# ශීර්ෂ අංක 04 - කාර්ය සාධන වාර්තාව 2020

## උපරිමාධිකරණ විනිශ්චයකාරවරු

# செலவுத்தலைப்பு இல.04 - செயலாற்றுகை அறிக்கை 2020

## உயர் நீதிமன்ற நீதியரசர்கள்

# PERFORMANCE REPORT 2020 - HEAD 04

## JUDGES OF THE SUPERIOR COURT

# Annual Performance Report for the Year 2020
## Judges of the Superior Courts - Head No. 04

### Contents

# Chapter 01- Institutional Profile/ Summary of Implementation

## 1.a. Supreme Court

### 1.a 1 Introduction

The Supreme Court is the highest and final Court of the judicial system in Sri Lanka. The Supreme Court consists of the Chief Justice and 16 Supreme Court Judges. Aforesaid all judges are appointed by His Excellency the President of Sri Lanka. Supreme Court reserves appellate jurisdiction with regard to all the other courts whereas the supreme Court exercise its powers, subject to the provisions of the Constitution of the Democratic Socialist Republic of Sri Lanka**.**

### 1. a 2 The Legal framework under which the Institution is established (Act. Trust/Others)

The legal framework of the Supreme Court is defined under Chapter XIV of the Constitution of the Democratic Socialist Republic of Sri Lanka, under Superior Courts and the jurisdiction of the Supreme Court and its constitution are mentioned from articles 118 to 136.

By the 20$^{th}$ amendment, the Article 119 of the above constitution is amended so as the Supreme Court to consist of the Chief Justice and not less than 06 and not more than 16 other Supreme Court Judges.

### 1. a 3 Objective of the Institution

**Efficient administration of justice as per the powers vested on it by the Constitution.**

### 1.a 4 Vision, Mission, and Objectives of the Institution

"Securing the public trust through an efficient system of administration of justice by exercising the powers vested in it by the Constitution while dedicating for the betterment of the General Public".

The Constitution of the Democratic Socialist Republic of Sri Lanka has vested the power jurisdiction to the Supreme Court to administer justice within a short period of time efficiently exercising its statutory powers, as follows:

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

### 1.a 5 Main Functions

- Exercise of powers in respect of Jurisdiction of Constitutional matters
- Exercise of powers in respect of Jurisdiction of Fundamental Rights,
- Exercise of powers in respect of Final Appellate Jurisdiction
- Exercise of powers in respect of Consultative Jurisdiction
- Exercise of powers in respect of Jurisdiction in Elections Petitions (Presidential election) and Jurisdiction in respect of any breach of Privileges of the Parliament,
- Exercise of powers Jurisdiction in respect of such other matters which Parliament may by Law vest or ordain.
- Enrollment, recruitment, suspension and disenrollment of attorneys-at-law.

Under this expenditure Head provisions are included for the payment of salaries and wages to the Supreme Court Judges, other recurrent expenses, acquiring of capital assets and foreign conferences meetings.

### 1.a 6 Organizational Remarks

Not relevant

### 1.a 7 Particulars of projects which receive foreign aid (if any) Nil.

Nil.

## 1.b Court of Appeal

### 1.b 1. Introduction

The Court of Appeal was established under the Article 137 of the Constitution of the Democratic Socialist Republic of Sri Lanka and it is the second most senior court in the judicial hierarchy.

The Court consist of the twenty Honorable Judges headed by the President of the Court of Appeal.

It has appellate and revisionary jurisdiction over the decisions of the courts, tribunal or any other institute of first instance, writ jurisdiction, power to issue injunctions, power to hear election petitions, authority to inspect and examine the records of any court of first instance and power to bring up and remove prisoners in terms of the provisions of the constitution of the Democratic Socialist Republic of Sri Lanka.

The Court of Appeal shall ordinarily exercise its jurisdiction at Colombo and when the judgment of the Court of Appeal is not a unanimous decision, the decision is based on the majority.

The Registry of the Court of Appeal shall be in charge of an Officer designated as the Registrar of the Court of Appeal who shall be subject to the supervision, direction and control of the President of the Court of Appeal.

### 1.b 2 The Legal framework under which the Institution is established (Act. Trust/Others)

In the constitution of the Democratic Socialist Republic of Sri Lanka under Chapter XVI under Superior Courts in Article 137, the constitution of the Court of Appeal and as per Article 138 its jurisdiction is mentioned and from Articles 139 to 147 its functions are described.

As per the 20th amendment introduced to the above Article, the Court of Appeal shall consist the President of the Court of Appeal and other judges not less than six and not more than 19, is affected through the Amendment to the Article 137 of the Constitution.

**1.b3 The objective of the Institution.**

Efficient administration of justice as per the powers vested on it by the Constitution.

**1.b4 Vision, Mission, Objectives of the Institution**

**"**Effectively utilize the function of Administration of Justice within the new decade ahead"

Exercise the function of administration of justice effectively in a new way which is more convenient to litigants whilst utilizing the computer technology.

The Court of Appeal which established under the Constitution of Sri Lanka 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 and appellate jurisdiction. The Court of Appeal reserves the power to issue required orders and directions in related to the facts depicted in the Mutual Assistance in Criminal Matters Act No.25 of 2002 and Mutual Assistance in Civil and Commercial Matters Act No.39 of 2000 and the power and authority to inspect and examine the records of any court of first instance or Labour Tribunal or any other legal institution.

