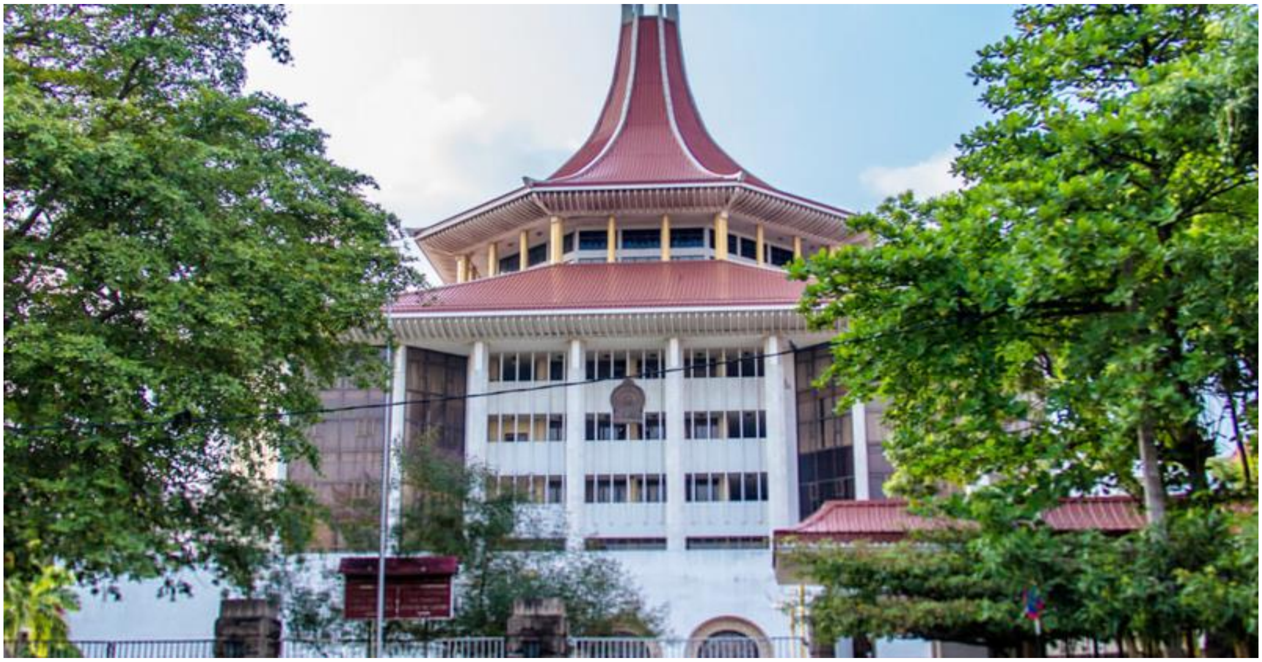

# ශීර්ෂ අංක 04 - කාර්ය සාධන වාර්තාව 2021

## උපරිමාධිකරණ විනිශ්චයකාරවරු

# செலவுத்தலைப்பு இல.04 - செயலாற்றுகை அறிக்கை 2021

## உயர் நீதிமன்ற நீதியரசர்கள்

# PERFORMANCE REPORT 2021 - HEAD 04

## JUDGES OF THE SUPERIOR COURT

# Annual Performance Report for the Year 2021
## Judges of the Superior Courts - Head No. 04

**Contents**

## Chapter 01- Institutional Profile/ Summary of Implementation

### 1.a. The Supreme Court

### 1.1 Introduction

The Supreme Court is the highest and final Court of the judicial system in Sri Lanka. The Supreme Court consists of the Hon. 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 Deed/Others)

The legal framework of the Supreme Court is defined under the Superior Courts in Chapter XVI of the Constitution of the Democratic Socialist Republic of Sri Lanka. The function of the Supreme Court inclusive of its jurisdiction and constitution are depicted in articles 118 to 136 of the aforesaid.

By the 20th amendment, the Article 119 of the above constitution is amended as to be 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, Objectives of the Institution

“Securing the public trust through an efficient system of administration of justice by exercising the powers vested in 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 of 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 cum meetings.

### 1.a 6 Organization Chart-Supreme Court

Not Relevant

### 1.a 7 Particulars of projects which receive foreign aid –

Nil

## 1.b The Court of Appeal

### 1. b.1 Introduction

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

The Court consist of the 20 Honourable 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 depended 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)**

The Constitution of the Court of Appeal in terms of the Article 137, its jurisdiction in terms of the Article 138 and its functions in terms of the Articles 139 to 147 are mentioned under the Superior Courts in Chapter XVI of the 1978 Constitution of the Democratic Socialist Republic of Sri Lanka.

