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சட்டமா அதிபதி திணைக்களம்
Attorney General's Department



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Performance Report - 2016
செயலாற்றுகை அறிக்கை - 2016

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 & her people.

Objective

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

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.

Index

<u>Contents</u>	<u>Page No</u>
1. Background of the Attorney General's Department	1
2. Organizational Structure of the Attorney General's Department	2
3. Cadre Information	3
4. Duties of the Attorney General's Department	4
i. Criminal Division	
ii. Civil Division	
iii. State Attorney's Division	
iv. Supreme Court Unit	
v. Corporation Branch	
vi. Child Abuse Cases Unit	
vii. Public Petitions Unit	
• Summary of the Performance of Divisions	12
viii. Establishment Branch	13 - 15
ix. Finance Branch	16
	5-16

Attorney General's Department
(P.O. Box. 502, Colombo 12)

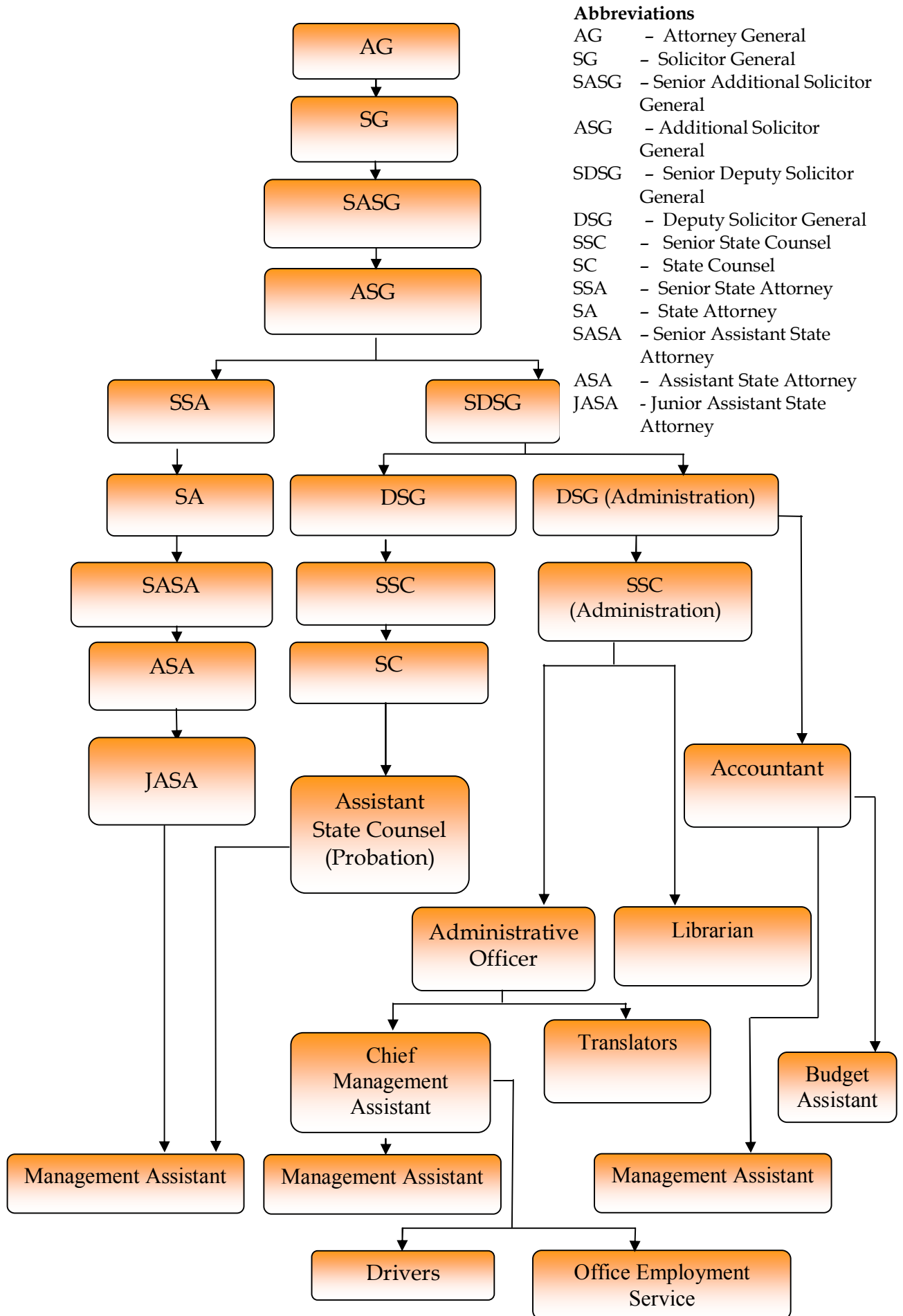
1. Background

Attorney General is the chief legal officer, who appears on behalf of the Democratic Socialist Republic of Sri Lanka and the Honourable Attorney General performs duties as the Head of the Department and Accounting Officer. Attorney General's Department is an "A" Grade Department and comes under the purview of Ministry of Justice.

Attorney General's Department provides legal assistance to the Central Government, Provincial Councils, Government Departments, statutory Boards and other Semi Government institutions. Legal officers of the Department provide instructions to the Government and Governmental Institutions on Civil, Criminal, Constitutional and Commercial matters and represent the Government and Governmental Institutions for the Cases, instituted in the Supreme Court, other Courts and labor tribunals in the Island.