**1.b5 Main Functions**

- Examining appeals and revision applications of any Court of first instance including High Court.
- Examining appeals against the decisions of the other statutory boards
- Examining applications submitted for transferring the cases of Court of first instance to the courts which have the same authority.
- Examining contempt of court cases
- Examining election petitions.

**1.b6 Organizational Chart** – not relevant

**1, b7 Particulars of projects which receive foreign aid (if any) Nil.**

# Chapter 02- Progress of Future Outlook

## 2. a Supreme Court

Rendering a maximum public service in functioning the duty of delivering justice by streamlining the existing human and physical resources methodically and providing maximum service that have to be fulfilled by the Supreme Court.

| **Performance of the Supreme Court of the Democratic Socialist Republic of Sri Lanka from 01.01.2020 to 31.12.2020** | | | | | |
|---|---|---|---|---|---|
| Type of Case | Number of pending cases as at 01/01/2020 | Number of filed cases from 01/01/2020 to 31/12/2020 | Total number of cases pending from 01.01.2020 to 31. 12. 2020 | Number of concluded cases from 01/01/2020 to 31/12/2020 | Number of pending cases as at 31/12/2020 |
| Fundamental Rights Applications | 1153 | 350 | 1503 | 287 | 1216 |
| Special leave to Appeal | 555 | 240 | 795 | 199 | 596 |
| Orders of the Supreme Court regarding the Bills | 0 | 40 | 40 | 38 | 02 |
| Appellate | 1227 | 111 | 1338 | 101 | 1237 |
| Appellate of Commercial High Court | 468 | 27 | 495 | 31 | 464 |
| Leave to Appeal Applications of High Court | 95 | 108 | 203 | 48 | 155 |
| Writ Applications | 08 | 12 | 20 | 08 | 12 |
| Appellate of Provincial High Court | 740 | 375 | 1115 | 231 | 884 |
| Revision Applications | 05 | 04 | 09 | 03 | 06 |
| Cases regarding the Interpretations of the Constitution | 0 | 0 | 0 | 0 | 0 |
| Miscellaneous | 09 | 02 | 11 | 0 | 11 |
| SC TAB APPEAL | 01 | 02 | 03 | 0 | 03 |
| Special Appellate | 0 | 01 | 01 | 0 | 01 |
| Contempt to Court Cases | 24 | 08 | 32 | 20 | 12 |
| Rule matters | 09 | 01 | 10 | 01 | 09 |
| Cases regarding disenrollment | 0 | 02 | 02 | 0 | 01 |
| Cases that are to be accelerated | 0 | 02 | 02 | 01 | 01 |
| Total | 4294 | 1284 | 5578 | 968 | 4610 |

Signed
Registrar -Supreme Court

**Pradeep Mahamuthugala**
**Additional Registrar**
**Registrar**
**Supreme Court**
**Colombo 12.**

## 2.b Court of Appeal

The Court of Appeal maintains 3 Record Rooms along with a large database consisted of the cases to be heard and the cases finalized whereas the process of keeping the case records in accordance with the matter type and barcoding the case Numbers has already been initiated.

Accordingly, keeping cases as per the matter type has facilitated a more convenient system to refer the matters when necessary and it connects to the Case Management System through barcoding.

Issuance of receipts for administration charges such as legal costs, charges for copies through the computerized operating system has also already been commenced. Similarly, steps have been taken to prepare accounts reports through autogenerated system which functioned through a Computer Operating System.

The listing branch of the Court of Appeal has taken measures to update the Case Management System by a new Operating System. Accordingly, cases are being listed more accurately and effectively, web page has been maintained properly and the description of the list of cases relevant for the day is daily displayed and updated for the information of the litigants.

Case listing Unit, Registrar, Deputy Registrars and all Record Rooms have been networked by the Case Management System which facilitate opportunities to any officer to examine details of any Case Records. Steps are being taken to extend this facilities to the lawyers and other litigants.

Converting the case records of the Court of Appeal to the e-formats and conducting court proceedings via computerized online systems (e -filling) for a more efficient and effective Public Service.

Modernizing the official website of the Court of Appeal and introducing a new mobile application and proactively disclosing the details related to the case proceedings.

Minimizing the physical documents circulation (Paperless documents circulation) by networking the office of the Court of Appeal, Chambers of the judges and Open Courts.