As per the $20^{th}$ amendment to the said constitution, the Article 137 has been amended as to be the Court of Appeal to consist of the President of the Court of Appeal and other judges not less than 06 and not more than 19.

**1.b.3 The objective of the institution**

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

### 1.b 4 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. 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.b.5 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.b.6 Organization Chart-The Court of Appeal

Not Relevant

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

Nil

## Chapter 02- Progress of Future Outlook

### 2. a The 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 a 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 01.01.2021 to 31.12.2021**

| Type of Case | Number of pending cases as at 01/01/2021 | Number of filed cases from 01/01/2021 to 31/12/2021 | Total number of cases pending from 01.01.2021 to 31.12.2021 | Number of concluded cases from 01/01/2021 to 31/12/2021 | Number of pending cases as at 31/12/2021 |
|---|---|---|---|---|---|
| Fundamental Rights Applications | 1216 | 440 | 1656 | 266 | 1390 |
| Special Leave to Appeal | 596 | 223 | 819 | 219 | 600 |
| Orders of the Supreme Court regarding the Bills | 0 | 32 | 32 | 32 | 0 |
| Appellate | 1237 | 116 | 1353 | 143 | 1210 |
| Appellate of Commercial High Court | 464 | 28 | 492 | 32 | 460 |
| Leave to Appeal Applications of High Court | 155 | 78 | 233 | 43 | 190 |
| Writ Applications | 12 | 12 | 24 | 09 | 15 |
| Appellate of Provincial High Court | 884 | 405 | 1289 | 181 | 1108 |
| Revision Applications | 06 | 01 | 07 | 03 | 04 |
| Cases regarding the Interpretations of the Constitution | 0 | 0 | 0 | 0 | 0 |
| Miscellaneous | 11 | 02 | 13 | 0 | 13 |
| SC TAB APPEAL | 03 | 0 | 03 | 0 | 03 |
| Contempt of court cases | 12 | 01 | 13 | 06 | 07 |
| Rule matters | 09 | 08 | 17 | 01 | 16 |
| Cases regarding disenrollment | 01 | 02 | 03 | 01 | 02 |
| Acceleration cases | 01 | 0 | 01 | 0 | 01 |
| Total | **4607** | **1348** | 5955 | **936** | 5019 |

**Registrar -Supreme Court**

## 2.b The 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 these 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 via the said.

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

| Performance of the Court of Appeal From 01.01.2021 To 31.12.2021 | | | | | |
|---|---|---|---|---|---|
| | Types of Cases | Pending cases as at 01.01.2021 | Cases filed within the period from 01.01.2021 to 31.12.2021 | Cases decided within the period from 01.01.2021 to 31.12.2021 | Cases to be decided by 31.12.2021 |
| 01 | Writ Application | 1230 | 650 | 518 | 1362 |
| 02 | High Court Appeal (Criminal) | 1062 | 233 | 248 | 1047 |
| | (Commercial) | 05 | - | - | 05 |
| 03 | Provincial High Court Appeal | 916 | 76 | 109 | 883 |
| 04 | Civil Appeal | 77 | - | 34 | 43 |
| 05 | High Court Revision Application | 183 | 131 | 92 | 222 |
| 06 | Revision (Civil) and Leave to Appeal Application | 31 | 12 | 02 | 41 |
| 07 | Tax Appeal (Tax ) | 220 | 32 | 59 | 193 |
| 08 | Other Application | 259 | 123 | 209 | 173 |
| | Total | 3983 | 1257 | 1271 | 3969 |

