



තීන්පති දෙපාර්තමේන්තුව
சட்டமா அதிபதி திணைக்களம்
Attorney General's Department



කාර්ය සාධන වාර්තාව - 2014
Performance Report - 2014
செயலாற்றுகை அறிக்கை - 2014

Vision

- ❖ To be the bastion of the Public Service of Sri Lanka in responding effectively to the course of justice in the interest of Sri Lanka & her people.

Objective

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

Mission

- ❖ To serve the people of Sri Lanka to our utmost endeavor and work with honour, dignity and integrity to fulfill Sri Lanka's promise.

- ❖ The Attorney General's Department will strive to enforce laws of Sri Lanka on the premises of fairness and independence, to ensure justice, safety and liberty for the people of Sri Lanka, in a bid to encourage social and economic prosperity, equal opportunity and tolerance.

Index

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

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

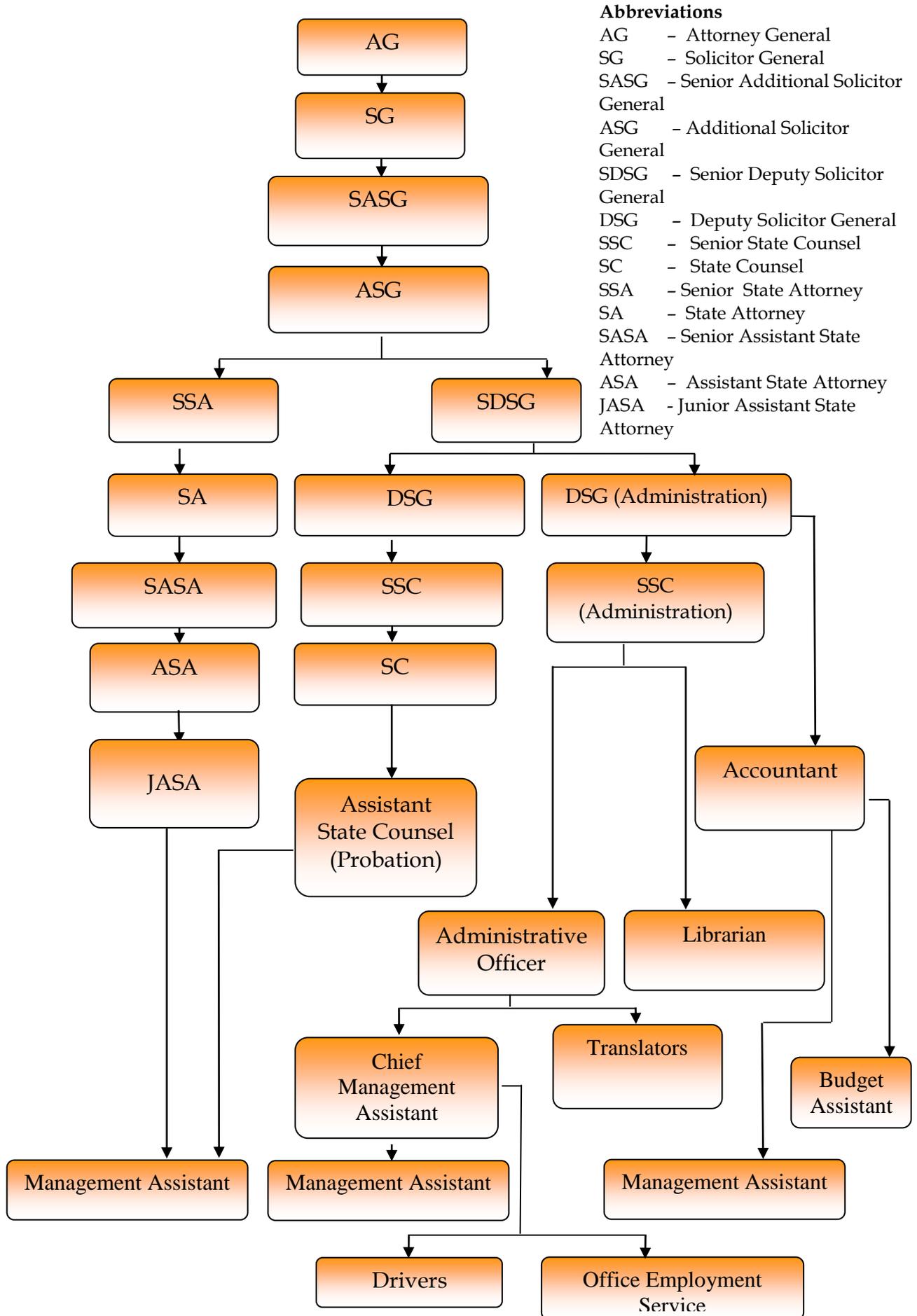
1. Background

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

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

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

2. Organizational Structure of Attorney General's Department



2. Cadre Information (as at 31.12.2014)

Level Group	Designation	Approved Cadre			Existing Cadre		
		Permanent	Casual	Contract	Permanent	Casual	Contract
Senior Level	Attorney General	1	-	-	1	-	-
	Solicitor General	1	-	-	1	-	-
	Senior Additional Solicitor General	2	-	-	2	-	-
	Additional Solicitor General	9	-	-	9	-	-
	Senior Deputy Solicitor General	9	-	-	0	-	-
	Deputy Solicitor General	19	-	-	28	-	-
	Senior State Counsel	56	-	-	41	-	-
	State Counsel/Temporary Acting State Counsel	118	-	-	74	-	-
	Assistant State Counsel (Probation)	-	130	-	-	0	-
	Senior State Attorney	1	-	-	1	-	-
	State Attorney	2	-	-	2	-	-
	Senior Asst. State Attorney	6	-	-	6	-	-
	Asst. State Attorney	18	-	-	7	-	-
	Junior Assistant State Attorney	28	-	-	0	-	-
Director (Finance)	1	-	-	1	-	-	
Tertiary Level	Administrative Officer	3	-	-	3	-	-
	Librarian (Supra Grade)	1	-	-	1	-	-
	Translator	8	-	-	6	-	-
Secondary Level	Statistical Officer	1	-	-	0	-	-
	Budget Asst.	1	-	-	1	-	-
	Librarian	4	-	-	1	-	-
	Management Asst.	130	-	-	94	-	-
	Coordinating Secretary	1	-	-	1	-	-
	Personal Secretary	1	-	-	0	-	-
Stenographer	28	-	-	0	-	-	
Primary Level	Driver	87	-	-	77	-	-
	K.K.S. Administrative Officer	139	-	5	130	-	-
	Watcher	7	-	-	0	-	-