| PERFORMANCE OF THE SUPREME COURT FROM 01.01.2020 TO 31.12.2020 | | | | | |
|---|---|---|---|---|---|
| | Types of Cases | Pending case as at 01.01.2020 | Cases filed within the period from 01.01.2020 to 31.012.2020 | Cases decided within the period from 01.01.2020 to 31.12.2020 | Cases to be decided by 31.12.2020 |
| 01 | Prohibition orders | 569 | 466 | 166 | 869 |
| 02 | Claims | 105 | 139 | 71 | 173 |
| 03 | Applications for Special leave | 23 | 05 | 03 | 25 |
| 04 | Lease | 152 | 18 | 0 | 170 |
| 05 | Revision from Magistrate's Court | 06 | 03 | 03 | 06 |
| 06 | Land acquisition | 07 | 01 | 0 | 08 |
| 07 | Contempt of Court | 24 | 09 | 02 | 31 |
| 08 | Restitution integrum | 26 | 17 | 03 | 40 |
| 09 | Habeus Corpus | 02 | 03 | 03 | 02 |
| 10 | Re disenrollment | 0 | 01 | 0 | 01 |
| 11 | Muslim Marriage Act | 04 | 01 | 0 | 05 |
| 12 | Prohibition | 0 | 03 | 03 | 0 |
| 13 | Regarding disappeared persons | 04 | 01 | 0 | 05 |
| 14 | Bail | 01 | 42 | 36 | 07 |
| 15 | Change of Court | 04 | 04 | 04 | 04 |
| 16 | Provincial High Court | 423 | 12 | 02 | 433 |
| 17 | High Court - Criminal | 796 | 253 | 03 | 1046 |
| 18 | Revision | 07 | 01 | 0 | 08 |
| 19 | Election Petitions | 0 | 0 | 0 | 0 |
| 20 | Arbitration Act | 05 | 01 | 0 | 06 |
| 21 | Appeals from District Courts | 0 | 0 | 0 | 60 |
| 22 | Right to Information Act | 02 | 01 | 0 | 03 |
| 23 | Consumer Affairs Authority | 0 | 0 | 0 | 0 |
| | Total | 2220 | 981 | 299 | 2902 |

Sgd/For Registrar -Court of Appeal

P.V. Kindelpitiya,
Deputy Registrar
Court of Appeal, Colombo 12.

## Chapter 03 – Financial Performance of the Year.

**3.1** Financial statement prepared as required by the Accounting Standard No. 01 For the Government Account Branch.

**3.2** Performance of utilization of the provisions.

**3.3** Performance on the donations and other receipts: There are no receipts of donations and others.

**3.4** Performance of reporting assets other than financial.
There are no non-financial assets.

**3.5** The Report of the Auditor General.

**3.1** Financial statement prepared as required by the Accounting Standard No. 01 For the Government Account Branch.

ACA -F

**Statement of Financial Performance**
**for the period ended 31[st] December 2020**

Rs.

| Budget 2020 | | Note | Actual 2020 | Actual 2019 | |
|---|---|---|---|---|---|
| - | **Revenue Receipts** | | - | - | |
| - | Income Tax | 1 | - | - | |
| - | Taxes on Domestic Goods & Services | 2 | - | - | ACA-1 |
| - | Taxes on International Trade | 3 | - | - | |
| - | Non Tax Revenue & Others | 4 | - | - | |
| - | **Total Revenue Receipts (A)** | | - | - | |
| - | **Non Revenue Receipts** | | - | - | |
| - | Treasury Imprests | | 226,422,000 | 247,250,000 | ACA-3 |
| - | Deposits | | - | - | ACA-4 |
| - | Advance Accounts | | 399,876 | 384,540 | ACA-5 |
| - | Other Receipts | | 4,474,330 | 4,176,508 | |
| - | **Total Non Revenue Receipts (B)** | | **231,296,206** | **251,811,048** | |
| - | **Total Revenue Receipts & Non Revenue Receipts C = (A)+(B)** | | **231,296,206** | **251,811,048** | |
| | **Less: Expenditure** | | | | |
| - | **Recurrent Expenditure** | | - | - | |
| 202,750,000.00 | Wages, Salaries & Other Employment Benefits | 5 | 177,674,456 | 164,303,832 | |
| 57,300,000.00 | Other Goods & Services | 6 | 40,531,917 | 47,852,218 | ACA-2(ii) |
| 280,000.00 | Subsidies, Grants and Transfers | 7 | 103,771 | 151,523 | |
| - | Interest Payments | 8 | - | - | |
| - | Other Recurrent Expenditure | 9 | - | - | |
| 260,330,000.00 | **Total Recurrent Expenditure (D)** | | **218,310,144** | **212,307,573** | |
| | **Capital Expenditure** | | | | |
| 1,450,000.00 | Rehabilitation & Improvement of Capital Assets | 10 | 1,891,250 | 949,445 | |
| 2,450,000.00 | Acquisition of Capital Assets | 11 | 8,156,231 | 2,005,790 | |
| - | Capital Transfers | 12 | - | - | ACA-2(iii) |
| - | Acquisition of Financial Assets | 13 | - | - | |
| 64,000,000.00 | Capacity Building | 14 | 2,751,942 | 36,292,458 | |
| - | Other Capital Expenditure | 15 | - | - | |
| 67,900,000.00 | **Total Capital Expenditure (E)** | | **12,799,422** | **39,247,692** | |
| | **Main Ledger Expenditure (F)** | | **1,832,742** | **322,360** | |
| | **Deposit Payments** | | - | - | ACA-4 |
| - | **Advance Payments** | | 1,832,742 | 322,360 | ACA-5 |
| | **Total Expenditure G = (D+E+F)** | | 232,942,308 | 251,877,625 | |
| - | **Imprest Balance as at 31[st] December 2020H = (C-G)** | | (1,646,102) | (66,577) | |