Three main Divisions named Civil Division, Criminal Division and State Attorney Division have been established in the Department for Civil and Criminal Cases and the Establishment Division & Account Division have been established to conduct administrative work. In addition to those divisions, Corporation Division, EER Unit, which performs duties under Extra Emergency Regulations and Prevention of Terrorism Act, Child abuse cases unit, Immigration & emigration unit, Public Petitions unit and Supreme Court unit have been established for efficient and effective functioning of the Attorney General's Department.

2. Organizational Structure of Attorney General's Department



3. Cadre Information (as at 31.12.2016)

Level Group	Designation	Approved Cadre			Existing Cadre		
		Permanent	Casual	Contract	Permanent	Casual	Contract
Senior Level	Attorney General	1	-	-	1	-	-
	Solicitor General	1	-	-	1	-	-
	Senior Additional Solicitor General	2	-	-	2	-	-
	Additional Solicitor General	9	-	-	9	-	-
	Senior Deputy Solicitor General	9	-	-	9	-	-
	Deputy Solicitor General	19	-	-	19	-	-
	Senior State Counsel	56	-	-	30	-	-
	State Counsel	118	-	-	113	-	-
	Assistant State Counsel (Probation)	-	130	-	-	0	-
	Senior State Attorney	1	-	-	1	-	-
	State Attorney	2	-	-	2	-	-
	Senior Asst. State Attorney	6	-	-	6	-	-
	Asst. State Attorney	18	-	-	6	-	-
	Junior Assistant State Attorney	28	-	-	0	-	-
	Director (Finance) /Chief Accountant	1	-	-	1	-	-
Tertiary Level	Administrative Officer	3	-	-	3	-	-
	Librarian (Supra Grade)	1	-	-	1	-	-
	Translator	8	-	-	6	-	-
Secondary Level	Statistical Officer	1	-	-	0	-	-
	Budget Asst.	1	-	-	1	-	-
	Librarian	4	-	-	1	-	-
	Management Asst.	130	-	-	92	-	-
	Coordinating Secretary	1	-	-	1	-	-
	Personal Secretary	1	-	-	0	-	-
Primary Level	Stenographer	28	-	-	1	-	-
	Departmental Clerk	26	-	-	26	-	-
	Driver	87	-	-	83	-	-
	K.K.S.	139	-	-	121	-	-
	Departmental K.K.S.	22	-	-	22	-	-
	Watcher	7	-	-	0	-	-

4. **Duties of the Attorney General's Department**

Duties of the Attorney General's Department may be summarized as follows.

- 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 the Legal staff for the performance of duties.

