



**SRI LANKA JUDGES'
INSTITUTE**

COMMITTED TO IMPROVE QUALITY OF JUSTICE

ANNUAL REPORT

FOR THE YEAR ENDING 31.12.2012

**Presented to the Parliament Pursuant to Section 10 of the Sri Lanka
Judges' Institute Act No. 46 of 1985**

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1. Director's Statement

I am pleased to present this Annual Report of the Sri Lanka Judges' Institute for the year ended 31st December 2012, a document that outlines the vision and mission, objectives, organizational structure, activities and performance, financial and accounting statements of the Sri Lanka Judges' Institute in the past year. It also illustrates how the Institute achieved its stated objectives in the best possible way and the challenges faced by the Institute in the past one year.

The Sri Lanka Judges' Institute is now 28 years old. These 28 years have coincided with many significant changes in the legal system of this country. The Judges' Institute amidst host of challenges including physical and financial constrains provided its services in training new recruits, in-service judicial officers and presidents of labour tribunals with a view to advancing their knowledge and improving their professional expertise. The Institute sought to achieve the objectives of the Judges' Institute in the past year by (i) organizing lectures, seminars, colloquiums and workshops; (ii) providing library and other educational facilities for judicial officers and presidents' of labour tribunals; and (iii) initiating research works and preparing a training manual for long term judicial training with the financial assistance of the Treasury channeled through the Ministry of Justice and other funding agencies.

Recently, the Judges' Institute was located in the New Building of the Ministry of Justice with a state of the art auditorium, a computerized library and Judges' Residences. I wish to express my gratitude to the UNDP for providing these facilities to the Institute.

After the Institute commenced its functions in the new Building, it began restructuring its training programs and modernizing the existing facilities to make the Institute a well-equipped modern training and research facility. The commencement of the modernization during June 2012 and December 2012 laid the foundation for significant gains in efficiency and effectiveness in the provision of service to the trainee judicial officers, in-service judicial officers and presidents of labour tribunals.

Progress has been made during the past year from June 2012 to December 2012 in implementing the strategic goals and identifying priority projects as set out in the action plan for June 2012- December 2012.

The priorities were given to the finding of a suitable place to locate the secretariat of the Institute, extension of training programs to presidents of labour tribunals, improving the library facility by making it a fully equipped computer lab with Wi-Fi internet facility, reactivation of the Web site with the assistance of the Information and Communication Technology Agency (ICTA), collection of unreported judgments of the Superior Courts, commencement of the work on developing a Training Manual for Judicial officers, recruiting required staff, providing the required physical resources such as Computer server and commencing print outs and photocopying facility and putting the administrative matters in order by complying with the requirements of the Public Administration and Treasury Circulars. I am pleased to place on record that 90% of the goals mentioned in the action plan 2012 have been achieved by the end of December 2012 and the other goals will also be achieved in the year 2013.

Before concluding this statement, it is important to acknowledge the proper directions and active support given by the Members of the Board of Management of the Sri Lanka Judges' Institute for the advancement of judicial education and improving the professional expertise of judicial officers and presidents of labour tribunals. I take this opportunity to pay tribute to the Members of the Board of Management of the Judges' Institute in this regard.

Finally, I wish to express my sincere gratitude to the Staff of the Institute especially Academic Coordinator Mr. Mahie Wijeeeweera and Mr. M.H.M. Gnanapala, the Registrar and other members of the Staff for the dedicated services rendered to the Institute to achieve its objectives amidst many challenges.

Ruwan Fernando

High Court Judge & Director,
Sri Lanka Judges' Institute
02.05.2013

2. ABOUT THE SRI LANKA JUDGES' INSTITUTE

Our Vision

We will serve as an institute of excellence for judicial training and providing most advanced training and research facilities for judicial officers and presidents of labour tribunals with a view to improving their professional expertise and advancing their knowledge to achieve a justice system that is credible, impartial, independent, user-friendly and accessible to all.

Our Mission

We will work towards achieving our vision by providing judicial officers and presidents of labour tribunals with advanced knowledge and skills to improve their professional expertise and the quality of justice through various programs and activities.

The Sri Lanka Judges' Institute will seek to fulfill its **MISSION** by contributing to the following goals:

- providing continuous training for judicial officers and presidents of labour tribunals;
- providing support for judicial officers and presidents of labour tribunals through research, publications and technical assistance;
- providing facilities for the exchange of views and ideas on judicial and legal matters by judicial officers and presidents of labour tribunals;
- organizing and holding seminars, conferences, lectures, workshops with a view to improving the professional expertise of judicial officers and presidents of labour tribunals and also advancing their knowledge and skills;
- contributing to the development of guidelines for best practices in delay reduction by way of case management and case flow management and introducing new tools for delay reduction;

- conducting research activities on various aspects of administration of justice;
- providing library and web-based educational facilities and dissemination of legal information and material for judges and presidents of labour tribunals;
- maintaining interact with international judicial institutions;
- contributing to the law reforms towards providing redress to litigants in order to uphold public trust and confidence in the judicial system;
- contributing to the development and implementation of national policy and procedures regarding administration of justice and access to justice.

Establishment of the Sri Lanka Judges' Institute

The Sri Lanka Judges' Institute was established by an Act of Parliament titled "Sri Lanka Judges' Institute Act" No. 46 of 1985 and the objectives of establishing the Sri Lanka Judges' Institute are as follows:

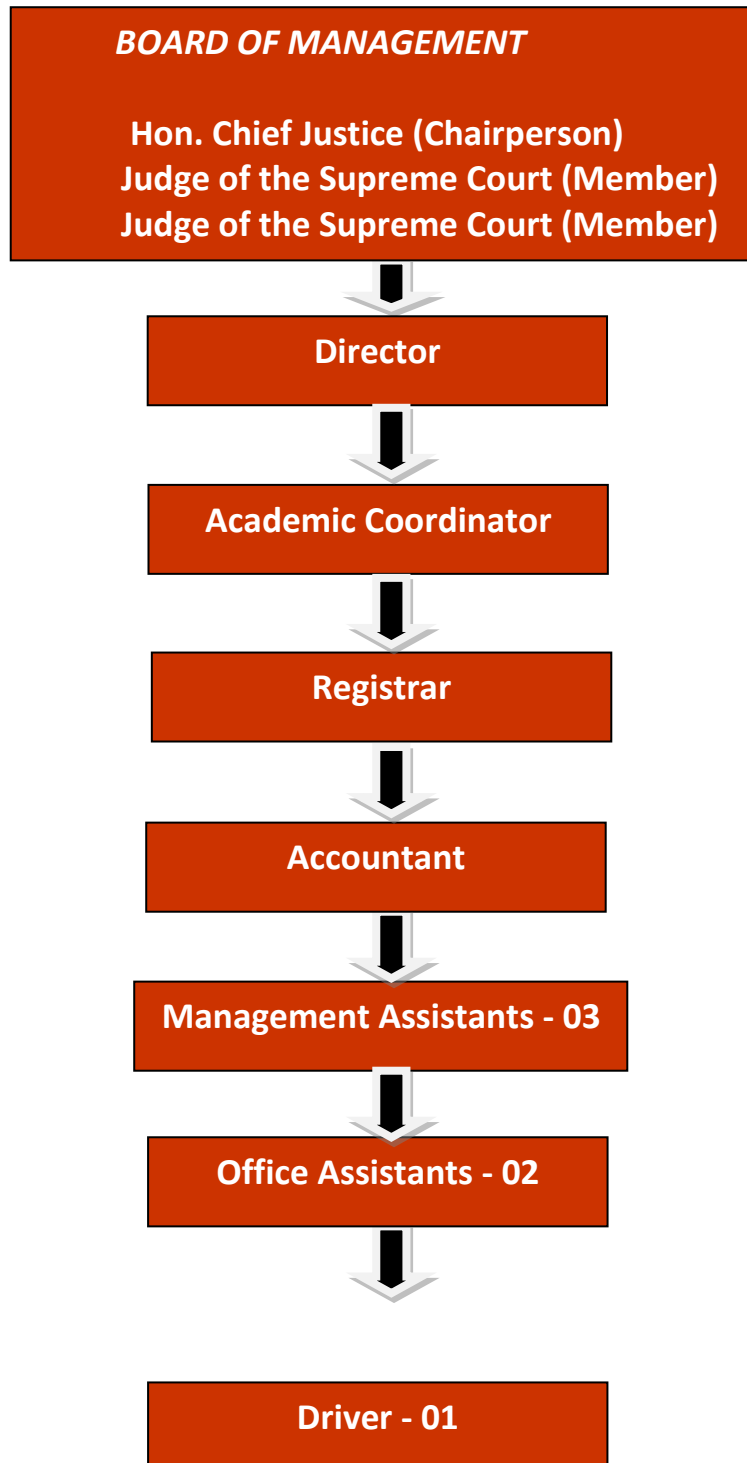
1. providing facilities for the exchange of views and ideas on judicial and legal matters by judicial officers;
2. organizing and holding meetings, conferences, lectures, workshops and seminars with a view to improving the professional expertise of judicial officers and advancing their knowledge and skills;
3. formulating and conducting training and research courses in various aspects of the administration of justice; and
4. providing library facilities and other educational material for judicial officers.

Management and the Staff of the Sri Lanka Judges' Institute

According to section 3 of the Sri Lanka Judges' Institute Act, the administration and management of the Institute shall be vested with the Board of Management which comprises of the Hon. Chief Justice and two Judges of the Supreme Court appointed by His Excellency the President.

The Board appoints the Institute's Director and such other officers and servants, as may, in its opinion, be necessary for carrying out the objects of the Institute and to exercise disciplinary control (including the power of dismissal) over the Director, officers and servants of the Institute. The Board also has the power to determine the remuneration and terms of service of the Director, officers and servants of the Institute.

The organizational structure of the Institute in the year 2012 was as follows:



Board of Management of the Sri Lanka Judges' Institute for the Year 2012

The Chief Justice of Sri Lanka, Dr. Shirani A. Bandaranaiyake
(Chairperson)

Hon. Justice R.A.N.G. Amaratunga, Judge of the Supreme Court,
(Member)

Hon. Justice Saleem Marsoof, P.C. Judge of the Supreme Court,
(Member)

Staff of the Judges' Institute for the year 2012

Hon. Ruwan Fernando, High Court Judge & Director

Hon. Mahie Wijeweera, Magistrate & Academic Coordinator

Mr. M.H.M. Gnanapala, Registrar

Mr. G. Meddegodage, Accountant

Mr. R.M. KapilaJayasri, Management Assistant

Miss. S.C.P. Lakmali, Management Assistant

Miss. K.A.C.P.P. Gunawardane, Management Assistant

Mr. W.D. Dharshana Lakshan, K.K.S.

Mr. R.L.A.P. Malinda, K.K.S.

Mr.G.W. Ranjith, Driver

Staff Photograph of the Sri Lanka Judges' Institute -2012



The programs of the Institute are intended to cater to original Court Judges and Presidents of Labour Tribunals coming within the purview of the Judicial Service Commission. In order to achieve the aforesaid objectives, the Judges' Institute is committed to ensuring a high standard of judicial performance through programs designed with the focus on judicial education, capacity enhancement (including skills development), attitudinal change and social commitment. It is also committed to further developing and adopting improved judicial administration and management through education and research.

During the period under review, the Judges' Institute which was situated at Room No. 1308, Superior Courts Complex, Hulftsdorp was located in the 6th floor and a part of the 5th floor of the New Building of the Ministry of Justice. The Judges' Institute was provided with a modern Auditorium and a modern Library with 25 Computers to be used by the judicial officers and presidents of

labour tribunals. The lectures and seminars are conducted in the Auditorium of the Judges' Institute after moving to a new location.

It is unfortunate however, that steps taken by the Institute in consultation with the Ministry of Justice to locate its secretariat within the New Building of the Ministry of Justice failed in 2012. Although all 4 Judges' residences were not fully made available to the Judges due to the non-availability of office space, 2 rooms of the residential section were made available to the Judges to be used as a rest room during their training period. This facility will be extended to 4 other rooms as well in 2013 with the relocation of the office.

3.