1

ACA-P

## Statement of Financial Position
## As at 31st December 2020

| | Note | Actual 2020 Rs | 2019 Rs |
|---|---|---|---|
| **Non Financial Assets** | | | |
| Property, Plant & Equipment | ACA-6 | 594,911,944.61 | 6,305,714.01 |
| **Financial Assets** | | | |
| Advance Accounts | ACA-5/5(a) | 1,981,225.00 | 548,359 |
| Cash & Cash Equivalents | ACA-3 | 186,640.13 | - |
| **Total Assets** | | 597,079,809.74 | 6,854,073 |
| **Net Assets / Equity** | | | |
| Net Worth to Treasury | | 1,981,225.00 | 548,359 |
| Property, Plant & Equipment Reserve | | 594,911,944.61 | 6,305,714.01 |
| Rent and Work Advance Reserve | ACA-5(b) | - | |
| **Current Liabilities** | | | |
| Deposits Accounts | ACA-4 | - | - |
| Imprest Balance | ACA-3 | 186,640.13 | - |
| **Total Liabilities** | | 597,079,809.74 | 6,854,073 |

Detail Accounting Statements in ACA format Nos. 1 to 6 presented in pages from 01 to 41 and Notes to accounts presented in pages from 42 to 49 form and integral parts of these Financial Statements. The Financial Statements have been prepared in complying with the Generally Accepted Accounting Principles whereas most appropriate Accounting Policies are used as disclosed in the Notes to the Financial Statements and hereby certify that figures in these Finacial Statements, Notes to accounts and other relevant accounts were reconciled with the Treasury Books of Accounts and found to in agreement.

Chief Accounting Officer
Name :
Designation :
Date :

Pradeep Mahamuthugala
Additional Magistrate
Registrar
Supreme Court
Colombo - 12,
Sri Lanka.

Accounting Officer
Name :
Designation :
Date :

Pradeep Mahamuthugala
Additional Magistrate
Registrar
Supreme Court
Colombo - 12,
Sri Lanka.

Chief Financial Officer/ Chief Accountant/ Director (Finance)/ Commissioner (Finance)
Name : H.A.P. SURANGA
Date :
Accountant
Supreme Court
Colombo - 12.
25-01-2021

# Statement of Cash Flows
## for the Period ended 31st December 2020

| | Actual 2020 Rs. | 2019 Rs. |
|---|---|---|
| **Cash Flows from Operating Activities** | | |
| Total Tax Receipts | - | - |
| Fees, Fines, Penalties and Licenses | - | - |
| Profit | - | - |
| Non Revenue Receipts | 120,072 | 393,352 |
| Revenue Collected for the Other Heads | - | - |
| Imprest Received | 226,422,000 | 247,250,000 |
| **Total Cash generated from Operations (a)** | 226,542,072 | 247,643,352 |
| **Less - Cash disbursed for:** | | |
| Personal Emoluments & Operating Payments | 213,852,115 | 245,650,597 |
| Subsidies & Transfer Payments | 103,771 | 151,523 |
| Expenditure on Other Heads | - | - |
| Imprest Settlement to Treasury | 186,640 | 119,313 |
| **Total Cash disbursed for Operations (b)** | 214,142,526 | 245,921,433 |
| **NET CASH FLOW FROM OPERATING ACTIVITIES(C )=(a)-( b)** | 12,399,546 | 1,721,920 |
| **Cash Flows from Investing Activities** | | |
| Interest | - | - |
| Dividends | - | - |
| Divestiture Proceeds & Sale of Physical Assets | - | - |
| Recoveries from On Lending | - | - |
| Recoveries from Advance | 399,876 | 384,540 |
| **Total Cash generated from Investing Activities (d)** | 399,876 | 384,540 |
| **Less - Cash disbursed for:** | | |
| Purchase or Construction of Physical Assets & Acquisition of Other Investment | 12,799,422 | 1,969,990 |
| Advance Payments | - | - |
| **Total Cash disbursed for Investing Activities (e)** | 12,799,422 | 1,969,990 |
| **NET CASH FLOW FROM INVESTING ACTIVITIES( F)=(d)-(e)** | (12,399,546) | (1,585,450) |
| **NET CASH FLOWS FROM OPERATING & INVESTMENT ACTIVITIES (g)=( c) + (f)** | (0) | 136,470 |
| **Cash Flows from Fianacing Activities** | | |
| Local Borrowings | - | - |
| Foreign Borrowings | - | - |
| Grants Received | - | - |
| Deposit Received | - | - |
| **Total Cash generated from Financing Activities (h)** | - | - |
| *Less - Cash disbursed for:* | | |
| Repayment of Local Borrowings | - | - |
| Repayment of Foreign Borrowings | - | - |
| Advance Payments | - | 136,470 |
| Deposit Payments | - | - |
| **Total Cash disbursed for Financing Activities (i)** | - | 136,470 |
| **NET CASH FLOW FROM FINANCING ACTIVITIES (J)=(h)-(i)** | - | (136,470) |
| **Net Movement in Cash (k) = (g) -(j)** | (0) | (0) |
| **Opening Cash Balance as at 01st January** | - | - |
| **Closing Cash Balance as at 31st December** | (0) | - |

**3.2 Performance of utilization of allocated provisions** Rs. 000

| Category of provision | Allocated provisions | | Actual Cost | The utilized provision as a percentage % of completed final amount of the provision |
|---|---|---|---|---|
| | Original provision | Final provision | | |
| **Supreme Court** | | | | |
| Recurrent | 115, 150 | 119, 524 | 109, 204 | 91.36% |
| Capital | 10, 060 | 18, 916 | 8, 864 | 46.86% |
| **Court of Appeal** | | | | |
| Recurrent | 109, 210 | 114, 49 | 109, 105 | 95.33% |
| Capital | 8, 850 | 21, 318 | 3,935 | 18.46% |
| **Total provision** | | | | |
| Recurrent | 224, 360 | 233, 973 | 218, 310 | 93.3% |
| Capital | 18, 910 | 40, 234 | 12, 799 | 31.81% |