- Criminal Cases Division
- Civil Division
- State Attorney Division
- Supreme Court Unit
- Corporation Division

Further, for the efficient and effective functioning of the Department, there are Special units, vested with especially recognized responsibilities.

Namely,

- Public Petitions unit. (This Division handles cases regarding public Petitions.)
- Child Abuse Cases unit. (This Division has been established to handle cases, regarding 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.

Performance of each Division of the Attorney General's Department Could be summarized as follows;

i. Criminal Division

This division receives a large number of criminal cases either directly from the Magistrates Court or from Police Department for advice and institute criminal proceedings either in the High Court or in the Magistrates Court.

On receipt of said briefs a file will be opened in the Attorney General's Department and action will be taken in accordance with provisions of the Code of Criminal Procedure Act Number 15 of 1979.

In this process instructions are being sent either to prosecute the suspects in Magistrates Court or discharge the suspect from proceedings for non availability of evidence or indictments are being sent directly to High Courts. There are 95 officers attached to the criminal division and an officer from the criminal division is attached to the every High Court in Sri Lanka.

Subjects Categorized by Offences

CR1	-	Cases investigated by Criminal Investigation Department
CR2	-	Cases related to Election Offences & Cases investigated by Colombo Fraud Investigation Bureau
CR3	-	Narcotic Offences
CR4	-	Offences related to Credit cards
CR5	-	Cases investigated by Financial Crimes Investigation Department
OW	-	Offences under the Offensive Weapons Act
EER/TR	-	Offences under the Emergency Regulations Act
AG/T	-	Torture in Police Custody
I & E	-	Offences under the Immigrants & Emigrants Act
MTA	-	Cases related to Fatal Accidents

**Subjects Categorized on Provincial Basis – Old Categorization
(Files opened up to 31.12.2016)**

CM1, CM2, CM3, CW1, CW2, CW3, CW4, CB1, CB2, CS1, CS2, CN

A new classification mechanism of criminal files as below mentioned has been introduced with effect from 01.01.2011 for smooth performance of this Department and to ensure identification of files at provincial levels.

EP 1, EP 2, EP 3, EP 4, NP 1, NP 2, NP 3, NP 4, NCP 1, NCP 2, SP 1, SP 2, SP 3, SP4, SP 5, CP 1, CP 2, CP 3, NWP 1, NWP 2, NWP 3, NWP 4, UP 1, UP 2, SGP 1, SGP 2, SGP 3, WP 1, WP 2, WP 3, WP 4, WP 5, WP 6, MLA

Performance of the Criminal Division

Performance Report of the Criminal Division – (from 01.01.2016 to 31.12.2016)

Serial No.	Subject	Opened Files	Indicted Files	Advised Files	Discharged Files	Concluded Files	Remaining Files
1	CR1	306	79	45	4	128	1703
2	CR2	102	17	44	3	64	532
3	CR3	1134	597	390	6	993	1226
4	CR4	20	14	0	4	18	108
5	CR5	41	6	2	0	8	70
6	CM1	0	15	8	6	29	123
7	CM2	0	13	16	3	32	69
8	CM3	0	24	35	5	64	102
9	CW1	0	16	7	1	24	71
10	CW2	0	11	4	2	17	105
11	CW3	0	16	4	1	21	93
12	CW4	0	25	25	2	52	51
13	CB1	0	3	6	1	10	47
14	CB2	0	4	4	1	9	70
15	CS1	0	25	10	7	42	131
16	CS2	0	10	5	2	17	154
17	OW	149	102	0	4	106	274
18	AG/T	1	3	1	0	4	54
19	I & E	383	0	90	34	124	788
20	CN	0	4	8	1	13	24
21	EER	36	7	9	37	53	37
22	TR	0	0	1	0	1	3
23	MTA	68	10	16	0	26	54
Sub Total		2240	1001	730	124	1855	5889