Registrar- Court of Appeal

# Chapter 03- Overall Financial Performance of the Year

**3.1** Financial statements prepared as required by the Accounting Standard No. 01 for the Accounts of Public Sector.

**3.2** Performance of utilization of allocations (if any)

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

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

**3.5** The Report of the Auditor General

3.1 Financial statements prepared as required by the Accounting Standard No. 01 for the Accounts of Public Sector.

ACA -F

**Statement of Financial Performance**
**for the period ended 31st December 2021**

| Budget 2021 Rs. | | Note | Actual 2021 Rs. | Actual Restated 2020 Rs. | |
|---|---|---|---|---|---|
| - | **Revenue Receipts** | | - | - | |
| - | Income Tax | 1 | - | - | ACA-1 |
| - | Taxes on Domestic Goods & Services | 2 | - | - | |
| - | Taxes on International Trade | 3 | - | - | |
| - | Non Tax Revenue & Others | 4 | - | - | |
| - | **Total Revenue Receipts (A)** | | - | - | |
| - | **Non Revenue Receipts** | | - | - | |
| - | Treasury Imprests | | 389,630,500 | 226,755,307 | ACA-3 |
| - | Deposits | | - | - | ACA-4 |
| - | Advance Accounts | | 539,924 | 399,876 | ACA-5 |
| - | Other Main Ledger Receipts | | - | - | |
| - | **Total Non Revenue Receipts (B)** | | **390,170,424** | **227,155,183** | |
| | **Total Revenue Receipts & Non Revenue Receipts C = (A)+(B)** | | **390,170,424** | **227,155,183** | |
| | **Remittance to the Treasury (D)** | | **20,083,031** | **519,947.58** | |
| - | **Net Revenue Receipts & Non Revenue Receipts E = (C)-(D)** | | **370,087,393** | **226,635,235.42** | |
| | **Less: Expenditure** | | | | |
| - | **Recurrent Expenditure** | | | | |
| 182,500,000 | Wages, Salaries & Other Employment Benefits | 5 | 293,018,121 | 177,674,456.00 | ACA-2(ii) |
| 67,150,000 | Other Goods & Services | 6 | 66,443,575 | 40,531,917.00 | |
| 200,000 | Subsidies, Grants and Transfers | 7 | 182,952 | 103,771.00 | |
| - | Interest Payments | 8 | - | - | |
| - | Other Recurrent Expenditure | 9 | - | - | |
| 249,850,000 | **Total Recurrent Expenditure (F)** | | **359,644,649** | **218,310,144.00** | |
| | **Capital Expenditure** | | | | |
| 1,150,000 | Rehabilitation & Improvement of Capital Assets | 10 | - | 1,891,250.00 | ACA-2(ii) |
| 3,000,000 | Acquisition of Capital Assets | 11 | 14,978,868 | 8,156,231.00 | |
| - | Capital Transfers | 12 | - | - | |
| - | Acquisition of Financial Assets | 13 | - | - | |
| 50,000,000 | Capacity Building | 14 | 1,396,765 | 2,751,942.00 | |
| - | Other Capital Expenditure | 15 | - | - | |
| 54,150,000 | **Total Capital Expenditure (G)** | | **16,375,634** | **12,799,423.00** | |
| | Deposit Payments | | - | - | ACA-4 |
| | Advance Payments | | 581,000 | 1,832,742.00 | ACA-5 |
| | Other Main Ledger Payments | | - | - | |
| | **Total Main Ledger Expenditure (H)** | | **581,000** | **1,832,742** | |
| | **Total Expenditure I = (F+G+H)** | | 376,601,283 | 232,942,309.00 | |
| | **Balance as at 31st December J = (E-I)** | | **(6,513,890)** | **(6,307,073.58)** | |
| | **Balance as per the Imprest Reconciliation Statement** | | (6,513,890) | (6,307,072) | ACA-7 |
| | **Imprest Balance as at 31st December** | | - | | ACA-3 |
| | | | **(6,513,890)** | **(6,307,072)** | |

# Statement of Financial Position
## As at 31st December 2021

| | Note | Actual 2021 Rs | 2020 Rs |
|---|---|---|---|
| **Non Financial Assets** | | | |
| Property, Plant & Equipment | ACA-6 | 609,890,812.82 | 594,911,944.61 |
| **Financial Assets** | | | |
| Advance Accounts | ACA-5/5(a) | 2,022,301.00 | 1,981,255.00 |
| Cash & Cash Equivalents | ACA-3 | - | 186,640.13 |
| **Total Assets** | | 611,913,113.82 | 597,079,839.74 |
| **Net Assets / Equity** | | | |
| Net Worth to Treasury | | 2,022,301.00 | 1,981,255.00 |
| Property, Plant & Equipment Reserve | | 609,890,812.82 | 594,911,944.61 |
| Rent and Work Advance Reserve | ACA-5(b) | | |
| **Current Liabilities** | | | |
| Deposits Accounts | ACA-4 | - | - |
| Unsettled Imprest Balance | ACA-3 | - | 186,640.13 |
| **Total Liabilities** | | 611,913,113.82 | 597,079,839.74 |

Detail Accounting Statements in ACA format Nos. 1 to 7 presented in pages from ..01...... to.29.. and Notes to accounts presented in pages from 30... to .34..... form an integral part 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 in agreement.