## 3.3 Performance with regard to donations and other receipts

-Nil –

## 3.4 Performance relating to reporting of non-financial assets

| Asset Code | Description of Code | The balance as at 31.12.2020 according to the Goods survey Report | The balance as at 31.12.2020 according to the Financial position report | Future auditing due | Reporting the progress as a percentage |
|---|---|---|---|---|---|
| 9152 | Machinery | 594, 912 | 594, 912 | - | 100% |

## 3.5 The Report of the Auditor General

# NATIONAL AUDIT OFFICE

Mu No} JP A/A/RSC/02/FA/20 Date} 28th June 2021

The Registrar (Accountable Officer)

Registrar of the Supreme Court

Summary of Report of the Auditor General under section 11 (1) of the Audit Act No. 19 of 2018 with regard to the Financial Statement of the Supreme Court Registry for the year ending on the 31st of December.

1. <u>Financial statement</u>

1.1 <u>Qualified Opinion</u>

The Financial Statement of the Supreme Court Registry for the year ending on the 31st of December 2020 consisting of Financial Position as at 31st of December 2020, Financial Performance Statement for the year ending on that date and cash flow statement were audited under my direction under the Provisions of the Article 154 (1) of the Constitution of the Democratic Socialist Republic of Sri Lanka that should be read combined with the provisions of the National Audit Act No. 19 of 2018. As per the Section 11 (1) of the Audit Act No. 19 of 2018 this report contains my expression of qualified opinions and observation on this financial statement submitted to the Registrar of the Supreme Court. In accordance with the Section 11 (2) of the Audit Act No. 19 of 2018 the annual detailed management audit report was issued to the Accountable Officer on the 28th of June 2021. The Auditor General's Report that should be forwarded under section 10 of the Audit Act No. 19 0f 2018 that must be read combined with Article 154 (6) of the Constitution of the Democratic Socialist Republic of Sri Lanka will be forwarded to the parliament in due course.

It is my opinion that other than the influence pointed out in paragraph 1.6 of this report, by the Financial Statement, the financial position of the Registry for the year ending 31st December 2020, financial performance and cash flow for the year ending on the said date are in compliance with generally accepted norms of accounting principles, reflects true and reasonable position.

**Basis for the qualified Opinion.**

1.2 Based on the materials mentioned above in paragraph 1.6 my qualified opinion is expressed. I conducted the auditing in compliance with the Sri Lankan Auditing Standards (S.L.A.S). My responsibilities with regard to the Financial Statements are further described under the responsibilities of the Auditor. It is my belief that in order form a basis for my opinion, the evidence obtained by me is sufficient and appropriate.

**1.3 The responsibility of the Accountable Officer in respect of Financial Statements**

In compliance with the generally accepted principles of accounting and provisions of section 38 of the National Audit Act No. 19 of 2018, it is the responsibility of the Accountable Officer to decide the internal control in preparing Financial Statements reflecting true and reasonable position and to prepare Financial Statements devoid of wrong statements that lead to dishonest and incorrect reasons. According to section 16 (1) of the National Audit Act No. 19 of 2018, books and records must be maintained on income, expenditure, liabilities enabling to prepare timely Financial Statements.

As per sub section 38 (1) (c) of the National Audit Act, the Accountable Officer must ensure that a productive internal administrative system is prepared and maintained for the financial administration of the institution and by carrying out a review on the productivity of that system and accordingly necessary changes must be effected to continue with the system productively.

**1.4 The responsibility of the Auditor on the auditing of the Financial Statement.**

As a whole, my intention is to give a confirmation that the financial reports are devoid of quantitative incorrect statements due to dishonest erroneous reasons and to issue an audit report containing my opinion. Fair certification is is a certification of high standard, but according to auding carried out as per the Sri Lanka Audit Standard, it is not always a confirmation revealing incorrect statements. Frauds and wrongdoings due to individual or collective influence can be erroneous statements, quantitative nature of which may have an impact on the economic decisions taken based on financial statements by the users.

According to the Sri Lankan Audit Standards, as a part of auditing I acted with professional judgment and professional suspicion. Further,

- In preparing a basis, for the auditing opinion expressed by me, in order to identify and assess the risk of the occurrence of quantitative false statements in financial statements, due to frauds or mistakes, planning auditing procedures appropriate to the situation and implemented them. The impact created by fraud is powerful than the impact created due to the false statement occurring being mentioned because of the reasons they are in alliance, by preparing false documents, by intentionally avoiding, by false representation.
- Although, it was not with the intention of expressing an opinion on the productivity of the internal administration, in order to plan auditing procedures appropriate for the situation, an understanding was obtained about the internal administration.
- The assessment of the transactions and incidents included in the financial statements which formed the basis for the structure and contents inclusive of the disclosures are included in the financial statements appropriately and fairly.
- As a whole, the assessment of the transactions and incidents included in the financial statements which formed the basis for the structure and contents inclusive of the disclosures are included in the financial statements were assessed.

I draw the attention of the Accountable Officer about my findings, main internal administrative weaknesses and other matters which I identified in the course of my auditing.