**Performance Report of the Criminal Division –
(from 01.01.2016 to 31.12.2016) under new classification**

Serial No.	Subject	Opened Files	Indicted Files	Advised Files	Discharged Files	Concluded Files	Remaining Files
1	EP1	30	22	18	1	41	167
2	EP2	44	35	28	2	65	103
3	EP3	26	15	2	0	17	73
4	EP4	33	26	27	1	54	72
5	NP1	46	20	12	0	32	160
6	NP2	24	14	7	3	24	142
7	NP3	9	0	0	0	0	16
8	NP4	28	5	9	3	17	44
9	NCP1	151	17	15	0	32	442
10	NCP2	57	37	16	3	56	139
11	SP1	100	60	29	4	93	265
12	SP2	114	60	31	7	98	281
13	SP3	92	71	20	13	104	259
14	SP4	52	36	14	7	57	132
15	SP5	72	48	8	8	64	145
16	CP1	141	60	67	18	145	285
17	CP2	38	19	10	5	34	60
18	CP3	55	20	24	6	50	124
19	NWP1	117	125	17	14	156	449
20	NWP2	69	60	8	6	74	199
21	NWP3	71	27	7	2	36	108
22	NWP4	45	25	7	1	33	154
23	UP1	81	54	14	10	78	280
24	UP2	51	28	25	3	56	177
25	SGP1	145	97	30	10	137	251
26	SGP2	41	41	21	6	68	118
27	SGP3	76	55	37	1	93	183
28	WP1	204	89	52	26	167	911
29	WP2	57	90	27	7	124	203
30	WP3	120	87	20	10	117	318
31	WP4	167	70	31	10	111	342
32	WP5	67	30	25	13	68	193
33	WP6	151	76	33	9	118	426
Total		2574	1519	691	209	2419	7221

ii. Civil Division

Civil Division attends to all Civil and Commercial matters including Appeals, Writs, Revisionary Cases filed in the Supreme Court, Court of Appeal and Civil Appellate High Courts of Sri Lanka and Civil Cases filed in the various District Courts in the island. This Division provides instructions in occasions such as revision of laws and passing of new laws and attends to the relevant Parliamentary activities and provides instructions. Legal advice sought by Government Departments, advice for obtaining foreign loans, advice regarding comprehensive agreements, matters referred by the Human Rights Commission, Notices of Action Cases, Arbitration cases and Recovery of Possession of State Land Cases are some of the areas handled by the officers in the civil division.

There are 87 officers attached to Civil Division handling civil matters in Court of Appeal, District Courts, Provincial Civil Appellate High Courts and Labour Tribunals. In addition to their work; the officers are involved in advising Government Departments on legal issues; taking part in various Technical Committees; appearance in Local and International Arbitrations and appearance in the Supreme Court in Rule Matters filed against errant legal professionals.

Subjects Categorized in the Civil Division

E	-	Legal Advice
FC	-	Advice for Obtaining Foreign Loans
CA/CA	-	Court of Appeal Cases
CA/HC	-	High Court Cases
HRC	-	Human Rights Commission Matters
B	-	Bills
CA/NA	-	Notice of Action
CA/DC	-	District Court Cases
ARB	-	Arbitration Cases
C	-	Cases Filed Against State (Reimburse to State)
CL	-	Advice on Comprehensive Agreements
CE	-	Recovery of Possession of State Lands
AA	-	Rule Matters
AV	-	Aviation cases
CA/LT	-	Labour Tribunal cases
CA/MC	-	Magistrate Court cases

Performance of the Civil Division

Subject	Opened Files	Concluded Files	Remaining Files
E	415	174	242
FC	34	10	24
CA/CA	550	19	40
CA/HC	401	-	-
HRC	-	-	-
B	69	-	-
CA/NA	381	-	-
CA/DC	386	-	-
ARB	18	-	-
C	342	-	-
CL	121	98	23
CE	82	-	-
AA	05	-	-
CA/LT	04	-	04
CA/MC	125	-	-
Total	2933	301	333

Note that majority of files, opened by the Civil Division are handled by the State Attorney's Division.

iii. State Attorney's Division

The State Attorney's Division receives files opened by the Civil Division and thereafter continues to appear for them in Civil Courts Island wide.