2012 at a Glance

In 2012, the Institute

- ❖ conducted 33 in-service seminars for Judicial officers- District Judges & Magistrates
- ❖ conducted 99 training sessions for trainee Judicial officers (65 from 01.01.2012 to 30.05.2012 and 34 from 19.06.2012 to 31.10.2012)
- ❖ Training programs were extended to Labour Tribunal Presidents
- ❖ A refresher course for 2 Judicial officers who were attached to the Institute for further training was conducted
- ❖ 2 Judicial Colloquiums were conducted on (i). Australia-Sri Lanka Mutual Workshop on Law of Extradition; and (ii) on Child Protection and Juvenile Justice
- ❖ Arrangements were finalized to re-establish the web site www.judgesinstitute.lk
- ❖ Networking of the computer lab was completed and the internet facility was provided to the library
- ❖ Purchased new Intercom telephone system for all sections for the Judges' Institute
- ❖ The cadre of the Institute was increased from 5 in 2011 to 9 and a separate accountant was appointed on acting basis
- ❖ Computer lab was made operational with internet facility;
- ❖ Air-conditioning facility of the Auditorium was fully restored
- ❖ Course materials and Reference materials were prepared with the assistance of trainee Judicial officers

- ❖ Cadre approval was obtained
- ❖ Unreported judgments were collected and kept in the library for reference
- ❖ Procurement Committee of the Judges' Institute was established and the first meeting was held on 2012.12.14
- ❖ Purchased New Law Reports and Sri Lanka Law reports
- ❖ Distributed 750 printed and photocopies of handouts and reference materials among Judicial officers
- ❖ Photocopying service was initiated
- ❖ Reference library was modernized
- ❖ Financial delegation was approved
- ❖ Corporate Plan and Action plans were prepared

4. ACTIVITIES OF THE SRI LANKA JUDGES' INSTITUTE FOR THE PERIOD 01.01.2012 TO 31.12.2012

(A) Saturday Programs for In-service Judges

33 Saturday seminars were held for the period beginning from 01.01.2012 to 31.12.2012 with the participation of 1427 judicial officers and 2 seminars for the Presidents of Labour Tribunal were held on 25.08.2012 and 24.11.2012 with the participation of 60 Presidents of Labour tribunals.

The following were some of the major activities carried out by the Institute in the year 2012:

	Date	Speaker	Topic	Judges
1	2012.01.14	Hon.Rohini Walgama– Judge of the High Court (Civil Appeals)	Law relating to execution and recovery procedures in terms of the following Acts; 1. State Lands(Recovery of Possession) 2. Government Quarters(Recovery of Possession) 3. Co-operative societies Law 4. Employees	46

			provident Fund(special provisions) 5. Employees Trust Fund act.	
2	2012.01.21	Hon. S. Sriskandarajah- President of the Court of Appeal	Evaluation of evidence and writing of Judgment in a Criminal Case	42
3	2012.01.28	Hon. A.W.A.Salam-Judge of the Court of Appeal	Vindictory suits and possessory remedies.	40
4	2012.02.11	Hon. A.W.A.Salam-Judge of the Court of Appeal	Vindictory suits and possessory remedies.	47
5	2012.02.18	Dr. Wickrema Weerasooriya	Outline of the Law government Banking, Negotiable Instruments and Cheques in Sri Lanka	42
6	2012.02.25	Dr. Wickrema Weerasooriya	Outline of the Law government Banking, Negotiable Instruments and Cheques in Sri Lanka	44
7	2012.03.10	Hon. Ms. Rohini Walgama, Judge of the High Court (Civil Appeal)	Law relating to execution and recovery procedures in terms of the following Acts. 1. State Land 2. Government Quarters (Recovery of Possession) Act. 3. Co-operative Societies Law. 4. Employees Provident Fund (Special Provisions) Act. 5. Employees Trust Fund Act.	41
8	2012.03.17	Hon. Leon Senevirathne, Judge of the High Court (Civil Appeal)	Succession under the Kandyan Law	43

9	2012.03.24	Hon. Leon Seneviratne Judge of the High Court (Civil Appeal)	Succession under the Kandyan Law	38
10	2012.04.28	Hon. K. Sripavan – Judge of the Supreme Court	Role Of the Judges and Judicial Ethics	48
11	2012.05.26	Hon. K. Sripavan – Judge of the Supreme Court	Role Of the Judges and Judicial Ethics	41
12	2012.06.16	Hon. S. Sriskandarajah- President of the Court of Appeal	Case Management Case flow management and Court Management.	41
13	2012.06.23	Hon. Nalin Perera – Judge of the Court of Appeal	Laws relating to removal and abatement of Public Nuisance and Security for keeping the peace.	45
14	2012.06.30	Hon. Nalin Perera – Judge of the Court of Appeal	Laws relating to removal and abatement of public Nuisance and Security for keeping the Peace.	48
15	2012.07.07	Hon. L. K. Wimalachandra Retired Judge of the Court of Appeal	Out Line of the Law relating to injunctions.	32
16	2012.07.14	Hon. Leon Seneviratne, Judge of the High Court of Civil Appeal, Central Province, Kandy	Out Line of the Law relating to injunctions.	27
17	2012.07.21	Hon. Justice Ranjith Silva- Judge of the Court of Appeal	Disposal of Productions, Claim inquiry and Confiscation of productions.	46
18	2012.07.28	Hon. Justice Ranjith Silva- Judge of the Court of Appeal	Disposal Productions, Claim inquiry and Confiscation of productions.	46
19	2012.08.04	Mr. Buwenaka Aluwihare – Deputy Solicitor General	Duty of framing charges, amendment of charges, joinder of charges, mistakes	46

			and errors and legal consequences resulting from such lapses.	
20	2012.08.25	Hon. W.P.G.V.Dep – Judge of the Supreme Court	Contract of Employment. (For LT Presidents)	32
21	2012.09.01	Hon. Justice Nalin Perera – Judge of the Court of Appeal	Corpus & Pedigree disputes in Partition Actions.	45
22	2012.09.08	Hon. L.K. Wimalachandra-Retired Judge of the Court of Appeal	Liability for Damages & Assessment of Damages in Accident Claims.	51
23	2012.09.22	Hon. L.K. Wimalachandra-Retired Judge of the Court of Appeal	Liability for Damages & Assessment of Damages in Accident Claims.	45
24	2012.10.06	Hon. Justice W.P.G. Dep – Judge of the Supreme Court	Duty of Framing Charges, amendment of Charges, Joinder of charges, Mistakes & errors & legal Consequences resulting from such lapses.	44
25	2012.10.13	Hon. Justice Sisira De Abrew – Judge of the Court of Appeal	Law relating to Bail: Bail Act, other special Acts with special reference to Antiquities ordinance.	48
26	2012.10.20	Hon. Justice Sisira De Abrew – Judge of the Court of Appeal	Law relating to Bail: Bail Act, other special Acts with special reference to Antiquities ordinance.	49
27	2012.11.03	Hon. Rohini Walgama– Judge of the High Court (Civil Appeals)	Recovery of Loans by Banks (special provisions) Act & Debt recovery (special provisions) Act.	47
28	2012.11.10	Hon. Justice Rohini Walgama– Judge of the High Court (Civil Appeals)	Recovery of Loans by Banks (special provisions) Act & Debt recovery (special	48