## 1.5 Report on other legal requirements.

I declare the following matters as per the section 6 (10 (c) of the national Audit Act No. 19 of 2018.

(a) The financial statements are corresponding with the previous year.
(b) My recommendation with regard to the financial statement for the previous had been implemented.

## 1.6 Expressing opinion on the financial statements

### 1.6. 1 Meeting expenses under different Heads

(a) Insurance coverage of 02 vehicles coming under head 04 amounting to Rs. 61,948/= had been paid under head 234-01-01-1301.

(b) Insurance expenses of 03 vehicle amounting to Rs. 77,436/= coming under head 234 had been paid under head 04-01-01-1301.

(c) The repair expenses amounting to Rs. 482, 550/= of a pool vehicle coming under head 234 was paid under head 04-01-01-1301.

## 1. Financial Review

### 2.1 Management of expenditure.

For the expenditure subjects 2102 and 2103 through supplementary estimates respectively Rs. 9,570,000/= and Rs. 11,754,000/= and by changing Financial Regulation 66/69 Rs. 3,200,000/= and 2,297,000/= respectively, although additional provisions of Rs.12,770,000 and Rs. 14,051,000/= had been made, at the end of the year in the expenditure subjects there was balance of provisions of respectively Rs. 12,545,288/= and Rs. 7,879,483/= . This is due to the allocation of provisions without planning.

## 2.2 Entering into liabilities and commitments

(a) As per the section 3.4 of guideline 06 Public Finance Circular No.02/2020 dated 28th August 2020 in the commitments and liabilities and the statement in the account under note No. iii, although should have been reconciled with commitment and liabilities with the commitment and liabilities head of the Treasury, the amount of Rs. 1,180,529mentioned under, statement of commitment and liabilities, items 14 had not been mentioned.

(b) As per the paragraph 3.4 of guidelines No. 06 Public Finance Circular No.02/2020 dated 28th August 2020 and commitments and liabilities issued by the treasury, any commitments or liabilities that are not reported in the statement of Commitment and liabilities should not have been resolved as the expenditure of the previous year, in the Financial Statements for the year under review the amount of the expenditure Rs. 70,770/= that had not been mentioned under liabilities, had been paid for the expenditure for the year 2021.

## 2.3 Operation of Bank Accounts

### (a) Remark (viii) the status of Bank Accounts as at 31.12.2020.

The remark (viii) that had been forwarded with the financial statement with regard to the position of the Bank Accounts as at 31.12.2020, in the specimen form related it, the date had been mentioned as 31st December 2019. Further, although the balance of Rs. 2, 334,402/= was mentioned in the Bank statement as at 31st December 2020, the correct balance as at that date was Rs. 17,759,887/=.

### (b) Misplaced cheques

(i) The cheque No. 751867 dated 24th March 2020 for Rs. 46, 600/= had been cancelled and in it s place the bearing No. 752077 had been issued and although the Manager of the Bank of Ceylon had been informed on 08th December 2020 to stop payment on the cancelled cheque, the bank confirmation that should have been obtained in that regard as per Financial Regulation 393 (1) had not been obtained.

(ii) According to Financial Regulation 392 (b) action should have been taken considering it as a lost cheque, the requirement ii and iii therein had not been fulfilled.

(iii) As per Financial regulation 392 (b0 iii if damages insurance bond could not be obtained, although steps should be taken under Financial Regulation 393 (2) without following that requirement too, the new cheque bearing number 752077 had been issued.

**(c) Bank overdraft charges**

Under Financial Regulation 387, it is banned to obtain overdraft facilities from any government accounts, last year on the 20th and the 23rd of December last year under expenditure head in the Bank account there existed overdrafts of Rs. 3,757,495 and Rs. 4,0901,237/= respectively and for that purpose an overdraft charge of 8,030 had been levied on 31st of December 2019 by the Bank. Likewise, by the beginning of the year under review, the overdraft in the Bank Current account stood at Rs.5,030.and for that an overdraft charge of Rs.200 had been levied.

## 3, Operation review

### 3.1 Performance

#### 3.1.1 Annual Performance Report

The annual performance report had not been prepared as per the specimen mentioned in guidelines No. 14 of paragraph 10.2 of the Public Finance Circular No. 2/2020 dated 28th August 2020.

### 3.2 Procurement Management

**(a)** An amount of Rs. 2,989,000 for buying 14 Laptops and Rs. 2,529,352 for buying 14 computers, based on the pro forma invoice issued by the relevant institutions, payments had been made. However, the cheques relevant for these payments had been indicated as cheques not forwarded to the bank in the bank reconciliation statement for the month of February 2021.

**(b**In order to repair a defect of the gear system in a vehicle, the agent institution of it, had given an estimate of Rs. 2,240,269 on the 14th of June 2018. For those same repairs on the 29th of September 2020 an estimate of Rs.3,442,148 had been given again. Later, on the 11th of December 2020, for the estimate of Rs. 1891,250 given by another institution the repair work-

-had been entrusted. After the repair of this vehicle, the motor vehicle engineer had recommended that the institution which forwarded the estimate was suitable and mentioned that it was appropriate carry it out under complete supervision. However, even by the 08th of February 2021, the repair work of the vehicle had not been completed. However, the value of the estimate of Rs. 1,891,250 had been paid on the 31st of December 2020. However, in the bank reconciliation statement for the month of February 2021, this cheque was indicated as one not forwarded to the bank.