We hereby certify that an effective internal control system for the financial control exists in the Reporting Entity and carried out periodic reviews to monitor the effectiveness of internal control system for the financial control and accordingly make alterations as required for such systems to be effectively carried out.

| | | |
|---|---|---|
| Chief Accounting Officer | Accounting Officer | Chief Financial Officer/ Chief Accountant/ Director (Finance)/ Commissioner (Finance) |
| Name : | Name : | Name : |
| Designation : | Designation : | Date : 21/02/2022 |
| Date : | Date : | |
| Pradeep Mahamuthugala<br>Additional Magistrate<br>Registrar<br>Supreme Court<br>Colombo - 12,<br>Sri Lanka. | Pradeep Mahamuthugala<br>Additional Magistrate<br>Registrar<br>Supreme Court<br>Colombo - 12,<br>Sri Lanka. | R.A.I.J.RANATUNGA<br>Chief Accountant<br>Supreme Court<br>Colombo - 12. |

# Statement of Cash Flows
## for the Period ended 31st December 2021

| | Actual | |
|---|---|---|
| | **2021 Rs.** | **Restated 2020 Rs.** |
| **Cash Flows from Operating Activities** | | |
| Total Tax Receipts | - | - |
| Fees, Fines, Penalties and Licenses | - | - |
| Profit | - | - |
| Non Revenue Receipts | - | - |
| Revenue Collected on behalf of Other Revenue Heads | 6,410,890 | 4,474,330 |
| Imprest Received | 389,630,500 | 226,755,307 |
| Recoveries from Advance | 436,924 | 399,876 |
| Deposit Received | - | - |
| **Total Cash generated from Operations (A)** | 396,478,314 | 231,629,513 |
| ***Less - Cash disbursed for:*** | | |
| Personal Emoluments & Operating Payments | 359,461,697 | 218,206,373 |
| Subsidies & Transfer Payments | 182,952 | 103,771 |
| Expenditure incurred on behalf of Other Heads | - | |
| Imprest Settlement to Treasury | 20,083,031 | 519,948 |
| Advance Payments | 375,000 | |
| Deposit Payments | - | - |
| **Total Cash disbursed for Operations (B)** | 380,102,680 | 218,830,092 |
| **NET CASH FLOW FROM OPERATING ACTIVITIES(C )=(A)-(B)** | 16,375,634 | 12,799,422 |
| **Cash Flows from Investing Activities** | | |
| Interest | - | - |
| Dividends | - | - |
| Divestiture Proceeds & Sale of Physical Assets | - | - |
| Recoveries from On Lending | - | - |
| **Total Cash generated from Investing Activities (D)** | - | - |
| ***Less - Cash disbursed for:*** | | |
| Purchase or Construction of Physical Assets & Acquisition of Other Investment | 16,375,634 | 12,799,422 |
| **Total Cash disbursed for Investing Activities (E)** | 16,375,634 | 12,799,422 |
| **NET CASH FLOW FROM INVESTING ACTIVITIES( F)=(D)-(E)** | (16,375,634) | (12,799,422) |
| **NET CASH FLOWS FROM OPERATING & INVESTMENT ACTIVITIES (G)=( C) + (F)** | 0 | (0) |
| **Cash Flows from Fianacing Activities** | | |
| Local Borrowings | - | - |
| Foreign Borrowings | - | - |
| Grants Received | - | - |
| **Total Cash generated from Financing Activities (H)** | - | - |
| ***Less - Cash disbursed for:*** | | |
| Repayment of Local Borrowings | - | - |
| Repayment of Foreign Borrowings | - | - |
| **Total Cash disbursed for Financing Activities (I)** | - | - |
| **NET CASH FLOW FROM FINANCING ACTIVITIES (J)=(H)-(I)** | - | - |
| **Net Movement in Cash (K) = (G) + (J)** | - | - |
| **Opening Cash Balance as at 01st January** | - | - |
| **Closing Cash Balance as at 31st December** | - | - |

**3.1** Performance of the Utilization of allocations (if exists) Rs. 000

| **Category of provision** | **Allocated provisions** | | **Actual Cost** | **The utilized allocation as a % of the completed final allocation** |
|---|---|---|---|---|
| | **Original provision** | **Final provision** | | |
| **Supreme Court** | | | | |
| Recurrent | 126,950 | 183,100 | 167,215 | 91.32% |
| Capital | 27,100 | 49,400 | 7,738 | 15.66% |
| **Court of Appeal** | | | | |
| Recurrent | 122,900 | 213,950 | 192,430 | 89.94% |
| Capital | 27,050 | 52,500 | 8,638 | 16.45% |
| **Total provision** | | | | |
| Recurrent | 249,850 | 397,050 | 359,645 | 90.58% |
| Capital | 54,150 | 101,900 | 16,376 | 16.07% |

