala Court Building	2017-2019	70.95	1.1	35	28.05	-	80%	33%
Matale High Court	2017-2019	37.26	7.91	25.36	10.56	-	42%	70%
Kalmunai Civil Appellate High Court	2017-2019	82.45	0.84	57.00	56.81	-	99.7%	67%
Walasmulla New Court Building	2018-2019	68.9	14.62	14.5	14.37	-	99%	31%
Installation of LIfts	2017-2018	32.57	7.4	14.00	13.59	-	97%	-
Hatton Magistrate's Court Record Room and Office Building	2017-2018	28.03	7.9	20.13	17.58	-	87%	95%
Judge's Quarters, Puttalam Hgh Court	2017 - 2018	18.35	5.5	-	10.75	-	-	95%

Galle Court Complex



Matara Court Complex



Gampola Court Complex



Ruwanwella Court Complex



Jaffna Court Building



Mullaitivu Court Complex



Mankulam Court Complex



Polonnaruwa Court Complex



Anuradhapura Court Complex



Matale High Court



Kalmunai Civil Appellate High Court



Walasmulla New Court Building



Mawanella Court Record Room



Hatton Magistrate's Court Record Room and Office Building



5.3.3.4 Projects which are being implemented in 2018

Project	Project Period	Contract Sum Rs.Mn	2018 Allocation Rs.Mn	Expenditure upto 2018 .12.31 Rs.Mn	Bills in Hand (Rs.Mn)	Financial Progress %	Physical Progress %
Ratnapura Court Complex	2018-2021	2380.5	435	150.00	284.51	99.9%	5%
Kilinochchi Court Complex	2018-2020	379.5	110.00	40.00	68.25	98%	13%
Rambadagalla Magistrate's Court Building	2018-2019	13.91	1.00	-	-	-	-
Nochiyagama Court Building	2018-2019	25.92	3.5	3.30	-	94%	20%
Mawanella Production and Record Room	2018 -2019	10.00	10.00	4.98	-	50%	68%
Rambadagalla Judges Quarters	2018	14.94	87.33	-	-	38%	15%
Anamaduwa Judges Quarters	2018-2019	15.12		-	-		8%
Puttalam High Court Judges Quarters	2017-2018	18.35		9.54	-		81%
Kuliyapitiya , High Court Judges Quarters	2018 - 2019	20.25		-	-		32%
Moneragala, High Court Judges Quarters	2018	16.92		7.16	-		55%
Kuliyapitiya, District Court Judges Quarters	2018-2019	17.02		-	-		3%

5.3.3.5 Projects which are awarded recently.

- Pugoda Court Complex
- Teldeniya Court Complex
- Welimada Court Complex
- Navula Magistrate's Court Judges Quarters
- Wattala Court Complex Stage III
- Renovation works of District Magistrate's Court, Chilaw
- Renovation works of Commercial High Court, Colombo.

Procurement activities are now in progress

- House of Justice Project
- Kantale Court Complex

5.3.3.6 Rehabilitation Projects

Court Building that were renovated from 01.01.2018 to 31.12. 2018

	Court	2018 Allocation Rs.Mn	Number of Projects	Total Expenditure as at 31.12. 2018 Rs.Mn
01	High Court Colombo	51.71	97	51.71
02	High Court Kalutara	9.33	22	9.33
03	High Court Galle	15.07	56	15.07
04	High Court Matara	3.37	14	3.37
05	High Court Batticaloa	2.6	9	2.60
06	High Court Jaffna	5.35	28	5.35
07	High Court Negombo	2.69	14	2.69
08	High Court Gampaha	3.55	27	3.55
09	High Court Kurunegala	11.62	42	11.62
10	High Court Kandy	8.98	24	8.98
11	High Court Awissawella	13.42	25	13.42
12	High Court Ratnapura	14.57	35	14.57
13	High Court Badulla	7.13	12	7.13
14	High Court Anuradhapura	8.74	14	8.74
15	High Court Kegalle	4.01	15	4.01
16	High Court Chilaw	4.42	13	2.87
17	High Court Vavuniya	2.88	17	2.88
18	High Court Ampara	6.75	5	6.57
19	High Court Trincomalee	5.48	13	5.48
20	High Court Nuweraeliya	6.56	6	6.56
21	High Court Moneragala	4.65	12	4.65
22	High Court Polonnaruwa	4.44	20	4.44
23	High Court Kalmunai	4.88	17	4.39
24	High Court Tangalle	7.4	10	7.4
25	High Court Puttalam	2.24	15	2.24
26	Ministry	11.43	7	11.43
	Total	223.00	569	221

5.4 PRISON REFORMS DIVISION

5.4.1 Introduction

Prison Reforms Division involves in resolving matters pertaining to job-related issues of prison staff by way implementing extensive reforms in the prison administration while under scoring the formulation, supervision and follow up of policies so as to best ensure the firm regularization of principles of rehabilitation process with the objective to socializes the inmates to be of law abiding citizens immediately end of their spending of bitter experience. To accomplish the task, the Division takes the charge of duties which among other things include,

1. Prison reforms activities;
2. Release of prisoners on license scheme and handling matters relating to such prisoners who violates the conditions of license;
3. Activities in respect of home leave scheme available for prisoners,
4. Commutation of sentence based on good conduct of prisoners;
5. Handling files of youthful offenders who are be released;
6. Submissions of files seeking approval for pardon and activities relating to youthful offenders who violate prison conditions;
7. Matters pertaining to acquisition, transfer, recovery of possession and title clearance relating to land for the purpose of prison constructions;
8. Affairs in respect of construction works with regard to Department of Prisons and the Department of Community Based Corrections;
9. Decisions regarding security/guarantee bonds applicable to prison staff;
10. Affairs regarding the requests of prison inmates;
11. Activities relating to visiting committees of Prisons;
12. Submissions reports of review of prison inmates;
13. Affairs relating to transferring of prison inmates;

5.4.2 Implementation of Prison Reforms

5.4.2.1 Relocation of prisons in city centers to outstations.

It is the policy adopted by the government is to shift prisons in city centre located in highly valuable land in economic terms to outstations. This directly result in the prison overcrowding to be relieved. In an effort to succeed this initiative, Prison in Bogambara has already relocated in Pallekele.

In addition, the prison in Tangalle has been shifted to prison in Angunakolapelessa on 16.10.2017 constructed with the state of the art facility. Moreover, it is planned to relocate prisons in Kalutara, Galle, Trincomalee, Batticaloa Negombo and Kegalle and as well as Prison Complex in Welikada to such locations having adequate spaces.

Accordingly, Cabinet of Ministers granted its approval to commence construction activities of Matara Prison in 2019. Further, approval of the Cabinet of Ministers was also

obtained to expand the Wariyapola Prison. It is planned to commence proposed construction in 2020.

Acquisition of lands necessary to construct new prisons in Trincomalee and Batticaloa was already concluded. Clearance of lands for purpose for relocation of Negombo and Kegalle Prisons is now in progress.

Further, approval of the Cabinet of Ministers was obtained for the construction activities of 2nd Phase of Bogambara (Dumbara) Prison. It is planned to commence proposed construction in 2019.

5.4.2.2 Prison Information Management System

Presently, the Prison Information Management System is implemented in Welikada Prison. It has been planned to carryout networking of 12 prisons at the end of 2018 at an estimated cost of Rs. 35 million and pursuant to which, networking of 11 out of 12 such Prisons was completed by 31. 12. 2018. These include Colombo Remand Prison, new Magazine, Mahara, Pallekalle, Kuruvitta, Weeravila, Galle, Badulla, Anuradhapura , Negombo and Watareka Prisons. This proves that out of 35 Million Rupees, a sum of 31.127 Million Rupees has been incurred achieving a financial progress of 88.9% and a physical progress of 91.6%.

5.4.2.3 Restructuring of Prison Police Intelligence Unit

This Ministry has arranged to restructure the functions of the Prison Police Unit to combat and minimize various irregularities and corrupt practices continuously occurred in prisons. Accordingly, action has been taken to establish a Prison Police Intelligence Unit comprising of newly recruited officers and to offer them training by the Police Special Task Force.

5.4.2.4 Release of prisoners based on good conduct

Release of prison inmates who showed a good conduct and involved in rehabilitative activities successfully in prisons was carried out in the year 2018. These prison inmates were released based on licenses, good conduct and commutation of sentence and as well as on home leave as indicated below.

Serial No.	Type of commutation	Number of inmates released (from 01.01.2018 to 31.12. 2018)
1	Release on licenses	177
2	Home leave	378
3	Special Amnesty on - Independent Day	495
4	Special Public Amnesty - Wesak Poya Day	423

5.5 FINANCE DIVISION

5.5.1 Introduction

Finance Division holds responsible for affairs relating to accumulation of funds and financial management and control by way of efficiently, productively and economically utilization of funds with the objective to make available necessary physical resources and infrastructure in order to smoothly carry out the functions of the court system established for the administration of justice. It also involves in maintaining accounting activities and providing financial information to necessary parties.