			provisions) Act.	
29	2012.11.17	Hon. Justice S. Sriskandarajah- President of the Court of Appeal	Case Management, Case flow management & Court Management.	44
30	2012.11.24	Hon. Justice K. Sripavan – Judge of the Supreme Court	Writing of orders in Labour Tribunal Cases.	28
31	2012.12.01	Hon. Justice Nalin Perera – Judge of the Court of Appeal	Corpus & pedigree Disputes in Partition Actions.	45
32	2012.12.08	Hon. Justice W.P.G. Dep – Judge of the Supreme Court	Salient Features of the Law of Evidence.	45
33	2012.12.15	Hon. Justice W.P.G. Dep – Judge of the Supreme Court	Salient Features of the Law of Evidence.	53
	Total- 33			1427

(B). Week days Training sessions for In-service Judges

65 Training sessions were conducted for trainee judicial officers from 01.01.2012 to 31.05.2012

No. of sessions	Date	Topic	Speaker
1	02.01.2012	Duty of framing of charges, amendment of charges, joinder of charges, mistake and errors and legal consequences resulting from such lapses.	Mr. Buwenaka Aluvihare- Deputy Solicitor General
2	03.01.2012	Production of Suspects before Court and Bail Provisions in terms of bail Act.	Justice Hector Yapa – Retired Judge of the Supreme Court
3	04.01.2012	Court Administration	Justice Ranjith Silva – Judge of the Court of Appeal
4	05.01.2012	Bench Training	
5	06.01.2012	Bench Training	
6	09.01.2012	Primary Court Procedure Act Section 66 Application.	Justice P.H.K.Kulathilaka - Retired Judge of the

			Court of Appeal
7	10.01.2012	Inquests of death, Non summary inquiries and procedure in committing accused to stand trial before High Court.	Justice. P.H.K.Kulathilaka - Retired Judge of the Court of Appeal
8	11.01.2012	Bench Training	
9	12.01.2012	Bench Training	
10	13.01.2012	Bench Training	
11	16.01.2012	Institution of criminal proceedings in Magistrate's Court and legal objections available to an accused against his prosecution.	Justice Ranjith Silva - Judge of the Court of Appeal
12	17.01.2012	Summary trials in Magistrate's Courts.	Justice Ranjith Silva - Judge of the Court of Appeal
13	18.01.2012	Judgment and Sentence	Justice T.B. Weerasuriya - Retired Judge of the Supreme Court
14	19.01.2012	Bench Training	
15	20.01.2012	Bench Training	
16	23.01.2012	Discussion on general principals governing judgment writing in both civil and criminal cases.	Justice T.B. Weerasuriya - Retired Judge of the Supreme Court
17	24.01.2012	Practical session in judgment writing in criminal cases.	Justice T.B. Weerasuriya - Retired Judge of the Supreme Court and Justice P.H.K.Kulathilaka - Retired Judge of the Court of Appeal
18	25.01.2012	Cause of action and joinder of actions and parties and consequences resulting from non-joinder and misjoinder.	Justice L.K. Wimalachandra - Retired Judge of the Court of Appeal
19.	26.01.2012	Bench Training	
20	27.01.2012	Bench Training	
21	30.01.2012	Ex-parte trials and defaults in appearing and pleading and how such defaults may be cured.	Justice T.B. Weerasuriya - Retired Judge of the Supreme Court
22	31.01.2012	Pre-trial steps in civil actions.	Justice T.B. Weerasuriya- Retired Judge of the Supreme Court
23	01.02.2012	Pleadings and amendment of pleadings	Justice T.B. Weerasuriya - Retired Judge of the Supreme Court
24	02.02.2012	Bench Training	

25	03.02.2012	Bench Training	
26	06.02.2012	Practical session in judgment writing in section 66 applications.	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court and Justice P.H.K.Kulathilaka - Retired Judge of the Court of Appeal
27	08.02.2012	Requisites of an action and bars to a second action.	Justice L.K. Wimalachandra – Retired Judge of the Court of Appeal
28	09.02.2012	Bench Training	
29	10.02.2012	Bench Training	
30	13.02.2012	Right to begin and the leading of evidence in rebuttal affidavit evidence and evidence <i>de bene esse</i> in Civil cases.	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court
31	14.02.2012	Case flow Management	Justice A.W.A. Salam – Judge of the Court Appeal
32	15.02.2012		Justice Sri Skandarajah – President of the Court of Appeal
33	16.02.2012	Bench Training	
34	17.02.2012	Bench Training	
35	21.02.2012	Admission, Issues and Compromises in Civil Actions.	Mr. Lyone Seneviratne – Judge of the High Court (Civil Appeal)
36	22.02.2012	Trail and Judgment in Civil Actions.	Mr. Lyone Seneviratne – Judge of the High Court (Civil Appeal)
37	23.02.2012	Bench Training	
38	24.02.2012	Bench Training	
39	27.02.2012	Execution of decrees in civil actions.	Justice L.K. Wimalachandra – Retired Judge of the Court of Appeal
40	28.02.2012	Salient Features in the Law of Evidence.	Justice R.A.N.G. Amarathunga – Judge of the Supreme Court
41	29.02.2012	Bench Training.	
42	05.03.2012	Judicial Ethics and Court Administration.	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court
43	06.03.2012	Course of action and joinder of	Justice T.B. Weerasuriya

		actions and parties and consequences resulting from non-joinder and misjoinder.	– Retired Judge of the Supreme Court
44	12.03.2012	Right of an accused for a fair trial.	Justice P.H.K.Kulathilaka - Retired Judge of the Court of Appeal
45	13.03.2012	Matters relating to investigations in Criminal cases.	Justice P.H.K.Kulathilaka - Retired Judge of the Court of Appeal
46	14.03.2012	Ex-parte trials and defaults in appearing and pleading and how such defaults may be cured.	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court
47	19.03.2012 20.03.2012	Pre-trial steps in civil actions.	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court
48	21.03.2012	Law and procedure relating to search, warrants, Security for keeping peace and removal or abatement of nuisance	Justice P.H.K.Kulathilaka - Retired Judge of the Court of Appeal
49	23.03.2012	Law and procedure relating to identificationparades, recording of confessions and their relevancy in evidence.	Justice P.H.K.Kulathilaka - Retired Judge of the Court of Appeal
50	26.03.2012	Duty of framing of charges, amendments of charges, joinder of charges, mistakes and errors and legal consequences resulting from such lapses.	Justice P.H.K.Kulathilaka - Retired Judge of the Court of Appeal
51	27.03.2012	Inquests of death, Non- summary inquires and procedure in committing accused to stand trial before High Court.	Justice P.H.K.Kulathilaka - Retired Judge of the Court of Appeal
52	28.03.2012	Institution of Criminal proceedings in Magistrate's Court and legal objections available to an accused against his prosecution.	Justice P.H.K.Kulathilaka - Retired Judge of the Court of Appeal
53	02.04.2012	Pleadings and amendment of pleadings.	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court
54	03.04.2012 04.04.2012	Requisites of an action and bars to a second action.	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court