**3.3 Performance on the donations and other receipts**

No

**3.4. Performance of the reporting of non-financial assets.**

| Asset Code | Description of Code | The balance as at 31.12.2021 according to the Board of Survey Report | The balance as at 31.12.2021 according to the Financial Position Report | Future auditing due | Reporting the progress as a percentage |
|---|---|---|---|---|---|
| 9152 | Machinery | 609,890 | 609,890 | - | 100% |

## 3.5 The Report of the Auditor General

# NATIONAL AUDIT OFFICE

My No} JLO/B/SC/FA/2021/48/B          Date} 19th May,2022

The Registrar (Chief Accounting Officer)

Superior Court Judges

**Summary of Report of the Auditor General under Section 11 (1) of the National Audit Act No. 19 of 2018 with regard to the Financial Statements of the Superior Court Judges for the year ending on the 31st of December 2021**.

## 1. Financial statements

### 1.1 Qualified Opinion

The Financial Statement of the Superior Court Judges for the year ending on the 31st of December 2021 consisting of Financial Position as at 31st of December 2021, 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. This report contains my expression of qualified opinions and observation on this financial statement submitted to the Superior Court judges as per the Section 11 (1) of the Audit Act No. 19 of 2018.. The Auditor General's Report that should be forwarded under Section 10 of the National Audit Act No. 19 of 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 Superior Courts judges for the year ending 31st December 2021, 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.

### 1.2 Basis for the Qualified Opinion

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 responsibility under the said Auditing Standards 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 Accounting 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 Chief Accounting 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 Chief Accounting 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 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 Accounting 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 (i) (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. Statements on financial position

**Non-financial Assets**

Even though a balance of the non-financial assets has not been depicted in the Treasury Accounts Statement SA-82, an amount of Rs.609,890,813 has been mentioned in Property, Plant & Equipment Reserve. It was the value of the Asset Report included in the CIGAS of the institute. Accordingly, the figures indicated in the financial statements were not ensured to be tallied with the figures indicated in the final Treasury Accounts as per the para 3.2 of the State Accounts Guideline No.2021/03 dated 26 November 2021. Similarly, Monthly Treasury Accounting Statements have not been methodically reconciled with the Accounts of the relevant institute whereas no action is measured to rectify the existing discrepancies by the Monthly Accounts Summary of the forthcoming month as mentioned in the guideline No.02 of the Public Finance Circular bearing No.02/2020 dated 28 August 2020.

### 1.6.2 Statement of Cash Flow

The finance amounting to Rs.1,396,765 cost for the trainings of the staff in the reviewed year under the Object Code 2401 has been mentioned under the Purchase or Construction of Physical Assets & Acquisition of Other Investment of the Cash disbursed for Investing Activities instead of mentioning it under the Personal Emoluments & Operating Payments of Cash disbursed for Operations.

### 1.6.3. Not maintaining documents methodically

(a). Even though the liability amounting to Rs.947,954 depicted in the financial statement as at 31 December 2021 included in a document of liabilities, no details has been included over reconciliation of liabilities

(b). Arrangements have not been made to properly record the Advance and Control Accounts which are being maintained and to monthly reconcile treasury books with departmental books whereas the balance of Rs.2,022,301/- as at 31 December 2021 has not been mentioned.

## 2. Financial Review

### 2.1. Expenditure Management

The below mentioned facts are observed with regard to the allocation utilization since the realistic estimates were not prepared for the year under review by reviewing the expenditures of the previous year in preparing estimates.

(a).In addition to the total allocation amounting to Rs.13,300,000 obtained by the annual estimates for 5 object codes, an allocation totalling to Rs.7,400,000 has been obtained by supplementary estimates whereas the total allocation of Rs.20,700,000 has not been utilized.

(b)The total estimated allocation of Rs.600,000 obtained by the annual estimate for 02 object codes has not been utilized.

(c) . Since the allocation obtained by the annual estimate is insufficient, a finance amounting to Rs.767,000 has been transferred to other object codes by F.R. 66 out of the allocation of Rs.5,750,000 obtained by the supplementary for two object codes .

(d) An allocation ranges from 44% to 99% has been remained out of the net allocation obtained for 06 object codes.

### 2.2 Incurring of Commitments and liabilities

Below mentioned facts are observed.

a). Three liability balances totaling to Rs.347,727 mentioned in the Statement of Liability (Note iv) have not been entered into treasury Accounts Statement SA-92.

b) Instead of entering the finance amounting to Rs.125,000 that should be paid for the maintenance of official vehicles in the Statement of Commitments and liabilities, it has been interpolated in the ensuing statement of liability (Note iv) in terms of the F.R.94(2) and (3).