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

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

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

5.5.2 Performance of as at 31.12.2018

The Department of National Budget has allocated a sum of Rs.1,066.8 million and a sum of Rs.9,725.03 million under the Expenditure Heads of Ministry Administration and Court Administration respectively during the year 2018. The financial progress achieved using the allocated fund is set out in the following table.

a) Expenditure Head 110 – Ministry of Justice

Description	Allocation -2018	Expenditure (as at 31.12.2018) (Rs. Mn)	Progress (%)
Recurrent Expenditure	922.5	834.4	90%
i. Personal emoluments	237.6	222.2	
ii. Travelling expenses	24.0	22.3	
iii. Procurements and others	660.9	589.9	
Capital Expenditure	144.3	61.3	42%
i. Restoration and development of assets	23.3	8.9	
ii. Acquisition of assets	23.2	3.4	
iii. Training and skill development	14.5	8.7	
iv. Others	83.3	40.3	
Total	1066.8	895.7	84%

b) Expenditure Head 228 – Courts Administration

Description	Allocation -2018	Expenditure (as at 31.12.2018) (Rs. Mn)	Progress (%)
Recurrent Expenditure	6,514.39	6,485.76	99% %
i. Personal emoluments	5,180.31	5,179.54	
ii. Travelling expenses	58.34	56.66	
iii. Procurements and others	1,275.74	1,249.56	
Capital Expenditure	3,210.65	1,925.08	59%
i. Restoration and development of assets	256.55	240.37	
ii. Acquisition of assets	124.00	109.63	
iii. Building constructions	2,692.10	1458.95	
iv. Training and skill development	118.00	100.16	
v. Others	20.00	15.97	
Total	9,725.04	8,410.84	86%

Progress of the Sub - Divisions of the Finance Division as at 31st December, 2018 is as follows.

5.5.2.1 Courts Administration Division

Monitoring and co-ordination of financial activities with regard to High Courts, District Courts, Magistrate's Courts and Labour Tribunals throughout the country are carried out through 25 Zonal High Court Accounts Divisions. One of the main duties of the Sub-Division is to distribute remittances collected by courts by way of fines, bail money and miscellaneous recoveries among the Central Government and the Provincial Councils. The particulars of revenues, deposit receipts, payments etc. as at the end of December, 2018 are as follows:-

(a) **Income :-**

Description	Estimates for the year 2018 (Rs.Mn)	Collection of revenues as at 31.12.2018(Rs.Mn)	Collection of revenues as at 2017 (Rs.Mn)
Collection of revenue by way of fines and confiscations	725.0	1,034.51	746
Collection of other form of revenues	238.63	265.59	389
Total	963.63	1,300.1	1,135

(b) **Deposits:-**

Description	Deposit Receipts (Rs. Mn.)	Deposit payments (Rs.Mn.)
Bail money deposits	418	689
Temporary withheld deposits for repayment to third parties	7,690	7,747
Remittances of revenues to provincial councils	3,069	3,372
Contract deposits	25	103
Tender deposits	10	11
Total	11,212	11,922

5.5.2.2 Procurement Division

With the objective to ensure the efficiency of the courts and to make the court works more convenient, the procurement of office equipment carried out during the period under review is listed in the following table.

No	Office equipment	Qty.	Value Rs (Mn)
01	Steel cupboards	110	10.1
02	Computer tables	250	
03	Computer chairs	500	
04	Chairs for clerks	250	
05	Printing machines	160	2.73
06	Other Supplies		3.01
07	Supply of equipment for High Court of Trial at Bar, Colombo		7.3
08	Computers	29	3.6
09	Purchase of Office equipment for 25 Judicial Zones and Furniture for Judge's Quarters		73.8
10	Audio Recording machines	205	5.2

5.5.2.3 Accounts Division

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

- i) Annual Budget estimates under Expenditure Head 110 and 228 have been Prepared and submitted to the Department of National Budget on 31/07/2018.
- ii) Annual Appropriation Account and other accounts for the year 2017 under Expenditure Head 110 and 228 have been prepared and submitted to the Auditor General prior to 31.03.2018.
- iii) Public officers Advance Account under Expenditure Head 110 and 228 have been finalized and the annual accounts have been submitted to the Auditor General prior to 30.04.2018.
- iv) Action has been taken to grant approval to coordinate the annual board of survey and to conduct auctions of the articles of the Ministry and the courts for the year 2016.
- v) Financial management and accounting activities of other departments and institutions coming under the Ministry of Justice are ordinarily co-ordinated.

- vi) Arrangements have been made to release sand and timber confiscated by courts among the places of religious worship under the directions set out in the Ministry of Justice Circular No.07/2018
- vii) By way of auction of articles confiscated by the courts, a sum of Rs.116.5 million has been collected as revenues as at 31/12/2018.

5.5.2.4 Payments Division

All the relevant recurrent and capital expenses of the following projects are ordinarily incurred under court Administration Head (110) by the Finance Division (Payments) .

110-1- Minister's Office

110-2-Administrative activities of the Ministry

110-3-Mediation Boards Commission

In addition payments of salaries to the officers coming under the Ministry Administration Expenditure Head, recoveries from revenues, control of receivables of deposits/payments and imprest are maintained and the total payments made as at 31st December 2018 was 895.7 comprising of Rs.834.4 million is for recurrent expenditure and Rs.61.3 million is for capital expenditure.

5.6 INTERNAL AUDIT DIVISION

5.6.1 Introduction

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

The cadre of the Internal Audit Division is consist of

- Chief Internal Auditor
- Chief Management Assistant
- 05 Financial Assistants
- 04 Development Officers
- 02 Management Assistants
- 02 K. K.Ss.

The officers above mentioned are engaged in auditing activities in the above institutions drawing special emphasis on system auditing. During the period from 01st January, 2018 to 31st December 2018 the division has completed 41 audit inspections in respect of the institutions which inter alia include

- 17 High Courts
- 11 District/ Magistrate's Courts
- 07 District Courts
- 11 Magistrate's Courts
- 02 Departments
- 04 audit inspection in the Ministry of Justice and Prison Reforms
- 02 Institution
- 03 special audit inspection

06. PROGRESS OF THE DEPARTMENTS AND INSTITUTIONS UNDER THE MINISTRY

6.1 ATTORNEY - GENERAL'S DEPARTMENT

Vision

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

Mission

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

Objective

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

6.1.1. Introduction

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

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

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

6.1.2 Role of the Attorney General's Department

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

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

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

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

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

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

6.1.3 Performance of each Division from 1st January 2018 to 31st December 2018 is as follows:

Division	Category of Cases	Files B/F from 2017	No. of Files Opened as at 31 st December 2018	No. of Concluded Files as at 31.12.2018	No. of pending Files as 31 st Dec: 2018
Civil Division	Advice Files	-	970	587	383
	Appearance Files	-	1,920	25	69
State Attorney's Division	From civil Division	8,173	2,404	3,840	6,737
	SB	348	115	294	169
	LA	13	04	03	14
	Total	8,534	2523	4,137	6,920
Criminal Division	1. Murder & Attempted Murder	14,080	812	935	13,581 (207 files have been sent back)
	2. Poisons, Opium & Dangerous Drugs Act (Heroin)		828	1,064	
	3. Child Abuse (Sec: 364 of Penal Code)		-	-	
	4. Rape (Sec: 365 of Penal Code)		288	343	
	5. Prostitution (Penal Code 360)		18	31	
	6. Offensive Weapons Act		70	164	
	7. Prevention of Terrorism Act		24	06	
	8. Motor Vehicle Accidents		32	26	
	9. Public Property Act		16	17	
	10. Financial Frauds (Sec: 383 of Penal Code)		334	231	
	11. Other Crimes		1,003	900	
Total	14,080	3,425	3,717	13,581	
Supreme Court Division		847	496	498	845
Corporation Division		6,122	2,088	2,365	5,845
Child Abuse Division		17,582	2,057	2,717	16,084 (838 Pilot project file have been disposed)
Public Petition Division		619	672	823	468
Total		47,784	14,151	14,869	44,195

* Please note that a large number of records opened by the Civil Division are handled by the State Attorney Division.

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

Project	TCE Rs. Mn	Cumulative Expenditure at 2017.12.31 Rs. Mn	Allocation 2018 Rs. Mn	Financial Progress 31 st Dec: 2018		Physical Progress at 31 st Dec: 2018
				Amount Rs. Mn	%	
Const. of New Head Office Building	1,182.00	402.75	373.00	295.05	79%	59%
Const. of Official Residence Mannar	53.00	36.49	26.00	21.74	84%	95%
Const. of Official Residence Vauniya						
Total	1,235.00	439.24	399.00	316.79		

6.1.5 Financial Progress from 01.01.2018 to 31.12.2018

Description	2018 Allocation (Rs.Mn)	Expenditure as at 31 st Dec: 2018 (Rs.Mn)	Progress as at 31 st Dec.: 2018 (%)
Recurrent Expenditure	1,139.30	872.40	77%
Capital Expenditure	484.50	402.23	83%
Total	1,623.80	1,274.63	78%

6.2 LEGAL DRAFTSMAN'S DEPARTMENT

Vision

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

Mission

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

6.2.1 Introduction

The legal Draftsman's Department is an "A" grade Government Department.