55	23.04.2012 24.04.2012 25.04.2012	Partition Law Compromises in partition cases Prescription among co-owners.	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court
56	30.04.2012 02.05.2012	Right to begin and lead of evidence in rebuttal, affidavit evidence and evidence <i>de bene esse</i> in civil cases.	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court
57	08.05.2012	Bail Act	Mr.Buwenaka Aluvihare – Deputy Solicitor General
58	09.05.2012	Summary trials in Magistrate Courts.	Justice P.H.K.Kulathilaka - Retired Judge of the Court of Appeal
59	14.05.2012	Admissions, issues and compromises in civil actions.	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court
60	21.05.2012	Testamentary Procedure	Justice L. Senevirathne Judge of the Civil Appeal
61	22.05.2012	Testamentary Procedure	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court
62	23.05.2012	Trial and Judgment in Civil Appeal	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court
63	28.05.2012	Execution of decrees	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court
64	29.05.2012	Writing Judgments	Justice T.B. Weerasuriya – Retired Judge of the Supreme Court
65	30.05.2012	Primary Court procedure Act Section 66 Applications.	Justice P.H.K.Kulathilaka - Retired Judge of the Court of Appeal

(C). Week Day Training sessions for In-service Judges from 14.06.2012 to 10.12.2012

34 training classes were conducted for trainee judicial officers with the participation of 12 trainee judicial officers from 19.06.2012 to 31.12.2012 and a further 13 self learning assignments were conducted for trainee judges.

No. of sessions	Date	Topic	Speaker
1	19.06.2012	Injunctions	Hon. Ruwan Fernando, Director-Sri Lanka Judges' Institute
2	20.06.2012	Injunctions (case studies)	Hon. Ruwan Fernando
3	25.06.2012	Stamping of documents in court proceedings	Hon. Ruwan Fernando
4	26.06.2012	case studies	Hon. Ruwan Fernando
5	27.06.2012	Affidavits	Hon. Ruwan Fernando
6.	04.07.2012	case studies	Hon. Ruwan Fernando
7.	09.07.2012	Debt recovery	Hon. Ruwan Fernando
8.	10.07.2012	case studies	Hon. Ruwan Fernando
9.	11.07.2012	Parate execution	Hon. Ruwan Fernando
10	16.07.2012	Parate execution	Hon. Ruwan Fernando
11	17.07.2012	case studies	Hon. Ruwan Fernando
12	18.07.2012	Administration of the Courts	Hon. Ruwan Fernando
13	23.07.2012	Appointments	Hon. Ruwan Fernando
14	24.07.2012	do	Hon. Ruwan Fernando
15	25.07.2012	Claim inquiries	Hon. Ruwan Fernando
16	30.07.2012	Claim inquiries	Hon. Ruwan Fernando
17	31.07.2012	case studies	Hon. Ruwan Fernando
18	03.09.2012	Re Vindicatio action/declaration of title/Possessory actions	Hon. Ruwan Fernando

19	04.09.2012	Re Vindicatio action/declaration of title/Possessory actions	Hon. Ruwan Fernando,
20	05.09.2012	Writ Pending Appeal	Hon. Ruwan Fernando,
21	11.09.2012	Writ Pending Appeal Case Studies	Hon. Ruwan Fernando
22	11.09.2012	Writ pending Appeal Case Studies	Hon. Ruwan Fernando,
23	12.09.2012	Writ Pending Appeal Case Studies	Hon. Ruwan Fernando,
24	17.09.2012	Execution of Decree	Hon. Ruwan Fernando,
25	18.09.2012	Execution of Decree	Hon. Ruwan Fernando,
26	19.09.2012	Execution of decree Case Studies	Hon. Ruwan Fernando,
27	25.09.2012	Servitudes	Hon. Ruwan Fernando
28	26.09.2012	Servitudes	Hon. Ruwan Fernando,
29	27.09.2012	Contempt of court	Hon. Ruwan Fernando,
30	01.10.2012	Servitudes Case studies	Hon. Ruwan Fernando,
31	02.10.2012	Adoption of Children	Hon. Ruwan Fernando
33	30.10.2012	Custody disputes	Hon. Ruwan Fernando
34	31.10.2012	Custody disputes	Hon. Ruwan Fernando

Trainee judges were assigned the task of studying and categorizing unreported S.C & C.A. judgments on the following dates:

1. 08.10.2012
2. 09.10.2012.
3. 10.10.2012
4. 11.10.2012
5. 15.10.2012
6. 16.10.2012
7. 16.10.2012
8. 17.10.2012

9. 18.10.2012
10. 22.10.2012
11. 23.10.2012
12. 24.10.2012
13. 25.10.2012

5. Judicial Colloquiums-

-  Australia – Sri Lanka Mutual Workshop on Law of Extradition was held on 15th, 16th and 17th May 2012 at Waters Edge for Trainee Judges.
-  Sensitization Programme for Magistrates on Child Protection and Juvenile Justice was held on the 1st and 2nd of December at Habarana Lodge Hotel organized by Ministry of Justice and the Sri Lanka Judges' Institute.