### 2.3 Non-compliance with Laws, Rules, Regulations

The instances of non-compliance with the provisions of the Laws, Rules and Regulations observed during the audit test checks are analyzed below.

| Reference to the laws, rules and regulations | Non-compliance |
|---|---|
| (a) . Financial Regulation No.104 | Actions are not taken in terms of the Financial Regulations with regard to the loss amounting to Rs. 6,348,644 caused by 6 vehicle collision shown in the financial statements Note (ii). |
| (b). Financial Regulation No.365(3) | Even though it has been informed that money comes under imprest should not be used to meet payments, of another financial year, the fuel allowance of the January 2022 amounting to Rs.1,987,200 has been paid by the voucher bearing no.429 on 30 December 2021. |
| **(i).** Financial Regulation No 1645 (a) | The cost of Rs. 1,739,378 incurred for Vehicle servicing, vehicle repairing exceeding 12 Million Rupees and fitting tires to 12 vehicle by 30 November 2021 has not been mentioned in log books and such were not maintained and updated. |
| **(**b) Section 2.2, Chapter XVIII of the Establishments Code of the Democratic Socialist Republic of Sri Lanka | No inventory book has been maintained methodically as to be examined such in respect of the Hon.Chief Justice's Bungalow. |
| (c ) .Section 3.1 of the State Accounts Guideline 2021/03 dated 26 November 2021 | The preferred financial statements have not been submitted as a Trial Balance generated by the Desktop CIGAS application |
| Section 3.4 | Even though variation between total net provision and Actual Expenditure with reasons for the variation should be furnished in ACA 2-(ii) under each object code, reasons were not provided for remaining of 2 object codes. |
| Para 06 of the Public Administration Circular No.30/2016 dated 29 December 2016 | The Transport Record Sheet introduced by the circular for official vehicles has not been filled for the duties of each month. |

## 3.Operational Review

### 3.1 Asset Management

**The below mentioned facts were observed.**

(a). The office equipment worth of Rs.9,383,680 and machines and machineries worth of 5,595,188 purchased in year 2021 by the provisions of the Expenditure Head 04 has been entered

to the inventory book relevant to the expenditure Head 234 whereas no separate inventory book was maintained for Expenditure Head 04.

(b). No methodical measures were taken even up to March 2022 to transfer the ownership of a vehicle granted by the Ministry of Justice in year 2013 to the institution-Superior Court Judges. However, it was mentioned in the list which submitted to the Comptroller General that this vehicle belonged to the institution.

## 04. Good Governance.

### Internal Auditing and establishing Audit Management Committees

No internal Auditing had been carried out as emphasized in the Management Audit Circular bearing No. DMA/01-2019 dated 12 January 2019 cum Financial Regulation 134 and in terms of the Section 40(3) of the National Audit Act No.19 of 2018 and Audit management committees were not established as per the Section 41 of the National Audit Act No.19 of 2018.

Sgd./
Assistant Auditor General,
For Auditor General

# 04. Chapter 04 — Performance Indicators

4.1 Performance indicators of the Institute (Based on the Action Plan)

-Not relevant

# Chapter 05- Performance of the achieving Sustainable Development Goals (SDG)

5.1. Indicate the Identified respective Sustainable Developments Goals

Not relevant

# Chapter 06 - Human Resource Profile

## 6.1 Cadre Management

| | Approved Cadre | Existing Cadre | Vacancies / (Excess) |
|---|---|---|---|
| Senior | | | |
| Supreme Court | 17 | 17 | - |
| Court of Appeal | 20 | 20 | - |

6.2 **Briefly state how the shortage or excess in human resources has been affected to the performance of the institute

-Not Relevant

6.3 Human Resource Development

-Not Relevant

# Chapter 7- Compliance Report

| No. | Applicable Requirement | Compliance Status (Complied/Not Complied) | Brief explanation for Non-Compliance | Corrective actions proposed to avoid non-compliance in future |
|---|---|---|---|---|
| 1 | **The following Financial statements/accounts have been submitted on due date** | | | |
| 1 . l | Annual financial statements | Complied | | |
| 1.2 | Others | | | Not relevant |
| 2 | **Maintenance of books and registers (FR. 445)/** | | | |
| 2.1 | Fixed assets register has been maintained and updated in terms of Public Administration Circular 267/2018 | Complied | | |
| 2.2 | Personal emoluments register/ Personal emoluments cards have been maintained and updated | Complied | | |
| 2.3 | Register of Audit queries has been maintained and updated | Complied | | |
| 2.4 | Register of Internal Audit Reports has been maintained and updated | Complied | | |
| 2.6 | Register for cheques and money orders have been maintained and updated | Complied | | |
| 2.7 | Inventory Register has been maintained and updated | Complied | | |
| 2.8 | Stocks Register has been maintained and updated | Complied | | |
| 2.9 | Register of Losses has been maintained and updated | Complied | | |
| 2.10 | Commitment Register has been maintained and updated | Complied | | |
| 2.11 | Register of Counterfoil Books (GAN20) has been maintained and updated | Complied | | |
| 03 | **Delegation of functions for financial control (FR. 135)** | | | |