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

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

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

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

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

6.2.3 Progress from 01.01.2018 to 31st Dec: 2018

6.2.3.1 Details of Completed Files

(1)	(2)	(3)	(4)	(5)	(6)
Nature of the duty	The number of requests that were submitted as basic or completed Bills, but are awaiting observations and instructions of the Attorney-General or other Ministries and Departments at 01.01.2018 (Balance brought forward)	The number of requests of which the drafting has not been completed as at 01.01.2018 (Balance brought forward)	The number of new requests that were received from parties within this year	The number of requests where drafting is finished in three languages in previous years and this year but are awaiting amendments	Total
Drafting of Bills (Principal Legislation and Amending Legislation)	156	10	70	12	248
Private Members' Bills (Incorporation)	130		7		137
Revision of Subordinate Legislation	126	31	185	19	361
Provincial Council Statutes	8	1	0	-	9

	(7)	(8)	(9)	(10)
Nature of the duty	The number of requests that has been completed in all three languages and returned to the relevant parties (Each instance of final drafts which were made in three languages for several time and were submitted to relevant parties) as at 31 th Decem. 2018	The number of files that were closed due to absence of instructions for a long period of time.	The number of requests that were submitted as Preliminary or completed Bills, but are awaiting observations or instructions of the Attorney-General and other Ministries and Departments as at 31 th Dec: 2018	The number of requests in respect of which the drafting has not been completed as at 31 th Dec. 2018
Drafting of Bills (Principal Legislation and Amending Legislation)	60	10	167	11
Private Members' Bills (Incorporation)	1	-	136	
Revision of Subordinate Legislation	167	-	163	31
Provincial Council Statutes	1	-	7	1

6.2.3.2 Completed Files (2018.01.01 – 2018.12.31)

File	Requests submitted from 2018..01.01 to 2018.12.31	The number of Bills that has been sent in all three languages
Drafting of Bills (Principal Legislation and amended Legislation)	70	60
Private Member's Bill (incorporation)	7	1
Subordinate legislation (Orders, Rules, Regulations)	185	167
Provincial Statues	-	01 (Previously received statute)
Total	262	229

6.2.4 Financial Progress from 01.01.2018 to 31.12.2018

Description	2018 Allocation (Rs.Mn)	Expenditure as at 31 th Dec. 2018 (Rs.Mn)	Progress as at 31 st Dec: 2018 (%)
Recurrent Expenditure	122.49	114.54	94%
Capital Expenditure	38.20	31.27	82%
Total	160.69	145.82	91%

6.3 DEPARTMENT OF LAW COMMISSION

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

Vision

- To promote reform of the Law for good governance.

Mission

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

6.3.1 Objectives and Functions

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

- 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.

6.3.2 Performance of 01.01.2018 to 31.12.2018

1) Law on Contempt of Court	
Background	The main Purpose of the Proposed Act is to codify the law on contempt and to clarify its scope.
Current Status	Under Discussion A draft on proposed contempt of court Act prepared Mr.J.M. Swaminathan was tabled and discussed.
2) Law Regarding Disposal of Court Productions	
Background	Material productions such as weapons, garments, and bottles of illicit liquor and narcotic drugs are kept in the custody of the Store Keeper of the Court house as they have to be produced in court during the course of the trial expert evidence should be elicited in respect of such productions. They could only be disposed of only after the trial and on a court order.
Current Status	Under Discussion, The amended draft prepared by Mr.Sanjeewa Jayawardana, P.C. on Disposal of Court Production - Categorization was tabled and finalized.
3) Amendment to the existing Divorce, Custody and Alimony Law	
Background	The existing Laws and Statutes presently dealing with Divorce, Alimony and Custody on irretrievable breakdown of marriage to be codified in one single integrated Statute, in order to introduce a systemized and conveniently ascertainable, single law on the above subjects. <ul style="list-style-type: none"> • A consensual situation • A situation where there is no Mutual consent because one party does not want a Divorce Custody: Best Interest of the Child Alimony: Just and equitable Jurisdiction Maintenance: Jurisdiction to be vested in the District Court and not the Magistrate Court and as a complimentary adjunct there to, adequate enforcement and punitive powers to be vested with the District Court.
Current Status	The Commission suggested few amendments for grounds for divorce. Under the direction of the Chairman, the finalized draft sent it to the Ministry of Justice on 13 th Sept. 2018.

4) Obtaining of Damages on the Death of Miners	
Background	<p>Under the Roman Dutch Law, the position is that if a minor child dies from negligence or accident the parents cannot, in an action, recover damages, for the mental pain and suffering caused as a result.</p> <p>This position is clearly not in compliance with the tenets of justice at present. A parent should be able to recover damages for mental pain and suffering where a child dies as a result of negligence or recklessness of a third party. Amendment to introduce an Act to ensure that where the cause of death of a child occurs due to the negligence or carelessness of a third party damages should be recoverable for the mental pain caused to the parents and loss of future prospective earnings.</p>
Current Status	Final draft of the bill on recovery of damages for the death of a dependent in three languages sent to the Ministry of Justice by Legal Draftsman's Department on 29 th June 2018.
5) Caveat	
Background	<p>The Commission was of the view that the law relating to caveats in the Registration of Documents Ordinance should be amended as follows ,</p> <ul style="list-style-type: none"> • The Caveat should be filed with a certificate of the Attorney at-Law and he should be satisfied whether it is a Bona fide claim. • If the Attorney at-Law submits such a certificate negligently he should be personally liable to pay damages. • The negligence of duty can be reported to the Supreme Court.
Current Status	Mr.G.G.Arulpragasam forwarded a draft research paper on registration of documents ordinance No 23 of 1923, Section 32 - Caveats for the discussion of the Law Commission.
6) Including the offence of sexual bribery to the Bribery Act	
Background	<p>Any person being in a position of power or authority, who is in the exercise of this authority, solicits or accepts sexual favors as a condition for giving employment, a promotion, a right, a privilege, or any other service, favor or advantage of any description whatsoever, commits an offence under this Act, and shall be liable on conviction to a fine not exceeding (insert) or to imprisonment for a term not exceeding three years or to both.</p> <p>A "sexual favor" for the purposes of section above, shall be</p> <ol style="list-style-type: none"> a. Sexual intercourse, or b. Any act that would not amount to sexual intercourse, but will amount to or constitute physical, verbal or non- verbal conduct of a sexual nature

Current Status	The research paper prepared by Mr. Sanjeewa Jayawardana, P.C. was tabled and discussed. Prof. Camena Gunarathne commented whether the suggested amendment overlaps with the law relating to sexual harassment. A subcommittee was appointed to study on the above.
7) Amendment to the Mediation Board Act	
Background	In specifying such categories the Minister may, by order published in the gazette, direct that such categories may be referred for settlement.
Current Status	The commission appointed a subcommittee consisted with Mr. Thisath Wijayagunawardhana, Chairman & Mr.Naveen Marapana to study the above topic and submit their views.
8) Public Trustee Ordinance	
Background	To propose statutory provisions which could be adopt and incorporated into the Sri Lanka statute, as they amount to important checks and balances imposed on the otherwise virtually unbridled powers of the Public Trustee.
Current Status	Under Discussion The research paper prepared by Mr.Sanjeewa Jayawardana, P.C. was tabled and discussed. He elaborated the positive features contains in the Law of Singapore compared to the domestic law. The commission agreed to further study the duties, objectives of the Public Trustee in Sri Lanka and suggest to incorporate aforesaid features to the domestic law.
9) The Jurisdiction of the Commercial High Court	
Background	Suggested to amend the existing financial value Rs 5 Mn. to hear the commercial disputes to Rs. 25 Mn.
Current Status	The Chairman of the Law Commission officially informed to the Ministry of Justice on the above recommendation on 27 th Sept. 2018.
10) Law relating to Arrest and Remand	
Background	Revised code of Practice for the Statutory Power of arrest by Police Officers.
Current Status	Under Discussion

6.3.3 Financial Progress as at 31st December 2018

Description	2018 Allocation (Rs.Mn)	Expenditure as at 31 st Dec: 2018 (Rs.Mn)	Progress as at 31 th Dec: 2018 (%)
Recurrent Expenditure	19.34	13.17	68%
Capital Expenditure	2.12	1.79	84%
Total	21.47	14.96	70%

6.4 GOVERNMENT ANALYST'S DEPARTMENT

Vision

To form a fair and law abiding society.

Mission

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

6.4.1 Functions

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

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

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

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

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

This Department also functions as the scientific consultant to other government departments and Government sponsored institutions. Specially, the contribution given by these experts to Sri Lanka Standard Institute in making standards provides

an important service. These Experts assist the Technical Evaluation Committee of the Ministry of Defense for purchasing Weapons and Equipment.

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

6.4.2 Performance of 01.01.2018 to 31.12.2018

Section	No of Cases Remaining as at 01.01.2018	No. of cases Received from 01.01.2018 to 31.12.2018	No. of cases Reported from 01.01.2018 to 31.12.2018	No. of cases not Reported as at 31.12.2018
Narcotics and other Drugs	1,484	14,643	11,242	4,885
Firearm & Ballistics	280	412	434	258
Explosives & Fires	153	464	497	120
Poisons /Toxicology	1,306	2,714	2,371	1,649
DNA, Blood & Other Physiological Fluids	1,999	1,751	1,052	2,698
Questioned Documents - H	467	880	853	494
Forensic Miscellaneous - CM	204	462	362	304
Head Office Court Samples - CL	20	5,483	5,417	86
Miscellaneous - Liquors & Tobacco	29	3,118	3,047	100
Food Samples under food Act	13	9,016	8,759	270
243Food Miscellaneous	02	2,515	2,286	231
Total	6,168	42,166	36,647	11,687

6.4.3 Other Activities

Activity	Numbers
Number of Court Attendance	416
Number of Crime Scene Visit	194
VIP Food Testing by Officers of Toxicology Section	33 Officers days (06 visits)
Lecture Conducted	47 days
Attendance of TEC Committee	6 days
Foreign Training	108 Officers days
Local Training	211 Officers days
No of Officers in Overseas MSc Studies	04
No of Officers in Overseas PHD	01

6.4.4 Financial Progress as at 31st December 2018

Description	2018 Allocation (Rs.Mn)	Expenditure as at 31 th Dec: 2018 (Rs.Mn)	Progress as at 31 st Dec: 2018 (%)
Recurrent Expenditure	336.96	319.67	94%
Capital Expenditure	98.74	49.40	50%
Total	435.70	369.07	85%

6.5 DEPARTMENT OF PUBLIC TRUSTEE

Vision

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

Mission

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

6.5.1 Introduction

6.5.1.1 Legal Background

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

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

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

6.5.1.2 General Powers and Duties of the Public Trustee

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

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

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

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

- Under the Associated Newspapers of Ceylon Limited (Special Provisions) Law, No. 28 of 1973, the shares of the Associated Newspapers of Ceylon, Limited shall vest with the Public Trustee for the benefit of the Government.