There are 15 officers including a Senior State Attorney and two State Attorneys working in the State Attorney's Division and in addition to them they have an island wide network of State Attorneys (earlier Crown Proctors) to attend to the instructive work in civil cases.

This Branch annually handles a large volume of civil cases and 2473 civil cases were concluded during this year.

iv. Supreme Court Unit

This is a special unit which only handles cases filed in the Supreme Court of the Democratic Socialist Republic of Sri Lanka.

There are 11 officers and other grades working in this unit headed by an Additional Solicitor General.

This unit has handled a large number of cases including Fundamental Rights Cases during the year 2016.

There are 493 case files opened during the year 2016 and 138 case files were concluded within this year.

v. Corporation Branch

This division was established in year 1990 with the intention of helping Government Corporations, Statutory Bodies and various semi governmental organizations in their legal matters at reasonable cost.

There are 2202 case files opened during the year 2016 and 1750 case files were concluded.

Subjects Categorized in the Corporation Branch

CA	-	Cases when the Government Institution is a Defendant or Respondent
C	-	Cases when the Government Institution is the Plaintiff or Appellant.
E	-	Advice files
BCL	-	Agreements
ARB	-	Arbitration
SPC	-	Statutes of Provincial Councils
L	-	Land Acquisition Matters
WB	-	Cases of recovery of Unsettled Water Bills
BLA	-	Lease Agreements

Performance of the Corporation Branch

Subject	Opened Files	Concluded Files	Remaining Files
CA	1405	1115	2240
C	343	260	2545
E	215	197	528
BCL	37	75	42
ARB	24	21	17
SPC	01	-	06
L	06	-	11
WB	162	78	592
BLA	09	04	05
Total	2202	1750	5986

vi. Child Abuse Cases Unit

This unit was established in the year 2004 with the intention of speedy disposal of cases in the areas of child abuse and sexual offence against women referred for the advice of the Attorney General.

The Attorney General's Department has recruited 14 young attorneys to work in this unit with an additional supporting staff.

This unit has handled a large number of such cases during the year 2016. 3651 cases were opened and 2354 files were concluded during this year.

vii. Public Petitions Unit

Complaints received from the general public are referred to this unit with the idea of giving some redress to those petitions. Presently these petitions are handled under a Deputy Solicitor General.

Above performance of each Division for the year 2016 could be summarized as follows;

Division	Number of files opened	Number of files indictments sent	Number of files provided instructions	Number of files Released	Number of files concluded
* Civil Division	2933	-	184	-	301
Criminal Division	4814	2520	1421	333	4274
* State Attorney Division	219	-	-	-	2473
Supreme Court Unit	493	-	-	-	138
Corporation Division	2202	-	-	-	1750
Women & Child Abuse cases Unit	3651	1374	463	517	2354
Public Petitions Unit	690	-	-	-	258

* Note that majority of files, opened by the Civil Division are handled by the State Attorney Division.

viii. Establishment Branch

Establishment Branch plays a key role silently in assisting the Department for smooth functioning of entire duties of the Department. Relative to other Divisions of this Department, performance of this Division may not be submitted on quantitative data. Therefore, performance of the Establishment Branch for the period from 01.01.2016 to 31.12.2016 is set out as follows;

- **Recruitments, filling of vacancies and creation of new posts.**

Law Officers:-

- Recruitments were done to fill 17 vacancies of the post of State Counsels.
- Applications were called to fill 12 vacancies of the post of Assistant State Attorneys and the first structured interview was conducted.
- In accordance with the approval granted for the year 2016, documents related to recruiting 30 officers for the post of Assistant State Counsel (Probation), [Draft notice of calling applications, a specimen application, marking scheme] are being directed to the Public Service Commission for approval.

Public Management Assistant Service:-

Requests have been made to the Director General of Combined Services to fill the vacancies of the Public Management Assistant Service.

Departmental Posts:-

- Actions have been taken to publish a gazette notification and call applications for the post of Departmental Stenographer.