| | | | | |
|---|---|---|---|---|
| 3.1 | The financial authority has been delegated within the institute. | Complied | | |
| 3.2 | The delegation of financial authority has been communicated within the institute | Complied | | |
| 3.3 | The authority has been delegated in such manner so as to pass each transaction through two or more officers | Complied | | |
| 3.4 | The controls have been adhered to by the accountants in terms of State Accounts Circular 171/2004 dated 11.05.2014 in using the Government Payroll Software Package | Complied | | |
| 4 | **Preparation of Annual Plans** | | | |
| 4.1 | The annual action plan has been prepared | Complied | | |
| 4.2 | The annual procurement plan has been prepared | Complied | | |
| 4.3 | Obtaining approval for the budget of the year under review as per the Finance Act No. 38 of 1971 | | | Not relevant |
| 4.4 | Preparation of annual Internal audit plan | Complied | | |
| 4.5 | The annual estimate has been prepared and submitted to the (NBD) on due date | Complied | | |
| 4.6 | The annual cash flow has been submitted to the Treasury Operations Department on time | | | |
| 4.7 | Quarterly Report have been forwarded to the treasury on due date | | | |
| 5 | **Audit queries** | | | |
| 5.1 | All the audit queries have been replied within the specified time | Complied | | |
| 6 | **Internal Audit** | | | |
| 6.1 | The internal audit plan has been prepared at the beginning of the year after consulting the Auditor General in terms of Financial Regulation 134(2) DMA/1-2019 | | | Not relevant |
| 6.2 | All the internal audit reports have been replied within one month | | | Not relevant |
| 6.3 | Copies of all internal audit reports has been submitted to the Management Audit Department in terms of Sub-section 40(4) of the National Audit Act No.19 of 2018. | | | Not relevant |

| | | | | |
|---|---|---|---|---|
| 6.4 | All the copies of internal audit reports have been submitted to the Auditor General in terms of Financial Regulation 134(3) | | | Not relevant |
| **7.** | **Audit and Management Committee** | | | |
| 7.1 | Minimum 04 meetings of the Audit and Management Committee has been held during the year as per the DMA Circular 1-2019. | | | Not relevant |
| 8 | **Asset Management** | | | |
| 8.1 | The information about purchases of assets and disposals was submitted to the Comptroller General's Office in terms of Paragraph 07 of the Asset Management Circular No.01/2017. | Complied | | |
| 8.2 | A suitable liaison officer was appointed to coordinate the implementation of the provisions of the circular and the details of the nominated officer was sent to the Comptroller General's Office in terms of Paragraph 13 of the aforesaid circular | Complied | | |
| 8.3 | The boards of survey were conducted and the relevant reports submitted to the Auditor General on due date in terms of Public Finance Circular No. 05/2016 | Complied | | |
| 8.4 | The excesses and deficits that were disclosed through the board of survey and other relating recommendations, actions were carried out during the period specified in the circular | Complied | | |
| 8.5 | The disposal of condemned articles had been carried out in terms of FR 772 | Complied | | |
| 9 | **Vehicle Management** | | | |
| 9.1 | The daily running charts and monthly summaries of the pool vehicles had been prepared and submitted to the Auditor General on due date | | | Not relevant |
| 9.2 | The condemned vehicles had been disposed of within a period of less than 6 months after condemning | Complied | | |
| 9.3 | Vehicle logbooks had been maintained and updated | | | Not relevant |
| 9.4 | Actions have been taken in terms of F.R. 103, 104, 109 and 110 with regard to every vehicle accident | Complied | | |