6.5.1.4 Services of the Public Trustee

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

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

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

Year	Number of Trusts	Number of Estates
2015	1,044	137
2016	1,067	140
2017	1,081	141
2018	1,097	143

6.5.3 Amount of Money remitted to the General Treasury

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

Year	Contribution (Rs.)
2015	10,188,334.08
2016	14,986,797.37
2017	11,209,507.45
2018	16,609,742.32

6.5.4 Actual Physical and Finance Performance against Annual Action Plan Target

	Activity	Estimate Value (2018)		Actual Value (2018)	
		No. of Beneficiaries	Value Rs.Mn	No. of Beneficiaries	Value Rs.Mn
1	Payment for the Scholarships	687	6.20	479	4.95
2	Payment for the Medical Donation	238	9.09	160	5.67
3	Payment for the Maintenance and Development of Religious Places	493	26.32	279	31.00
4	Payment for the Religious Affairs	267	8.50	55	2.78
5	Payment for the Relief Donation	211	4.02	155	2.46
6	Other Payment in accordance with Trust Objective	137	15.67	131	16.63
7	Release of compensation for Buddhist Temples	-	00	49	132.79
8	Release of Foreign compensation	-	00	165	322.45
9	Trust and Estates Management (No. of Estates/Net Profit)	12	14.28	11	2.61
	Total	2,045	84.08	1,484	521.34

6.5.5 Financial Progress as at 31st December 2018

Description	2018 Allocation (Rs.Mn)	Expenditure as at 31 st Dec. 2018 (Rs.Mn)	Progress as at 31 st Dec. 2018 (%)
Recurrent Expenditure	56.98	55.31	97%
Capital Expenditure	11.05	10.98	99%
Total	67.03	66.29	98%

6.6 DEPARTMENT OF DEBT CONCILIATION BOARD

Vision

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

Mission

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

Objective

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

6.6.1 Introduction

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

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

The Debt Conciliation Board consists of five (05) members, appointed by the Minister one of whom shall be nominated by the Minister to be Chairman of the Board. The

Chairman of the Board shall be a person who holds or has held a substantive appointment as a Judge of the Court of Appeal or as a District Judge.

or

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

or

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

The proceedings before this Board are different from those before an ordinary court of law. The settlement arrived at between the parties is not an agreement imposed by the Boards but one arrived at voluntarily by the parties, before the Debt Conciliation Board. However, the Board has the power to reduce the unreasonable rates of interest charged or in case of failure on the part of the parties to accept the just suggestions made by the Board to issue a certificate under the Ordinance to the debtors. Further, if the creditors fail to appear before the Board at the final hearing in response to the notice issued, an expert hearing is held after which a certificate is issued to the debtor. However, it is so done, only if the Board is satisfied that the creditor has intentionally failed to attend the inquiry to be held after notice is issued through registered post and the Grama Niladhari. On such occasions, the benefit of the issue of such a certificate will accrue to the debtor. If this certificate is produced to a court before which a trial is being held on the same matter, that court is empowered under the Debt Conciliation Ordinance to allow a period subject to a maximum of 10 years for the settlement of the loan and reduce the interest to the minimum rate and not to recover any costs from the debtor.

6.6.2 Performance of 01.01.2018 to 31.12.2018:-

Details	Numbers
No. of pending applications brought forward - 01.01.2018	829
No. of new applications	381
No. of applications received for review	42
Total No. of applications as at 30.09.2018	1,252
No. of applications settled	175
No. of applications dismissed	193
No. of applications reviewed	45
No. of applications on which certificates were issued	09
No. of applications withdrawn	45
Total No. of Applications (Actions Taken)	467
No. of Applications pending by the end of 31.12.2018	785

6.6.3 Financial Progress as at 31st December 2018

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	% 31.12.2018
Recurrent Expenditure	27.72	14.25	51%
Capital Expenditure	0.85	0.61	72%
Total	28.57	14.86	52%

6.7 DEPARTMENT OF PRISONS

6.7.1 Introduction

Prison commenced as a result of the judicial reforms introduced by Cameron who governed Sri Lanka in British Era in 1832. Welikada Prison was established compatible with British Bostal System in terms of the Legal and Court Ordinance No.18 of 1844. By the Prison Act No.16 of 1877. This service was structured and regulated under a separate department directly under control of the Commissioner of Prisons with the effect from 16th July, 1905. With development of the society, this service turned out to be very crucial. As a result, the Mahara Prison was built in 1875 and the Bogambara Prison which was in the form of the “Been Field Prison” in England was constructed in 1876. Today, the prison evolved this way, has become an essential and specific institute before the complexity of present society.

Accordingly, the Department of Prisons that provided with care and security to inmates at the commencement, has gone beyond the limit of it and become a social correctional center that properly rehabilitates inmates. For the accomplishment of this task, 03 closed prisons, 19 remand prisons, 02 correctional centers for youthful offenders, 02 open work camps, 09 work camps, 20 prison lockups and 01 prison school have been established under the supervision of Superintendent of Prisons. There are about 23,684 convicted and remand prisoners under their custody, care and correction.

Our Motto - Custody, Care and Correction.

Vision -Social reintegration of inmates as good citizens through rehabilitation.

Mission - Making a fine relationship between prison officers and inmates in order to achieve main objectives of custody, care and corrections and thereby to improve job satisfaction of officers, regulate the welfare of the prisoners and utilize the productivity of their labour so as to become the department as a state of self dependence and for the benefit of the country.

Objectives

1. Contribution to build a civilized society by means of proper rehabilitation of inmates and thereby making inmates to law abiding humanitarian persons.
2. Motivating prison officers and building up the team spirit within the department.

Functions:

1. Welcoming prisoners at all levels who are convicted or remanded by the power of authority assigned whatever court in the country and providing custody, care and maintenance to prisoners in terms of prison rules and regulations, and producing remand prisoners before courts.
2. Providing general commands and suitable administration to all prison camps and correctional centers.
3. Providing industrial, agricultural and animal husbandry trainings to inmates in all prison camps and correctional centers
4. Giving welfare services to prison camps and correctional centers and providing follow up services to inmates who are released from prison camps and correctional centers.
5. Making provisions for trainings which help in strengthening correctional field

Priorities: Provide of custody, care and correction to inmates

6.7.2 Composition of the Institution

1. Prison Headquarters	
2.Center for Research & Training in Correction	
3. Closed Prisons- 03	Welikada, New Dumbara and Mahara
4. Remand Prisons - 19	Anuradhapura, Colombo, Kaluthara, Negombo , Galle, New Magazine, Angunakolapelessa, Badulla, Matara , Batticaloa, Kegalle, Trincomalee, Jaffna, Kuruwita, Boossa, Monaragala, Polonnaruwa, Wariyapola and Vavuniya
5.Work Camps-09	Homagama, Meethirigala, Werawila, Anuradhapura, Kuruwita, Hangilipola,, Kandewatte, Thunkuma and Ambepussa
6. Open Work Camp-02	Pallekelle, and Anuradapura
7.Correctional Center for Young Offenders - 02	Pallansena and Thaldena
8. Prison School-01	Watereka
9. Lockups -20	Ampara, Kuliypitiya, Avissawella, Kurunegala, Balapitya, Maho, Balangoda , Mannar, Chillaw, Matale, Elpitiya, Nuwaraeliya, Embilipitya, Kalmunai, Gampaha, Panadura, Gampola, Hatton, Hambanthota and Puttalam

6.7.3 Information on Inmates Administration from 01.01.2018 to 31.12.2018

Inmates	Male	Female	Total
Direct admission from courts (convicted)	24,117	517	24,634
Admissions as remanded from courts	99,139	5,180	104,319

Description	Male	Female	Total
Prisoners Serving Life Term	504	30	534
Prisoners Serving Life Term (Appealed)	107	17	124
Prisoners Sentenced to Death	433	05	438
Prisoners Sentenced to Death (Appealed)	788	36	824
No. of Foreign Convicted Prisoners	85	15	100
No. of Foreign Remand Prisoners	186	18	204
No. of Convicted Prisoners under Terrorism Prevention Act	32	01	33
No. of Remand Prisoners under Terrorism Prevention Act	59	01	60
No. of Prisoners under Terrorism Prevention Act(Appealed)	06	01	07
No. of Convicted Prisoners died during custody	28	-	28
No. of Prisoners Who were Sentenced to Death died during custody	03	-	03
No. of Prisoners who were Served Life Term Died during custody	05	03	08
No. of Remand Prisoners Died during custody	55	04	59

- No. of convicted prisoners escaped from custody - 107
- No. of remand prisoners escaped from custody - 46
- No. of prisoners recaptured - 81

Releases	Total
Prison General Amnesty	6,005

6.7.4 Progress of Development Projects 01.01.2018 - 31.12.2018

Project	Total Cost Estimate Rs. Mn	Cumulative Expenditure as at 31.12..2017 Rs. Mn	Allocation 2018 Rs. Mn	2018.12.31 Expenditure Rs.Mn	Physical Progress
Construction of Palkelele Prison	4,363	1,537	273	100	99%
Jaffna Prison Complex (Stage 11)	1,137	786	288	145	82%
Tangalle Angunakolapelessa Prison	4,996	4,566	110	30	98%
Construction of Mannar Prison Lock up	43	0.00	26	0	**

** Objection made after the contract awarded by the Department of Archaeology against the construction of prison lockup on the land allocated by the Divisional Secretary, Mannar construction work hold & reported to the Commissioner of Archeology.