6. PERFORMANCE OF THE SRI LANKA JUDGES' INSTITUTE FOR THE PERIOD 01.01.2012 TO 31.12.2012

(A) The first pace of the modernization of the Judges' Library was completed by 31.12.2012 as stated in the action plan 2012. It is now functioning as a fully equipped Reference Library with the following facilities:

- (i) Internet facilities (at present, 25 judicial officers and trainee officers are being provided with Internet facilities in the Library).
- (ii). Reference facilities- Acts, law Books, Journal Articles, Unreported Cases, selected Foreign Judgments, International Conventions, selected Foreign Law Journals and Reference materials required for Judicial officers
- (iii). Unreported judgments of the Supreme Court and the Court of Appeal have been made available in the library for reference)

- (iv).** JSC Circulars, Public Administration Circulars, Justice Ministry Circulars, Establishment Code with amendments have been made available in the library;
- (B).** Steps were taken to update Course Materials already prepared by the Judges Institute on specialized subjects and steps are being taken to prepare new Course Materials on other subjects as well;
- (C).** Photo copying facility to Judicial Officers to obtain copies of unreported judgments and Journal Articles- (This facility has been provided to judicial officers)
- (D).** Print out facilities- computer print outs facility was provided to the Institute.
- (E).** Help Desk was established with the assistance of a Management Assistant who would act as the librarian of the Institute in addition to his other functions until such time a permanent librarian is appointed.
- (F)** All arrangements were finalized to re-launch its own web site with the assistance of the Information and Communication Technology Agency of Sri Lanka (ICTA). The web site (www.judgesinstitute.lk) would be used as an educational, research and communication web site for the judicial officers serving in various parts of Sri Lanka.
- (G)** An Accountant was appointed to Sri Lanka Judges' Institute on an acting basis from Judicial Service Commission.
- (H)** The cadre of the Institute was increased from 5 in 2011 to 9 in 2012 and the approval was obtained to increase the cadre to 33
- (I)** Annual Survey of Assets were conducted and the reports were duly submitted to the Ministry of Justice in accordance with the instructions received;
- (J)** The Audit quarries Register is being maintained in terms of Financial Regulations 452 (1);

- (K)** The contributions had been paid to the Employees' Trust Fund and Employees' Provident Fund in respect of all three employees and at present contributions are being paid to the employee of the Institute in terms of the Employee Provident Fund Act No. 15 of 1958 and the Employee Trust Fund Act No. 46 of 1980;
- (L)** The Institute is maintaining a Gratuity Account and steps are being taken to pay gratuity to employees who are entitled to gratuity in terms of the Payment of Gratuity Act No. 12 of 1983.
- (M)** Board of Management of the Sri Lanka Judges' Institute approved Financial Delegation of Authority in terms of F.R. 135 for 2012.
- (N)** The first meeting of the Procurement Committee of the Judges' Institute in terms of the Financial Delegation was held on 14th December, 2012 and the Committee decided to purchase Electronic Items, Pantry Items, Health Care Items, and Books for Library and Virus Guards for Computers.
- (O)** Purchased Computer Saver and Internet Equipments and provided Wi-Fi facility for Judges' Institute Library.
- (P)** The Institute purchased a new Intercom telephone system for all sections of the Judges' Institute.
- (Q)** During this Period, the Institute prepared the Annual Report for year 2011 and submitted it to the Ministry of Justice to be tabled in Parliament.
- (R)** During this period, the Institute corrected the following financial and administrative requirements in terms of Public Administration Circulars and Financial Regulations
- (i) Financial Delegation
 - (ii) Corporate Plan
 - (iii) Action Plan
 - (iv) Annual Report for 2011

7. Acquisition of Capital Assets:

(I) Acquisition of a modern Auditorium

This modern Auditorium was built by the Ministry of Justice and handed over to the Judges' Institute in September 2011. The Institute now has a modern Auditorium with audio and video recording facilities with a seating capacity of 72. All lectures for Saturday seminars at present are conducted in the Auditorium of the Institute.



Auditorium



Auditorium

(2) A modern Library with 25 networked computers, accessories, computer tables and chairs and nearly 300 books, some journals and two projectors for power point presentations are available in the library. Lectures for trainee judicial officers are conducted in the library.



Library



Training Sessions for In – Service Judges



Training Sessions for In – Service Judges



Training Sessions for In – Service Presidents of Labour Tribunals



Training Sessions for In – Service Presidents of Labour Tribunals



Training sessions for Trainee Judges

8. Research Work of trainee Judges

Legal Essays and Reference material by trainee Judicial Officers

During the period trainee judicial officers were assigned several topics to prepare legal essays to be submitted to the Institute at the end of their training period. The list of those legal essays is as follows:

Number of Legal Essays	Name of Trainee Judicial officer	Topic	Date of submission
1	Mr. M. Ganesharajah (Refresher course)	Contempt of Court in Sri Lanka and recent developments in Other Jurisdictions	10.12.2012
2	Mr. T.A. D. Hemapala (Refresher course)	Application of maintenance Act and Effectiveness of Maintenance Orders in Sri Lanka	10.12.2102

During the period trainee judicial officers were assigned several topics to prepare reference materials to be submitted to the Institute at the end of their training period. The list of those reference materials is as follows:

Number of reference materials	Name of Trainee Judicial officer	Topic	Date of submission
1	Mr. Manjula Karunaratne	Primary Courts Procedure	12.09.2012
2	Mr. Manjula Karunaratne	List of Witnesses and Documents	01.12.2012
3	Mr. Sampath N. Gamage	Disposal of Property under the forest Ordinance	01.12.2012

4	Mr. T.A.D. Hemapala	Reference Materials on the Law relating to bail	10.12.2012
5	Mrs.Pavithira Pathirana	Law of Constructive trust	10.12.2012
6	Miss. Janitha Perera	Issues	10.12.2012
7	Mr. M. Ganesharajah	Disposal of Productions and Claim Inquiries in Criminal cases in Sri Lanka	07.12.2012
8	Mr. Sampath N. Gamage	Key to partition Law	01.12.2012
9	Mr. ManjulaKarunaratne	A Digest of Selected cases on Primary Courts Pricedure	01.12.2012

9. Research Work of the Institute

During this period, an updated research paper was prepared to be handed over to the Ministry of Justice for Law reforms. The research concentrated on the amendments required to the Civil Procedure Code on the reception of affidavit evidence, joint work of Mr. Ruwan Fernando, High Court Judge and A. Marikkar, High Court Judge after participating at a seminar on Commercial Litigation held in Australia,

The research has recommended that the use of affidavit evidence for examination-in-chief instead of viva voce examination-in-chief be introduced in Sri Lanka as it would save a substantial amount of court time, reduce costs, encourage settlements and expedite legal proceedings. The research has also suggested necessary safeguards to be taken when such affidavit evidence is introduced instead of examination-in-chief. The research has also considered reasons for the justification of introducing an amendment to the Civil Procedure Code for the use of affidavit evidence for examination-in-chief instead of viva voce examination-in-chief.