(c) For the 14 decisions of the Technical Evaluation Committee and Procurement Committee, the consent of those members had not been given even by the 15th day of February 2021.

**3.3 <u>Management of Assets</u>**

Action had not been taken even by the 03rd to transfer the ownership of a vehicle that had been given to the Supreme Court by the Ministry of Justice in 2013

Sgd/

M. G. B. G. P. Fernando

Assistant Auditor General,

For Auditor General.

## Chapter 04- Performance Indices

Performance Indices of the Institution (Based on action plan)

Not relevant.

## Chapter -05-

## Performance of achieving Sustainable Development Goals (SDG)

**5.1** Mention the identified relevant Sustainable Development Goal

Not relevant.

## Chapter -06- Human Resources Profile.

6.1 Management of number of employees

| | Approved Employees Cadre | Existing number of Employees | Vacant/Excess |
|---|---|---|---|
| **Senior** | | | |
| **Supreme Court** | **17** | **17** | |
| **Court of Appeal** | **20** | **20** | |

**6.2** ** State briefly how the shortage or excess of human resources influence the performance of the Institution

-Not relevant-

**6.3 Organization of Human Resources**

-Not relevant-

## Chapter 07 – Compliance Report

| No. | Applicable requirement | Compliance status. (Complied/ Not Complied) | Brief explanation for non-compliance | Corrective measures proposed to avoid non-compliance in future |
|---|---|---|---|---|
| 01 | The following Financial Report/Accounts having been forwarded on due date | Complied | | |
| 1.1 | Annual Financial Report | Complied | | |
| 1.6 | Others | | | Not relevant |
| 02 | Books and Records having been maintained | | | |
| 2.1 | Fixed assets having been updated and maintained | Complied | | |
| 2.2 | Individual Salaries record /Individual salaries card having been updated and maintained. | Complied | | |
| 2.3 | Audit queries having been updated and maintained. | Complied | | |
| 2.4 | Internal Audit records having been updated and maintained | Complied | | |
| 2.6 | Records of cheques and money orders having been updated and maintained | Complied | | |
| 2.7 | Inventory records having been updated and maintained | Complied | | |
| 2.8 | Records of stocks having been updated and maintained. | Complied | | |
| 2.9 | Records of damages and loss having been updated and maintained. | Complied | | |
| 2.10 | Records of liabilities having been updated and maintained | Complied | | |
| 2.11 | Counterfoil book register (GAN20) having been updated and maintained | Complied | | |
| 03 | For the Financial control functions having been delegated (F/R 135) | | | |
| 3.1 | Financial control having been delegated within the institution | Complied | | |
| 3.2 | Making aware within the institution about the delegation of financial control | Complied | | |
| 3.3 | Each transaction having been approved by two or more officers. | Complied | | |
| 3.4 | As per the Public Account Circular No. 171/2004 in using software package for government salaries, it is being controlled by the Accountant. | Complied | | |
| 04 | Preparation of annual planning | | | |
| 4.1 | Preparation of annual action plan. | Complied | | |
| 4.2 | Preparation of annual procurement plan. | | | |

| | | | | |
|---|---|---|---|---|
| 4.3 | Getting approved the budget for the year under review as per the Financial Act No. 38 of 1971 | | | Not relevant |
| 4.4 | Preparation annual Imternal audit plan | Complied | | |
| 4.5 | Having prepared the annual estimate and sending it to the Department of Budget(NBD) on the due date. | Complied | | |
| 4.6 | Cash flow statements having been forwarded to the Treasury Operation Department on the due date | | | |
| 4.7 | Quarterly Report having been forwarded to the treasury on due date | | | |
| **05** | **Audit queries** | | | |
| 5.1 | Answering all audit queries on the date fixed by the Auditor General | Complied | | |
| **06** | **Internal Audit** | | | |
| 6.1 | Preparation of internal audit plan after discussing with the Auditor General as per F/A 134/2 DMA/1-2019 | | | Not relevant |
| 6.2 | Answering every internal audit report within a period of one month. | | | Not relevant |
| 6.3 | According to sub-section 40 (4) of the National Audit Act No. 19 of 2018 sending copies of all audit reports to Management Audit Department | | | Not relevant |
| 6.4 | As per Financial Regulation 134 (3) forwarding copies of all internal audit reports to the Auditor General. | | | Not relevant |
| **07** | **Auditing and Management Committees** | | | |
| 7.1 | As per DMA Circular 1-2019, maintaining at least 04 auditing and management committees within the relevant year. | | | Not relevant |
| **8** | **Management of Assets** | | | |
| 8.1 | As per chapter 07 of Management of Assets Circular No. 01/2017 forwarding information relating to buying and disposal of assets to the Office of Comptroller General. | Complied | | |
| 8.2 | As per chapter 13 of the above stated circular, implementing rules and regulations of that circular, by appointing a suitable Coordinating officer for coordination, reporting particulars about that officer to the office of the Comptroller General. | Complied | | |
| 8.3 | As per Public Finance Circular No. 05/2016 by conducting survey of goods, forwarding the relevant report to the Auditor General on the due date | Complied | | |
| 8.4 | The excess and shortages revealed during the survey of goods and other recommendations having been conducted within the period mentioned in the circular. | Complied | | |
| 8.5 | Conducting of disposal of condemned articles as per Financial circular 772 | Complied | | |