6.7.5 Human Resources Capacity Development (Vote No. - 2401)

Project	Allocation for the Year 2018 Rs. Mn	Expenditure as at 31.12.2018 Rs.Mn	No. of Officers Trained	Expenditure as the Percentage of Allocation
Local Training	4.0	3.0	1,042	76%
Foreign Training	2.0	1.99	19	99%
Total	6.0	4.99	1,061	83%

6.7.6 Inmates Vocational Training Programs (Vote No.- 2509)

Allocation for the Year 2018 (Rs.Mn)	Expenditure as at 31.12.2018 Rs. Mn	No. of Training Programs completed	Expenditure as the Percentage of Allocation
3.5	3.44	385	98%

6.7.7. Prison Information Management System (Vote no.-2016)

Allocation for the Year 2018 (Rs.Mn)	Expenditure as at 31.12.2018 Rs. Mn	Expenditure as the Percentage of Allocation
35.5	31.36	88%

6.7.8. Industry and Agricultural Advance B Account

Allocation for the Year 2018 Rs. Mn	Expenditure as at 31.12.2018 Rs. Mn	Revenue as at 2018.12.31 Rs. Mn
100.00	86.00	155.7

6.7.9 Internal Audit

According to the Action Plan-2018 regarding observation and investigation on the usage of finance accurately and correctly in terms of the Financial Regulations by the Internal Audit Division of the Department of Prisons, 03 Audit Management Committee Meetings were held within defined time period and at the same time investigating prisons such as Galle, Negombo, Weeravila, Jaffna, Kalutara, Kuruvita, Trincomalee, Dumbara, Pallekalle, Dalupotha, Welikada, Badulla and Kegalle have completed.

6.7.10 Financial Progress as at 31st December 2018

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	% 31.12.2018
Recurrent Expenditure	5,297.07	5,168.48	98%
Capital Expenditure	896.10	422.93	47%
Total	6,193.17	5,591.41	90%

6.8 DEPARTMENT OF COMMUNITY BASED CORRECTIONS

6.8.1 Introduction

The community based corrections system started as a pilot project under the Ministry of Justice, Sri Lanka in 1999. In 1999, no 46 of Community Based Corrections act was implemented and the Community Based system was started with 3 courts as a pilot project. In 2008 it became a department under the Ministry of Justice. Currently it is under the Ministry Of Justice And Prison Reforms. This program is being implemented island wide in 125 magistrate and circuit courts. In the regional community based corrections offices, Officers conduct various rehabilitation programs. Through directing minor offenders into community Based Corrections, it helps to reduce overcrowding in the prisons and cost incurred in maintenance of prisoners.

When an offender is imprisoned, the prisoner is exposed to further contamination by association with hard-core criminals and is likely to cultivate further anti-social attitudes.

By giving a minor offender a community corrections order, the aim is to free a person from wrong habits and make him a respectable citizen of the country through an effective correctional process while keeping him in the society. Furthermore, not only offenders, but also people who might become offenders should be taken into the correct path. Because of this, the department has been giving attention on this task and now the duties have been expanded. To fulfill these duties development officers have been appointed island wide under the divisional secretariats office.

6.8.2 Our Services

1. Instead of subjecting offenders for minor offences to imprisonment, subjecting them to community based correction through the enforcement of community based corrections act no. 46 of 1999.
2. Reduction of congestion in prison and the cost incurred in this regard by the decline in imprisonment of minor offenders.
3. Diversion of the labor to develop the country using the labor of Community Corrections orders
4. Taking measures towards the mental and spiritual development of the offenders under community based corrections orders.
5. Develop the families of offenders under the community Based Corrections and people who are in risk of being offenders considering better standard of economic, social and spiritual.

6.8.3 Progress

a) Community Based Corrections Order

(According to the Province wise) - (2018.01.01 – 2018.12.31)

Province	No of Offenders
Western	5,382
Central	825
Uva	495
Southern	1,972
Sabaragamuwa	1,191
Eastern	496
North Western	890
North central	214
North	1,318
Total	12,783

b) Community Based Corrections Orders from 2018.01.01 – 2018.12.31

(Offence wise)

Type of Offence	Number of Offenders
Heroin	3,131
Cannabis	1,418
Illicit Liquor	3,788
Public Nuisance	907
Theft	42
Cheating	02
Illicit Weapons	18
Keeping Stolen Products	04
Gambling	956
Rioting	05
Others	2,512
Total	12,783

c) Information on Correctional Process - (2018.01.01 - 2018.12.31)

Orders obtained from courts	Orders Completed	Breach
12,783	7,086	2,207

d) The number of Correctional programs conducted for offenders (01.01.2018 - 31.12.2018)

Programmes	Number of Offenders
Counselling Programmes	3,227
Spiritual Programmes	278
Development & Shramadana Programs	792
Vocational Training Programs	293
Refer to Drug Treatment	151
Total	4,741

6.8.4 Progress for Project - 2018.01.01 -2018.12.31

Project Name	Allocation Rs. Mn	Expenditure Rs. Mn	Financial Progress	Physical Progress (%)
Project for the Corrections of offenders with drug related crimes North Western, Southern & Sabaragamuwa Provinces	8.82	8.81	99%	<p><u>North Western - 68.13%</u> Total offenders - 877 Treatment Completed -475 Corrected offenders -325 The Offenders who were successfully corrected from their criminal behavior were received aid for self employment Self Employment - 156 Expenditure -Rs.Mn. 2.0</p> <p><u>Sabaragamuwa - 88.53%</u> Total offenders - 1089 Treatment Completed - 349 Corrected offenders - 309 Self Employment - 33 Expenditure - Rs.Mn. 0.47</p> <p><u>Southern 94.90%</u> Total offenders - 1,174 Treatment Completed -255 Corrected offenders -242 Self Employment - 80 Expenditure -Rs.Mn. 1.47</p>

6.8.5 Capacity Development Programmes (2018.01.01 – 2018.12.31)

Officers	Number of Program	Expenditure Rs.Mn
Assistant Commissioner, Accountant, SCCO(Provincial), CCO, Development Officer, ICT, Management assistant, Clear	23	1.71

- The programme has schedule to arrange Master programme (Corrections)for community corrections officers and Diploma programme (Counseling) for Development (Rehabilitation) Officers.

6.8.6 Financial Progress as at 31st December 2018

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	% 31.12.2018
Recurrent Expenditure	276.96	264.49	95%
Capital Expenditure	13.5	13.27	98%
Total	290.46	277.76	96%

6.9 MEDIATION BOARDS COMMISSION

Vision

Realization of reconciliation and coexistence through mediation.

Mission

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

6.9.1 Introduction

- The Mediation Boards Commission was established by the operation of the Mediation Boards Act, No.72 of 1988.
- The primary objective of the establishment of Mediation Boards is to strengthen the mediation process as a dispute resolution mechanism alternative to litigation process more particularly the resolution of minor disputes which are often brought before the courts and thereby relieving of the backlog in the entire court system.

- The Mediation Boards Act provides for the Mediation Boards to act as a mediator involving as a third party in resolving disputes through the mediation process between two or more disputing parties.
- As the community treats the mediation process to be a convenient and low cost mechanism in settlement of their disputes, nearly three hundred thousand disputes are referred to Mediation Boards annually for mediation.
- The progress of the Mediation Boards is assessed on the basis of the number of disputes referred to the Mediation Boards coupled with the rate of percentage at which such disputes are settled.

6.9.2 The Composition, Powers and Functions

- **The Composition**

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

- **The Powers and Functions**

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

6.9.3 Functions discharged by the staff attached to the Mediation Boards Commission

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

3. Establishment of School Mediation Units and conducting of School Mediation Workshops.
4. Raising awareness among the community towards the importance of Mediation.