Minor Employees:-

- Approval has been granted by the Department of Management Services to fill 16 vacancies of the Office Assistant Service.
- Approval has been granted by the Department of Management Services to fill 04 vacancies of the Drivers Service.
- Interviews had been conducted to fill 07 vacancies of the post of Watcher.

- **Computerization of leave**

Leaves of all the officers and employees of the Department are entered into relevant documents. In addition all the leaves are computerized under an especially designed Computer programme. Staff officers can refer their online Leave applications to relevant supervising officers for the approval. (Except for foreign leave and other leaves, for which the written approval is sought)

- **Granting of Distress Loan**

Actions have been taken to grant distress loan to the applicants without keeping them in a waiting list for a long time.

Data on applying & granting distress loans from 01.01.2016 to 31.12.2016 are as follows.

Designation	Number of Applicants	No. of Employees, who was granted loans
Staff Grade	25	25
Public Management Assistant Service and other Services	61	61
Office Assistant Service	59	59
Driver	40	40

Accordingly, an amount of Rs: 21,893,808.00 has been paid from the Public Servants Advance Account for distress loans from 01.01.2016 to 31.12.2016.

- **Paying of Pensions**

In the event of a retirement of an officer or employee, the entire documents for pension will be prepared and forwarded to the Department of pensions without delay and accordingly officers/ employees of this Department will be able to obtain their Pension and/or gratuity without unnecessary delay.

Accordingly actions have being taken to pay pension gratuities of 13 employees, retired in 2016 without delay.

- **Human Resources Development by providing training and material resources**

07 officers of Public Management Assistants' service, 03 of the Drivers service were provided to participate in courses at the Sri Lankan Development Administration Institute in this year. In addition actions have been taken for 05 officers of Public Management Assistants' service and 02 from Office Employees service and 11 Departmental clerks to attend the Tamil language courses.

Further, opportunities have been granted to the legal officers for foreign trainings through the Scholarships related to the field of law offered by foreign Universities and various institutions on the recommendation of the Department of foreign resources.

- **Infrastructure Development**

- Construction work of the new building for the department has been handed over to Thudawe Brothers, the selected contractor and the construction work has commenced.
- Foundation stone was laid for the quarters of State Counsels of Kandy and planning work was concluded.
- Construction work of quarters of State counsels of Vavuniya and Mannar is being functioned and work is handled by the Second Regiment of the Engineering Corps of the Sri Lanka Army.

Object Details – from 01.01.2016 to 31.12.2016

Head 229
Programme 01
Project 01

Recurrent Expenditure from 01.01.2016 to 31.12.2016

Object Details	Budget Provisions	Net Provisions	Actual Expenditure
Personal Emoluments	391,900,000	446,940,000	446,006,640
Other Recurrent Expenses	267,700,000	224,200,000	211,414,611
Total	659,600,000	671,140,000	657,421,251

Capital Expenditure from 01.01.2016 to 31.12.2016

Subject & Subject No	Budget Provisions	Net Provisions	Net Expenditure
2001 – Building and Construction	6,000,000	6,000,000	5,996,467
2002 – Machine and Machinery	2,000,000	2,000,000	1,995,184
2003 – Repairing of Vehicles	4,500,000	4,500,000	4,494,651
2102 – Furniture and Office Equipment	7,000,000	7,000,000	6,996,044
2103 – Purchasing of Machine and Machinery	7,000,000	7,000,000	7,000,000
2401 – Training for the staff	19,000,000	19,000,000	17,063,238
2502 – Investments	560,800,000	560,800,000	243,011,056
Total	606,300,000	606,300,000	286,556,639

Advance Account from 01.01.2016 to 31.12.2016

	Maximum Limit of Expenditure	Minimum Limit of Receipts	Maximum Limit of Debit Balance
Approved limit	23,000,000	12,000,000	80,000,000
Actual	27,343,109	21,502,686	47,876,142

Revenue Account from 01.01.2016 to 31.12.2016

Revenue Account No	2016 Estimate	2016 Actual Revenue
20.03.02.11	35,300,000	38,520,240