Judges' Training Manual

For the first time in the history of the Judges' Institute, a comprehensive Training Manual for judicial training has been prepared at the request of the UNDP. It contains training courses, training contents, training methods and training curriculum in detail. After obtaining the approval of the Board of Management of the Judges' Institute, the Training Manual will be published in June 2013.

10. FUNDS

The Institute has its own fund which is administered by the Board of Management of the Institute. The Institute is mainly financed from the Treasury grants channeled through the Ministry of Justice both for its capital and recurrent expenditure. During the year under review, the Treasury made available Rs. 2 Million as Capital Grant and Rs. 9 million as Recurrent Grant. In October, a budget presentation was made by the Judges' Institute before the Treasury Secretary seeking more funding for the activities of the Judges' Institute. The Institute proposed a budget estimate of Rs. 6 million as Capital Expenditure and Rs. 18 million as Recurrent Expenditure. This has now been allocated by the Treasury.

In terms of the provisions of the Sri Lanka Judges' Institute Act No. 46 of 1985, the Institute has authority to accept donations, gifts and grants from any source approved by the President and all such donations, gifts and grants received by the Institute from any source shall be paid into the Fund. All expenses incurred in the administration and management of the Institute (including the payment of remuneration) shall be paid out of the Fund of the Institute.

11. SIGNIFICANT ACCOUNTING POLICIES

The financial statements are prepared in accordance with generally accepted Accounting principles and the Accounting Standard laid down by the Accountant of the Sri Lanka Judges' Institute of Sri Lanka.

12. APPRECIATION

The Sri Lanka Judges' Institute appreciates the assistance and cooperation given by the following:

1. The Board of management of the Sri Lanka Judges Institute.
2. Judges of the Superior Courts and High Courts
3. Retired Judges
4. The Secretary and Staff of the Ministry of Justice.
5. The Secretary to the Treasury and Staff of the Treasury.
6. The UNDP
7. The Auditor-General and his staff
8. The Audit Superintendent and his staff
9. Save the Children, Sri Lanka

Ruwan Fernando
High Court Judge &
Director,
Sri Lanka Judges' Institute

On this 02nd Day of May 2013
at Colombo, Sri Lanka


**13. SRI LANKA JUDGES INSTITUTE
BALANCE SHEET AS AT 31.12.2012**

**Sri Lanka Judges' Institute
Balance sheet as at 31.12.2012**

	Notes	2012	2011
		Rs.cts	Rs.cts
Assets			
Non Currunt Assets	1		536,298.76
Currunt Assets			
Stock (Office stationary)		25,000.00	3,503.50
Savings Accounts balance		403,631.17	418,261.73
Cash		501.04	5,590,183.41
			429,132.21
			965,430.97
Financed by			
Accumulated Fund	6	5,929,170.76	3,378,508.70
Add/(Less), Excess/(Shortfall)		(5,340,625.79)	2,581,135.70
			588,544.97
			5,959,644.40
Current Liabilities			
Accrued Expenditure			125,000.00
Accrued Audit Fee		92,000.00	-
Accrued expences to Sri Lanka Telecom		284,886.00	-
			965,430.97
			6,084,644.40

The above financial Statements have been prepared in Accordance with Accounting Principales.


 Prepared by
 Mr.G.Meddegodage
 Accountant (Acting)
 Sri Lanka Judges' Institute


 Hon.M.R.C.Fernando
 Director
 Sri Lanka Judges' Institute

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 කොළඹ 12.

M.R.C.FERNANDO
 Director
 Sri Lanka Judges' Institute
 Colombo 12.

14. **SRI LANKA JUDGES INSTITUTE**
INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31.12.2012

Sri Lanka Judges' Institute
Income and Expenditure Account for the year ended 31.12.2012

	Note	(Rs.Cts)		(Rs.Cts)
		2012		2011
		Rs.cts	Rs.cts	Rs.cts
Income				
Grant from ministry			894,802.98	8,000,000.00
Interest income from savings Accounts			15,843.08	44,474.07
Total Income			910,646.06	8,044,474.07
Less-Expenditure				
Salary		791,097.99		1,509,953.50
Overtime		77,234.90		118,897.50
Allowances		223,150.00		0.00
E.P.F		84,520.91		76,542.45
E.T.F.		12,462.34		19,135.53
Seminar and training programs		3,092,900.00		2,909,620.00
Lecture Fees		195,000.00		12,000.00
Running Expences		299,323.91		374,000.00
Telephone Expences		83,693.75		100,337.99
Office Stationary and equipment		180,701.40		46,155.50
Cleaning Service Expences		184,000.00		0.00
Uniform allowances		13,640.00		0.00
Fuel		262,500.00		0.00
Vehicle repair expences		535,498.27		62,205.67
Staff Wefare		4,500.00		8,318.00
Internet Connection expences		148,976.13		0.00
Bank Fee		750.00		3,766.98
Provision for Depreciation:-	4			
Office equipment		8,608.50		8,608.50
Furniture		3,946.75		3,946.50
Other Expences		48,767.00		0.00
Honorarium to board members				12,000.00
Accounting Chargers				21,000.00
Binding Chargers				1,200.00
Audit fee				172,390.00
Postage			(6,251,271.85)	3,260.00
Excess/(Shortfall) to the Accumulated Fund			5,340,625.79	2,581,135.70

15.

SRI LANKA JUDGES INSTITUTE
CASH FLOW STATEMENT FOR THE YEAR ENDED 31.12.2012

Sri Lanka Judges' Institute
Cash flow statement for year ended 31.12.2012

	Notes	2012		2011
		Rs.Cts	Rs.cts	Rs.cts
<u>Operating activities</u>				
Grant from Ministry		2,000,000.00		8,000,000.00
Refund to the ministry		(1,105,197.02)	894,802.98	-
Deposits in savings Accounts				30,473.64
Cash Payment for operating activities				(5,458,832.26)
	2	6,293,213.10		
	3	191,272.25	(6,484,485.35)	
Net Cash flow in operating Activities			(5,589,682.37)	2,571,641.38
<u>Investing Activities</u>				
Inerterest from savings Account		15,843.08		44,474.07
Reinvest interest at savings accounts		(15,843.08)	-	-
Net increase/(Decrease) in cash/cash equivalents			(5,589,682.37)	2,616,115.45
Cash/cash equivalents at beginning of the year			5,590,183.41	3,392,329.69
Cash/cash equivalents at end of the year			501.04	6,008,445.14