6.9.4 Progress during the period from 01.01.2018 to 31.12.2018

Description	Number of disputes
The number of disputes pending to be settled at the beginning of the year 2018	62,512
The number of disputes received during the period from 01.01.2018 to 31.12.2018	248,805
Total Number of disputes	311,317
The number of disputes taken up for disposal for the period from 01.01.2018 to 31.12.2018	124,668
The number of disputes settled for the period from 01.01.2018 to 31.12.2018	83,867
In percentage	67%

6.9.5 Categories of parties who referred disputes during the period from 01.01.2018 to 31.12.2018

Category of Parties in terms of which Disputes are referred	The Number of Disputes Received	Number of Disputes Settled	Percentage of Total Disputes Referred
Courts	14,833	7,937	6%
Police Stations	47,855	23,283	49%
Banks/ Financial Institutions	165,930	44,847	27%
Disputants	17,335	6,765	39%
Others	2,852	1,035	36%
Total	248,805	83,867	-

6.9.6 Settlement of disputes at provincial level during the period from 01.01.2018 to 31.12.2018

Province	Number of disputes taken up for disposal	Number of disputes settled	Percentage %
Western	26,206	16,449	63%
Central	17,089	12,068	71%
Southern	16,812	10,241	61%
North-Western	21,900	17,165	78%
North Central	8,147	4,960	61%
Uva	8,181	5,654	69%
Sabaragamuwa	11,607	6,927	60%
Eastern	10,280	7,283	71%
Northern	4,446	3,120	70%
Total	124,668	83,867	67%

6.9.7 Progress of the Mediation Boards Training Sessions from 01.01.2018 to 31.12.2018

Number of five day Mediation Boards Training Sessions	- 68
Number of one day Mediation Boards Training Sessions	- 46
Number of Special Mediation Boards Training Sessions	- 26
Total Number participants	- 4,982
Expenditure incurred	- Rs. 5,593,200
Number of school and Community Mediation Training Sessions	- 232
Expenditure incurred	- Rs. 4,932,250
Number of Beneficiaries	- 10,440
Number of Mediation Sessions to establish School Mediation Units Conducted Under National Programme "Let's Protect Children" implemented by the Presidential Secretariat	- 85
Number of Beneficiaries	- 3,400
Expenditure incurred	- Rs.6,502,500

6.9.8 Financial Progress as at 31st December 2018

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	%
Recurrent Expenditure	282.70	261.17	92%
Capital Expenditure	1.35	0.41	31%
Total	284.05	261.58	92%

6.10 OFFICE OF THE SECRETARY LABOUR TRIBUNAL

Vision

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

Mission

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

6.10.1 Introduction

The primary task entrusted with the Labour Tribunals is to hear and determine applications tendered to them in terms of the Section 31(b) of the Industrial Disputes Act, No.43 of 1950. The Labour Tribunals emerge as a way in arresting the injustice caused in consequence of arbitrary dismissal of employees from their employments in

the non-government sector. At present, there are 39 Labour Tribunals functioned island wide.

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

The Labour Tribunals presently functioning island wide are as follows -

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

6.10.2 Progress from 01.01.2018 to 31.12.2018

Number of Cases Pending as at 01.01.2018	During the Period from 01.01.2018 to 31.12.2018		No. of Cases Pending as at 31.12.2018
	No. of Cases Filed	No. of Cases Concluded	
4,689	2,434	2,289	4,834

6.10.3 Financial Progress from 01.01.2018 to 31.12.2018

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	%
Recurrent Expenditure	351.69	345.97	98%
Capital Expenditure	11.55	7.45	64%
Total	363.24	353.42	97%

6.11 TRAINING INSTITUTE FOR NON JUDICIAL OFFICERS

Mission

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

6.11.1 Introduction

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

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

6.11.2 Conducting Programmes

- a) From 1st of January 2018 to 31st December 2018, the following training programmes were conducted in Battaramulla Non-Judicial Training Institute.

No	Training Programme	No. of Programmes	No. of Participants
01	Training Programme for Accounting	07	282
02	Civil Procedure, Criminal Procedure, Office Management, Disciplinary Inquiries and General Administration Training Programme	07	259
03	Training Programming for Court Family Counselors	04	96
04	Induction Training Programme for Grade III Registrars	02	95
	Total	20	732

b) Training Programmes conducted in Regional Level				
	Training Programme	No. of Programmes		No. of Participants
		held in		
01	Process Server and Writ Executor, Crier and Usher and Labour Tribunal Interpreters Training Programme	Government Analyst Department	1	136
02	Zonal Training Programme in Nuweraeliya	District Secretariat, Nuweraeliya	1	100
03	Zonal Training Programme in Badulla	Kanmark Hotel, Bandarawella	1	136
04	Induction Training Programme for Grade III Registrars	Magistrate's Court , Colombo	1	50
05	Induction Training Programme for Grade III Interpreters	Judicial Service Commission Secretary's Office	1	17
06	Zonal Training Programme in Batticaloa	High Court Complex, Batticaloa	1	105
07	Zonal Training Programme in Kalmunai	National Youth Center, Sainthamaruthu	1	113
08	Zonal Training Programme in Hambantota	District Secretariat, Hambantota	1	120
09	Zonal Training Programme in Embilipitiya	Shensooriya Hotel, Embilipitiya	1	120
	Total		09	897

6.11.3 Financial Progress from 01.01.2018 to 31.12.2018

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	%
Recurrent Expenditure	8.00	5.75	72%
Capital Expenditure	6.00	0.01	0.07%
Total	14.00	5.76	26%

6.12 INTERNATIONAL ARBITRATION CENTRE (GUARANTEE) Ltd.,

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

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

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

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

07 PROGRESS OF THE PUBLIC ENTERPRISES UNDER THE MINISTRY OF JUSTICE AND PRISON REFORMS

7.1 LEGAL AID COMMISSION (LAC)

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

7.1.1 Legal Division

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

In addition to the Colombo Legal Aid Center, which functions directly under the purview of the head office, there are 83 Regional Legal Aid Centers. Client who seeks legal representation in courts have to justify that their monthly income though the Grama Niladari of the relevant division, for the Maintenance cases it is not taken in to an account.

a. Particulars relating to cases for which service were extended by the Legal Aid Commission

No	Description	No of Cases
1	Number of cases brought forward from end of 2017	29,783
2	Number of Newly - filed cases from January to 31 December 2018	12,723
3	Total number of cases existed from January to 31 December 2018	42,506
4	Total number of cases completed January to 31 December 2018	10,075
5	Number of cases brought forward to 1 st January 2019	32,431
6	Number of total consulting Service provided from January to 31 December 2018	120,675
7	Total service provided from January to 31 December 2018	163,181

b. Progress for appearing for Cases

Description	Total
Divorce	7,016
Maintenance	23,614
Land	1,115
Partition	46
Recovery	1,938
No of Cases filed in High Courts	196
No of Cases filed in Courts of Appeal	225
Accidents	1,489
Bail	364
Children's Rights	684
Labour Tribunals	1,110
Crimes	986
Supreme Court	138
Criminal Victims	1,162
Special	325
Custody and Adoption	93
Domestic Violence	466
Others	1,539
Total	42,506

**C. Service Extended by the Legal Aid Commission of Sri Lanka
(at the Provincial Level)**

Province	Brought forward from end of 2017	Number of Cases (from 01-01-2018 to 31 st December 2018)					
		New cases	Total	Completed case	Number of Laid by Cases	brought forward to 31 st Dec. 2018	Legal consulting
Western	7,766	2,898	10,664	1,561	590	8,513	33,881
Uva	2,060	1,017	3,077	410	234	2,433	11,075
Southern	3,867	1,631	5,498	869	319	4,310	17,803
Northern	2,972	1,188	4,160	739	112	3,309	11,776
Sabaragamuwa	2,197	1,028	3,225	499	353	2,373	8,953
North Western	3,154	1,308	4,462	725	277	3,460	16,122
Central	2,217	855	3,072	879	139	2,054	7,051
Eastern	3,214	1,790	5,004	1,363	298	3,343	8,234
North Central	2,336	1,008	3,344	438	270	2,636	5,780
Total	29,783	12,723	42,506	7,483	2,592	32,431	120,675

7.1.2 Programmes and Projects Division

a. Media Programmes

Programmes	No of Programmes
Television Programmes	21
Radio Programmes	06
Paper Programmes	39
Total	66

b. Programs which were launched to aim at awareness and social participation

Program	No of program
Programs which were launched aiming at children, women, adults, and the differently abled Persons for imparting the knowledge of law, protection of rights, and extending the support to claim their rights.	28
Programs which were launched to educate the government officials aiming at ensuring a quality and efficient government mechanism that facilitates the general public to have easy access for justice	05
Programs which extend resource contribution through Guest lectures and legal counseling (Official mission - Presidential Mobile Service, National program for Sustainable Tomorrow, program which was launched to celebrate the 40 th anniversary of the Open Economy, and Implanting plants	31
Programs which were launched aiming at estate workers, fishery folk and slum and shanty dwellers	02
Prison Programmes	63
Programmes aiming at Lawyers	06
Educating rural community	13
Awareness programmes for expatriate families	01
Legal Aid Clinic	13
Programmes aimed at training apprenticed lawyers	02
Total	164

7.1.3 Development Legal Aid Division

a) **Information Unit relating to emigrant employees**

This division dedicated itself relating to matters pertaining to emigrant employees involved in difficulties, conducted a programme on 22nd May 2018 at Mikkulam in Chilaw to raise awareness among emigrant employees' families.

b) **Prison Inmate Unit**

From January to 31st December this year, 705 inmates sought legal advice in 47 legal aid programmes, of which 680 inmates were selected for legal aid, pursuant to which bail orders in respect of 102 inmates have been obtained as against the 320 applications preferred seeking bail.

c) **Training Programme for apprentice Lawyers**

During the period from January to 31st December this year, a batch comprising of 263 apprentice Lawyers was offered training for which the Commissions retained the services of 7 resource persons including leading senior Presidential Counselor.