| | | | | |
|---|---|---|---|---|
| 9.5 | The fuel consumption of vehicles has been re-tested in terms of the provisions of Paragraph 3.1 of the Public Administration Circular No. 30/2016 of 29.12.2016 | | | Not relevant |
| 9.6 | The absolute ownership of the leased Vehicle log books has been transferred after the lease term. | | | Not relevant |
| **10** | **Management of Bank Accounts** | | | |
| 10.1 | The bank reconciliation statements had been prepared, got certified and made ready for audit by the due date | Complied | | |
| 10.2 | The dormant accounts that had existed in the year under review or since previous years settled had existed in the year under review or since previous years settled | | | Not relevant |
| 10.3 | Actions had been taken in terms of Financial Regulations regarding balances that had been disclosed through bank reconciliation statements and for which adjustments had to be made, and those balances had been settled within one month | Complied | | |
| 11 | **Utilization of Provisions** | | | |
| 11.1 | The provisions allocated had been spent without exceeding the limit. | Complied | | |
| 11.2 | The liabilities not exceeding the provisions that remained at the end of the year as per the F.R 94(1) | Complied | | |
| **12** | **Advance Account of the Public Officers.** | | | |
| 12.1 | The limits had been complied with | Complied | | |
| 12.2 | A time analysis had been carried out on the loans in arrears | Complied | | |
| 12.3 | The loan balances in arrears for over one year had been settled | Complied | | |
| 13 | **General Deposit Account** | | | |
| 13.1 | The action had been taken as per F.R.571 in relation to disposal of lapsed deposits. | | | Not Relevant |
| 13.2 | The control register for General deposits had been updated and maintained | | | Not Relevant |
| 14 | **Imprest Account** | Complied | | |
| 14.1 | The balance in the cash book at the end of the year under review remitted to TOD | Complied | | |

| | | | | |
|---|---|---|---|---|
| 14.2 | The ad-hoc sub imprests issued as per F.R.371 settled within one month from the completion of the task | Complied | | |
| 14.3 | The ad-hoc sub imprests had been issued exceeding the limit approved as per F.R.371 | Complied | | |
| 14.4 | The balance of the imprest account had been reconciled with the Treasury books monthly. | Complied | | |
| 15 | **Revenue Account** | | | |
| 15.1 | The refunds from the revenue had been made in terms of the regulations. | | | Not relevant |
| 15.2 | The revenue collection had been directly credited to the revenue account without crediting to the deposit account | | | Not relevant |
| 15.3 | Returns of arrears of revenue had been forwarded to the Auditor General in terms of F.R 176 | | | Not relevant |
| 16 | **Human Resource Management** | | | |
| 16.1 | The staff had been paid within the approved cadre | | | Not relevant |
| 16.2 | All members of the staff have been issued a duty list in writing | | | Not relevant |
| 16.3 | All reports have been submitted to MSD in terms of their circular No.04/2017 dated 20.09.2017 | | | Not relevant |
| 17 | **Provision of information to the public** | | | |
| 17.1 | An Information Officer has been appointed and a proper register of information is maintained and updated in terms of Right To Information Act and Regulation | Complied | | Not relevant |
| 17.2 | Information about the institution to the public have been provided by Website or alternative measures and has it been facilitated to appreciate / allegation to public against the public authority by this website or alternative measures | Complied | | Not relevant |
| 17.3 | Reports have been submitted as per section 08 and 10 of the RTI Act | Complied | | Not relevant |
| 18 | **Implementing citizens charter** | | | |
| 18.1 | A citizens charter/ Citizens client's charter has been formulated and implemented by the Institution in terms of the circular number 05/2018 and 05/2018(1) of Ministry | | | Not relevant |

| | | | | |
|---|---|---|---|---|
| | of Public Administration and Management | | | |
| I 8.2 | A methodology has been devised by the Institution in order to monitor and assess the formulation and the implementation of Citizens Charter / Citizens Client's Charter as per paragraph 2.3 of the said circular | | | Not relevant |
| 19 | **Preparation of the Human Resource Plan** | | | |
| 19.1 | A human resource plan has been prepared in terms of the format in Annexure 02 of Public Administration Circular No.02/2018 dated 24.01.2018. | | | Not relevant |
| 19.2 | A minimum training opportunity of not less than 12 hours per year for each member of the staff has been ensured in the aforesaid Human Resource Plan | | | Not relevant |
| 19.3 | Annual performance agreements have been signed for the entire staff based on the format in Annexure 01 of the aforesaid Circular. | | | Not relevant |
| 19.4 | A senior officer was appointed and assigned the responsibility of preparing the human resource development plan, organizing capacity building programs and conducting skill development programs as per Paragraph No.6.5 of the aforesaid Circular. | | | Not relevant |
| 20 | **Responses to Audit Paras** | | | |
| 20.1 | The shortcomings pointed out in the audit paragraphs issued by the Auditor General for the previous years have been rectified. | Complied | | |