Note 01

Sri Lanka Judges' Institute
Non Currunt Assets

Description	Cost Beginning of the year	Additions During the year	Depriciation for the year	Accumulated Depriciation as at 31.12.2012	Net Value
Office Equipment	362,105.00	-	8,608.50	317,755.50	44,349.50
Furniture	86,292.50	-	3,946.75	70,503.49	15,789.01
Library Books	77,465.85	34,524.00	-	77,464.85	34,525.00
Computer Equipment	191,850.00	284,886.00	-	191,849.00	284,887.00
Electrical Insrument	-	85,639.00	-	-	85,639.00
Pantry Items	-	51,009.25	-	-	51,009.25
travelling Bags	-	20,100.00	-	-	20,100.00
	717,713.35	476,158.25	12,555.25	657,572.84	536,298.76

Note 02: Expences for operating Activities

Stationary	198,997.90
Uniform	13,640.00
fuel	262,500.00
Cleaning Service	184,000.00
Other	48,767.00
vehicale repaire	535,498.27
maintenance	3,200.00
Bank Fee	750.00
Internet connection	148,976.13
Staff welfare	4,500.00
Seminar/Training	3,092,900.00
Lecture fee	195,000.00
Allowances	223,150.00
Running expences	299,323.91
Overtime	77,234.90
E.P.F	84,520.91
E.T.F.	12,462.34
Salary	791,097.99
Accounting Fee	18,000.00
Telephone Fee	98,693.75
	<u>6,293,213.10</u>

Note 03: Expences for purchase of assets

Electrical Instrument	85,639.00
Pantry Items	51,009.25
Library books	34,524.00
Travalling bags	20,100.00
	<u>191,272.25</u>

Note 04 : Depreciation

The depreciation on fixed assets are calculated using the stright line method to allocate their cost or revalued amounts to residual values over the estimated usefull lives as follows.Fixed assets which have new purchased at 20.12.2012 are not calculated for depreciation for year 2012.

Office equipment	10%
Furniture	10%

Note 05

Cash flow statement prepared on direct method.

Note 06

Adjustment to the Accumulated fund

Balance as at 01.01.2012	5,959,644.40
Adjustment-: Variance of Savings Accounts balance	<u>30473.64</u>
	<u>5,929,170.76</u>

16. FIXED ASSEST AS AT- 31 DECEMBER 2012

As per Fixed Assets Register

17. AUDITOR GENERAL'S REPORT 2012



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கணக்காய்வாளர் தலைமை அபிபதி திணைக்களம்



AUDITOR GENERAL'S DEPARTMENT

මගේ අංකය
எனது இல. } JP/C/SLJI/2/2012
My No

ඔබේ අංකය
உமது இல }
Your No.

දිනය
திகதி } 11 October 2013
Date

Director
Sri Lanka Judges' Institute

Report of the Auditor General on the Financial Statements of the Sri Lanka Judges' Institute for the year ended 31 December 2012 in terms of Section 14 (2) (c) of the Finance Act, No. 38 of 1971.

The audit of financial statements of the Sri Lanka Judges' Institute for the year ended 31 December 2012 comprising the balance sheet as at 31 December 2012 and the income statement, statement of changes in equity and the cash flow statement for the year then ended and a summary of significant accounting policies and other explanatory information was carried out under my direction in pursuance of provisions in Article 154(1) of the Constitution of the Democratic Socialist Republic of Sri Lanka read in conjunction with Section 13 (1) of the Finance Act, No. 38 of 1971 and Section 10(3) of the Sri Lanka Judges' Institute Act, No. 46 of 1985. My comments and observations which I consider should be published with the annual report of the Institute in terms Section 14 (2) (c) of the Finance Act, appear in this report. A detailed report in terms of Section 13 (7) (a) of the Finance Act will be issued to the Director of the Institute in due course.

1.2 Management's Responsibility for Financial Statements

The management is responsible for the preparation and fair presentation of these financial statements in accordance with Generally Accepted Accounting Principles and for such internal control as the management determines is necessary to enable the preparation of financial statements that are free from material misstatements whether due to fraud or error.

අංක 306/72 පොල්දූව පාර,
බත්තරමුල්ල, ශ්‍රී ලංකාව

දුරකථනය
தொலைபேசி } 2887028 -34
Telephone

இல. 306/72, பொல்துவ வீதி,
புத்தரமுல்லை இலங்கை

ෆැක්ස් අංකය
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අ- මෙය්ල
E-mail } oaggov@sltnet.lk

1.3 Auditor's Responsibility

My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with Sri Lanka Auditing Standards. Those Standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatements of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Institute's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Institute's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of financial statements. Sub-sections (3) and (4) of Section 13 of the Finance Act, No. 38 of 1971 give discretionary powers to the Auditor General to determine the scope and extent of the audit.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

1.4 Basis for Qualified Opinion

My opinion is qualified based on the matters described in paragraph 2.2 of this report.

2. Financial statements

2.1 Qualified Opinion

In my opinion, except for the effects of the matters described in paragraph 2.2 of this report, the financial statements give a true and fair view of the financial position of the Sri Lanka Judges' Institute as at 31 December 2012 and its financial performance and cash flows for the year then ended in accordance with Generally Accepted Accounting Principles.

2.2 Comments on Financial Statements

Accounting Deficiencies

The following observations are made.

- (a) The value of 30 computers, 25 computer chairs and further 34 items of assets received from the Ministry in the year 2011 had not been computed and brought to account.
- (b) Provision had not been made in the accounts in respect of audit fees for the year under review.

3. Financial Review

Financial Results

According to the financial statements presented, the operations of the Institute for the year ended 31 December 2012 had resulted in a deficit of Rs.5,340,626 as against the surplus for the preceding year amounting to Rs.2,581,136. Accordingly, the financial results for the year under review had deteriorated by Rs.7,921,762 as compared with the preceding year due to the decrease of receipts for the year by Rs.7,133,828 and increase of total expenditure by Rs.787,934.

4. Accountability and Good Governance

Corporate Plan and Action Plan

A Corporate Plan for the year 2012 had not been prepared in terms of provision of the Public Enterprises Circular No.PED / 12, dated 02 June 2003 and an Action plan had been prepared so as to cover only the period from July to December 2012.

5. Systems and Controls

Deficiencies in systems and controls observed during the course of audit were brought to the notice of the Director of the Institute from time to time. Special attention is needed in respect of the following areas of control.

- (a) Accounting
- (b) Corporate Plan and Action Plan

H.A.S.Samaraweera

Auditor General