7.1.4 Development and Management Division

a) Seven Attorneys at Law have been trained during the period from 01-01-2018 to 31st Dec. 2018.

b) **Establishment of new Centers**

As at 31st December 2017 the Regional Legal Aid Centers coming under the purview of the Sri Lanka Legal Aid Commission were 82. This went to 83 as a result of the opening of a new center in Wattala.

Regional Legal Aid Center	Date declared open
Wattala	26/09/2018

c) **New recruitments during the year**

Designation	Number of new recruitments
Legal Officer	08
Management Assistant	04
KKS	03
Total	15

d) Construction of Buildings and Renovation

I Construction of Legal Aid Centers

Constructions of Kalmunai and Dehiattakandiya new building were fully completed and 30% of Kurunagala new building was completed in year 2018.

II Renovation Projects

Renovation of buildings in Thissamarama, Walasmulla, Matara, Colombo, Attanagalla, Hettipola, Trincomalee and Galle were done in year 2018

III Projects not yet started

Projects	Consultant	Progress
Kalutara new Building	Department of Building	Plan prepared and submitted to the approval of the Municipal Council
Kaduwela new building	Department of Building	A request has been made to the Ministry of Justice to obtain a new plan which is prepared with new boundaries in the court premises within a period of five years for the purpose of getting approval from the Municipal Council.
Dhambulla new Building	Department of Building	

7.1.5 **Financial Progress from 01.01.2018 to 31.12.2018**

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	%
Recurrent Expenditure	198.90	198.90	100%
Capital Expenditure	25.00	17.90	72%
Total	223.9	216.8	98%

7.2 SUPERIOR COURTS COMPLEX BOARD OF MANAGEMENT

Vision statement

The vision of the Board of Management is to develop the Superior Courts Complex Board of Management in to the best managed statutory Board in the Country.

Mission Statement

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 Just service for the litigants and thereby to achieve the above vision.

7.2.1 Introduction

The Board of Management was appointed as provided by the Superior Courts Complex Board of Management Act. No 50 of 1987 with the objectives of controlling, administering and managing the Superior Courts Complex and the buildings thereon which includes the making of such additions, alterations and improvements as may be necessary to enhance the amenities of the complex .

According to section 3(1) of the Act the Board of Management consists of the following members: -

- (i) The Hon Chief Justice.
- (ii) A Judge of the Supreme Court appointed by the Hon Chief Justice.
- (iii) The President of the Court of Appeal.
- (iv) A Judge of the Court of Appeal appointed by the President of the Court of Appeal.
- (v) The Secretary to the Ministry of Justice.
- (vi) The Secretary to the Ministry of Housing and construction.
- (vii) The President of the Bar Association of Sri Lanka.
- (viii) The Municipal Commissioner of the Colombo Municipal Council.
- (ix) A representative from the Ministry of Finance
- (x) Two members appointed by H.E. the President of the Democratic Socialist Republic of Sri Lanka.

7.2.2 Performance during the period from 01.01.2018 to 31.12.2018:-

Following major activities were carried out in the above period by Superior Courts Complex Board of Management.

(1) Rehabilitation & Improvement of Capital Assets:-

Building & Structure:-

- Proposed Supreme Court record room in basement floor of the Superior Courts Complex Building.
- Rehabilitation of Judges Quarters in the Superior Courts

(2) Acquisition of Fixed Assets:-

- I. Purchase of Housekeeping Equipment
- II. Purchase of Office Equipment
- III. Purchase Office Furniture & fittings
- IV. Purchase & Fixing of Plant & Machinery

7.2.3 Financial Progress as at 31st December 2018

Description	2018 Allocation (Rs.Mn)	Expenditure as at 31st Dec: 2018 (Rs.Mn)	Progress as at 31st Dec: 2018 (%)
Recurrent Expenditure	166.02	159.35	96%
Capital Expenditure	20.00	13.85	69%
Total	186.02	173.20	93%

7.3 SRI LANKA JUDGES' INSTITUTE

7.3.1 Introduction

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

Subjects and Functions of the Institute:-

- I. To provide facilities for the exchanging of views and ideas on judicial and legal matters among judicial officers.
- II. To organize and hold meetings, conferences, lectures workshops and seminars with a view to improving the professional expertise of judicial officers and advancing their knowledge and skills.
- III. To formulate and conduct training and research courses in various aspects of the administration of justice.
- IV. Providing library facilities and other educational material for judicial officers.

7.3.2 Progress from 01.01.2018 to 31.12.2018

a) Seminars held from 01st January 2018 to 31st December 2018

	Name of the Seminar	Participants	Number of Seminars	Number of Participants	Expenditure Rs.
01	Practical Issues Pertaining to Documentary Evidence, Electronic Evidence, Admission and Confession	Judicial Officers (I,II and III)	03	186	164,900
02	Special Seminar for Judicial Officers on Modern Technology and Scientific Strategies Used by the GAD	Judicial Officers	01	27	11,250
03	Seminar for Quazis	Quazis	01	61	56,900
04	Importance of Sentencing in Magistrate Court and Court Administration	Newly recruited Judicial Officers	01	19	62,050
05	One Day Seminar for all District Judges and Magistrates on Banking Law	Judicial Officers	02	190	1,053,414
	Total		08	483	1,348,514

b). Workshops held from 01st January 2018 to 31st December 2018

	Name of the Workshop	Participants	Number of Workshops	Number of Participants	Expenditure Rs.
01	Residential Workshop for Judicial Officers on Cybercrimes and Electronic Evidence (Group 3)	Judicial Officers	01	70	43,448
02	Residential Workshop for Magistrates Serving in Costal Zone on Laws Pertaining to Maritime Resources	Judicial Officers	02	95	-
03	One Day Workshop For Judicial Officers On International Humanitarian Law	Judicial Officers	01	212	17,550
04	Workshop for High Court Judges, District Judges and Magistrates on Implementing The International Framework for Court Excellence	High Court Judges and Judicial Officers	01	60	579,940

05	Legislature on prevention of Money Laundering and General Overview of Bribery and Corruption	High Court Judges and Judicial Officers	01	78	392,750
06	Workshop for Presidents of Labour Tribunal on Enforcement of LT Awards	Presidents of Labour Tribunals	01	33	812,232
07	Workshop for Legal issues related state Lands	High Court Judges and Judicial Officers	01	35	667,400
08	Residential Workshop for Presidents of Labour Tribunal	Presidents of Labour Tribunal	01	32	871,000
09	Residential Workshop for High Court Judges	High Court Judges	01	67	3,098,000
10	Residential Workshop for High Court Judges on Proceeds of Crime and Case Management	High Court Judges	01	65	-
11	Annual Workshop	Judicial Officers	01	194	5,689,793
	Total		12	846	12,172,113

c). Customized Business Communication Skills Course for Judicial Officers held from 01st January 2018 to 31st December 2018

	Number of Batches	Participants	Number of Sessions	Number of Participant	Expenditure Rs.
01	Customized Business Communication Skills Course for Judges - Group 03	High Court Judges and Judicial Officers	02	20	41,250
02	Customized Business Communication Skills Course for Judges - Group 04	High Court Judges, Judicial Officers and PLTs	07	20	144,375
	Total		09	40	185,625

d). Customized Business Communication Skills Course – Advanced for Judicial Officers held from 01st January 2018 to 31st December 2018

	Number of Batches	Participants	Number of Sessions	Number of Participants	Expenditure Rs.
01	Customized Business Communication Skills Course – Advanced For Judges Of Sri Lanka	High Court Judges, Judicial Officers and PLTs	03	20	61,875

e) Foreign Training Programs held from 01st January 2018 to 31st December 2018

	Name of the Program	Participants	Number of programs	Number of Participants	Expenditure Rs.
01	Training on Court Management for High Court Judges – Public Administration International London, United Kingdom	High Court Judges	01	14	8,842,612
02	27 th Session of the Commission on Crime Prevention and Criminal Justice (CCPCJ) , Viana	High Court Judge	01	01	638,940
03	Overseas Judicial Training Programme at New Delhi Judicial Academy (DJA), India	Presidents of Labour Tribunals	01	25	19,413,845
04	Overseas Judicial Training Programme at Chandigarh Judicial Academy (CJA), India	Judicial Officers	02	70	42,406,180
05	International Labour Standard for Judges, Lawyers and Legal Educators in Turin 2018	President of Labour Tribunals	01	01	320,500
06	Overseas Judicial Training Programme at Maharadra Judicial Academy and Indian Mediation Center and Center and Training Institute, India	High Court Judge	01	37	23,716,532
	Total		07	148	95,338,609

7.3.3 Financial Progress as at 31st December 2018

Description	2018 Allocation (Rs.Mn)	Expenditure as at 31 st December 2018 (Rs.Mn)	(%)
Recurrent Expenditure	32.00	30.8	96%
Capital Expenditure	6.00	0.22	4%
Total	38.00	31.03	19%

By the object code 228 – court administration, a sum of Rs. 100 million was allocated for the capacity building of the Judicial officers for the year 2018. of which a sum of Rs.98.12 million was incurred.

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

7.4.1 INTRODUCTION

The Assistance to and Protection of Victims of Crime and Witnesses Act, No.04 of 2015 provides for the establishment of National Authority for the Protection of Victims of Crime and Witnesses in order to protect the victims of crime and witnesses. The objective of this Act is to strengthen the course of administration of justice by identifying a proper legal framework to protect the rights of the victims of crime and witnesses.