| | | | | |
|---|---|---|---|---|
| **09** | **Management of vehicles** | | | |
| 9.1 | In respect of pool vehicles, daily running notes and monthly summary report having been prepared and forwarding to the Auditor General on the due date | | | Not relevant. |
| 9.2 | Disposal of condemned vehicles within 06 months of being condemned | Complied | | |
| 9.3 | By keeping vehicle log books, updating and maintain them . | | | Not relevant |
| 9.4 | Act as per F/A 103,104,109 and 110 in respect of each vehicle accident. | Complied | | |
| 9.5 | Re-examination of burning of fuel in vehicles as perthe provisions of paragraph 3.1 of Public Administration Circular No.30/2016 of 29.12.2016 | | | Not relevant |
| 9.6 | After the leasing period, the full ownership of the vehicles having been transferred in the leased vehicle log books | | | Not relevant. |
| **10** | **Management of Bank Accounts** | | | |
| 10.1 | By preparing bank reconciliation statement on the due date and forwarding them for auditing. | Complied | | |
| 10.2 | Resolving of the inactive bank accounts that had been brought forward from the year under review or previous year | | | Not relevant |
| 10.3 | Taking steps as per financial regulations to resolve within one month the balance that had been revealed by the bank reconciliation statements. | Complied | | |
| **11** | **Utilization of the provisions** | | | |
| 11.1 | Spending ofthe provisions that had been arranged, without exceeding their limit. | Complied | | |
| 11.2 | As per the F/R 94 (1) after the utilization of the provisions, allocated, entering into liabilities without exceeding limit of the remaining provision | Complied | | |
| **12** | **Advance payment account of Public servants** | | | |
| 12.1 | Compliance with the limit | Complied | | |
| 12.2 | Carrying out a periodical analysis on the loan in arrears. | Complied | | |
| 12.3 | Resolving of balance of loans that has been in arrears for more than one year | Complied | | |
| **13** | **General Deposit Account** | | | |
| 13.1 | In respect of expired deposits, taking action as per F/R 571 | | | Not relevant |
| 13.2 | The controlling account in respect of the general deposit having been updated and maintained. | | | Not relevant |
| **14** | **Imprest Account** | Complied | | |
| 14.1 | Remitting the balance of the cash book at the end of the year under review to the Treasury Operation Department | | | |

| | | | | |
|---|---|---|---|---|
| 14.2 | Issued ad hoc interim imprest as per the F/R 371, must be resolved within one month of the completion of that work. | Complied | | |
| 14.3 | Issuing of ad hoc interim imprest without exceeding the limit as per the F/R 371 | Complied | | |
| 14.4 | Reconciling the balance of the Imprest Account monthly with the books of the Treasury | Complied | | |
| **15** | **Revenue Account** | | | |
| 15.1 | Making re-payment in compliance with the relevant regulations, out of the revenue collected. | | | Not relevant |
| 15,2 | Crediting of the collected revenue directly to the revenue without crediting to the deposit account. | | | Not relevant. |
| 15.3 | Forwarding of the revenue report to the Auditor General as per F/R 176 | | | Not relevant |
| **16** | **Management of Human Resources** | | | |
| 16.1 | Maintaining the staff within the approved limit of the cadre | | | Not relevant |
| 16.2 | Giving written duty list to every member of the staff | | | Not relevant |
| 16.3 | Forwarding of all reports to the Management Services Department as per MSD Circular No. 04/2017 dated 20.09.2017. | | | Not relevant. |
| **17** | **Providing Information to the Public** | | | |
| 17.1 | As per the Right to Information Act and Regulations, by appointing an Information Officer, maintaining a record of providing information updating them. | Complied | | Not relevant |
| 17.2 | Information regarding the Institution has been given in its Website and providing facilities either through Website or by alternative method to publish public commendation or complaints. | Complied | | Not relevant |
| 17.3 | As per section 08 and 10 of the Right to Information Act forwarding of reports twice a year or once in a year. | Complied | | Not relevant |
| **18** | **Implementation of Citizen Charters** | | | |
| 18.1 | Preparation of Citizen / Client Charter and implementing it as per Public Administration Circular No. 05/2008 and 05/2018 (1). | | | Not relevant |
| 18.2 | A procedure having been prepared to supervise as per paragraph 2.3 of the said circular to supervise the preparation and implementation of the Citizen/Client Charter. | | | Not relevant |
| **19** | **Preparation Human Resources Plan** | | | |
| 19.1 | A Human Resources Plan having been prepared, based on specimen in annexure 02 of the Public Administration Circular No.02/2018 dated 24.01.2018. | | | |

| | | | | |
|---|---|---|---|---|
| 19.2 | Within the above stated Human Resources Plan, ensuring a trining opportunity of at least 12 hours per year in respect of each member of the staff. | | | Not relevant. |
| 19.3 | Signing of annual performance agreement for the entire staff making use of the specimen in the annexure 01 of the above stated Circular. | | | Not relevant. |
| 19.4 | As per the paragraph 6.5 of the above stated Circular, appointment of a senior officer ,entrusting him the responsibility of preparing the Human Resources Plan, Capacity Development Programme and the implementation of the Skill Development Programme. | | | Not relevant |
| **20** | **Responding to auditing paragraphs** | | | |
| 20.1 | The shortcomings pointed out by the auditing paragraphs by the Auditor General having been corrected**.** | Complied. | | |