7.4.2 Duties and functions of the Authority

a) **Enforcement duties**

Identify the duties and entitlements of victim of crime and witnesses, respect, promote, protect and raise awareness.

b) **Quasi-judicial duties**

Investigate and examine on the violations of rights and entitlements of victim of crime and witnesses, issue orders to relevant government officers and institutions regarding the violations.

c) **Service duties**

Provide necessary protection and assistance, compensation

c) **Regulatory duties**

Issue regulatory instructions and supervision, conduct research and promote methods on crime control, issue recommendations on crime prevention policy.

7.4.3 INSTITUTIONS WHICH A VICTIM OF CRIME AND A WITNESS CAN REQUEST PROTECTION FROM-

Under the Act, a victim and a witness of a crime may request protection from institutions under mentioned.

1. The National Authority for the Protection of Victims of Crime and Witnesses
2. The Victims of Crime and Witnesses Assistance and Protection Division
3. Courts of law
4. The Commissions (The Human Rights Commission of Sri Lanka, The Commission to Investigate Bribery or Corruptions, Investigations Commissions or a Special President's Commission of Inquiry or any other Commission appointed under the Commission of Inquiry Act.)
5. Officer-in-Charge of the Police in the area.

7.4.4 The Victims of Crime and Witnesses Assistance and Protection Division

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

The duties of the Division shall be to provide effective and necessary protection to victims of crime and witnesses and investigate by itself or with the assistance of any other police officer, into, complaints, allegations or information pertaining to threats, reprisals, intimidations, retaliations or any harm, harassment, coercion or violation being committed on victims of crime and witnesses and their property and any offence committed under section 8 or section 9 of this Act.

7.4.5 01.01.2018 to 31.12.2018 PROGRESS REPORT

1. Director Finance of the National Authority was appointed on 15th of February, 2018 and three drivers were recruited on 3rd of September, 2018.
2. Several members in the staff of the Authority had been undergone with multidisciplinary workshops to enhance the capabilities during 2018.
3. The Board of Management were gathered twice for a month and there were 24 Board of Management meetings during 2018. In addition, there were 03 special Board of Management meetings and 06 Executive Staff meetings.

4. 86 of letters which included requests and complaints have been received to Law and Law Enforcement division of the Authority by public and governmental institutes during the period of 1st of January 2018 to 31st December 2018. As many more requests and complaints included in one letter, following classification presents the nature of the requests and complaints made by them.

Nature of the request	2016	2017	2018
Closed Complaints	8	32	24
Complaints laid by	2	2	3
Providing Protection	1	1	5
Ongoing Investigation	1	5	38
Files referred to the AG by Police Department	-	3	-
Providing Legal Assistance	-	3	4
Referred to the other institutions	-	1	11
Inquiries fixed under Section 16	-	2	1
Orders sent from the Commissioners	-	1	-
Closed orders under Section 24	-	1	-
Total	12	51	86

5. The United Nations Development Fund has provided 40 million to empower the victim of crime and witness protection process and particular agreement was signed by the Chairman of the National Authority for the Protection of Victims of Crime and Witnesses and the Director of the United Nations Development Fund on 24.11.2018. Accordingly, the fund debited to the account of the Authority in February, 2018 and adapted to develop infrastructure facilities in the Authority and used to organize awareness programmes. Further, particular grants are being utilized for the awareness programme and numerous purposes of the Authority. As stated in, Policy and Programme division of the Authority has been conducted 14 awareness programmes based on the officers who assist in the Criminal Justice System,
- OICs and HQIs in Police Stations
 - Lawyers
 - Judicial Medical Officers
6. Transparency International has provided 3000 pamphlets which included the summary of the Assistance to and Protection of Victims of Crime and Witnesses Act and rights and entitlements of victim of crime and witnesses in early 2018.
7. The Authority frequently connects with the Ministry of Foreign affairs and reported the progress of the National Authority other than the Ministry of Justice.

8. Follow up discussion with the Commissioners of the Department of Prison was held on 21st December 2018 at the Authority premises headed by the Chairman and the Director General of the Authority with the participation of Director-Policy and Programmes, Director-Law and Law Enforcement, Director-Police Protection Division and the UNDP technical specialist to discuss the way forward with prisoners who are victims or crime and witnesses.

7.4.6 Financial Progress from 01.01.2018 to 31.12.2018

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	%
Recurrent Expenditure	32.60	31.17	96%
Capital Expenditure	15.00	9.13	61%
UNDP fund	21.66	18.70	86%
Total	69.26	59.00	85%

7.5 COMMERCIAL MEDIATION CENTER OF SRI LANKA

7.5.1 Introduction

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

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

7.5.2 Responsibilities and Functions of the Institutions

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

7.5.3 Financial Progress from 01.01.2018 to 31.12.2018

Description	Allocation (Rs.Mn)	Expenditure (Rs.Mn)	Financial Progress
Recurrent Expenditure	5.85	-	-
Capital Expenditure	2.50	-	-
Total	8.35	-	-

08 COURTS OF LAW

The following Courts are functioning in 2018.

Courts/Tribunals	Number
Supreme Court	01
Court of Appeal	01
Provincial Civil Appellate High Courts	22
Commercial High Courts	01
Special High Court (Trial at Bar)	02
High Courts (Criminal)	32
District Courts	32
District and Magistrate's Courts	50
Magistrate's Courts	52
Children Magistrate's Courts	02
Circuit Magistrates' Courts	25
Labour Tribunals	39

8.1 THE REGISTRY OF THE SUPREME COURT

8.1.1 Introduction

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

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

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

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

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

8.1.2 Performance of 01.01.2018 to 31.12.2018

Type	No. of Cases Brought Forward from 2017	No. of Cases Registered From 01.01.2018 to 31.12.2018	No of Total Cases	No. of Cases Concluded From 01.01.2018. to 31.12.2018	No. of Cases Pending as at 31.12.2018
Fundamental Rights Applications	1,005	428	1,433	406	1,027
Special Level to Appeal	555	454	1,009	253	756
Order of the Supreme Court in respect of Parliamentary Bills	-	59	59	59	-
SC/Appeal Cases	492	204	696	195	501
SC CHC Appeal	217	107	324	23	301
HC/LA High Court Level Application	217	116	333	100	233
Writ Application	16	31	47	39	8
HC/CA/LA Provincial Appellate High Court cases	1,464	460	1,924	488	1,436
Revisions Cases	15	3	18	09	09
Constitutional Interpreter Cases	-	-	-	-	-
MISC/ Special	16	6	22	01	21
SC TAB Appeal	04	-	4	01	03
Rule	07	2	9	02	07
SC Contempt	25	7	32	03	29
Total	4,033	1,877	5,910	1,579	4,331

8.1.3 Financial Progress from 01.01.2018 to 31.12.2018

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	%
Recurrent Expenditure	175.81	163.50	93%
Capital Expenditure	8.86	4.76	54%
Total	184.67	168.25	91%

8.2 THE REGISTRY OF COURT OF APPEAL

8.2.1 Introduction

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

8.2.2 Performance of disposal cases from 01.01.2018 to 31.12.2018

Cases	NO of Case Pending as at 01.01.2018	No. of Registered 01.01.2018 - 31.12.2018	No. of Decided 01.01.2018 - 31.12.2018	Pending as at 30.09.2018
Writ Application	1,590	469	664	1,395
High Court Appeal -Criminal REM	1,140	323	525	938
	04	-	4	925
Provincial High Court Appeal	977	273	325	293
Civil Appeal	561	-	268	288
Provincial High Court Revision Application	349	175	236	15
Revision (Civil) and Leave to Appeal Application	81	155	221	158
Tax Appeal	146	26	14	39
Other Application	75	52	88	
Total	4,923	1,473	2,345	4,051

8.2.3 Financial Progress from 01.01.2018 to 31.12.2018

Description	Allocation (Rs. Mn.)	Expenditure (Rs. Mn.)	%
Recurrent Expenditure	67.72	66.94	99%
Capital Expenditure	5.17	2.01	39%
Total	72.89	68.95	94%

8.3 QUAZI COURTS AND QUAZI BOARD OF APPEAL

8.3.1 Introduction

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

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

8.3.2 Quazi Courts

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

8.3.3 Performance of Quazi Board of Appeal Court (2015- 2018)

Year	Total Complaints	No. of Complaints disposed	Complaints to be disposed
2015	266	112	154
2016	286	98	188
2017	262	82	180
2018	271	51	220

8.3.4 Performance of Quazi Courts (2015- 2018)

Year	Total Complaints	No. of Complaints disposed	Complaints to be disposed
2015	12,042	7,032	5,010
2016	15,896	8,064	7,832
2017	15,960	7,965	7,995
2018	17,790	9,011	8,779

09 RELATED INSTITUTIONS

9.1 SRI LANKA LAW COLLEGE

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

The Sri Lanka Law College conducts a 3 ½ 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, they are 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 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.

Performance of 01.01.2018 to 31.12.2018

1,483 candidates sat the April 2018 Examination and 542 students were passed in Preliminary and Intermediate years. Steps have been taken to release the Final year results. 1,846 candidates had applied to sit the October 2018 Examination.

For the academic year 2018, 1,151 students were admitted to Law College including those who have obtained Bachelor of Laws Degrees from Sri Lankan and foreign universities and those who passed the Law Entrance Examination.

231 were selected as students from 5,206 applicants who applied for the Sri Lanka Law College Entrance Examination held on 30th September, 2018 for the academic year 2019.