4. Duties of the Attorney General's Department

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

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

Following Divisions of the Department assist the Legal staff for the performance of duties.

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

Further, for the smooth functioning of the Department. There are Special units, vested with especially recognized responsibilities.

Namely,

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

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

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

i. Criminal Division

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

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

In this process instructions are being sent either to prosecute the suspects in Magistrates Court or discharge the suspect from proceedings for non availability of evidence or indictments are being sent directly to High Courts. There are 86 officers attached to the criminal division and an officer from the criminal division is attached to the every High Court in Sri Lanka.

Subjects Categorized by Offences

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

Subjects Categorized on provincial basis - old categorization

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

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

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

Performance of the Criminal Division

Performance Report of the Criminal Division - (from 01.01.2014 to 31.12.2014)

Serial No.	Subject	Opened Files	Indicted Files	Advised Files	Discharged Files	Concluded Files	Remaining Files
1	CR1	336	56	52	37	115	1310
2	CR2	87	7	31	11	47	433
3	CR3	1494	581	403	17	1001	1198
4	CR4	17	3	0	0	3	79
5	CM1	0	19	10	6	33	194
6	CM2	0	19	16	19	51	122
7	CM3	0	21	21	19	49	211
8	CW1	0	19	6	9	34	123
9	CW2	0	24	29	27	63	139
10	CW3	0	14	7	9	17	137
11	CW4	0	14	2	1	14	138
12	CB1	0	17	8	15	33	60
13	CB2	0	25	28	13	49	72
14	CS1	0	20	12	22	43	219
15	CS2	0	21	7	16	31	170
16	OW	357	475	31	172	543	234
17	AG/T	0	5	0	0	0	5
18	I & E	251	0	146	64	210	287
19	CN	0	18	35	37	73	49
20	EER	65	14	23	15	52	81
21	TR	5	2	0	4	6	17
Sub Total		2612	1374	867	513	2467	5278

**Performance Report of the Criminal Division –
(from 01.01.2014 to 31.12.2014) under new classification**

Serial No.	Subject	Opened Files	Indicted Files	Advised Files	Discharged Files	Concluded Files	Remaining Files
1	EP1	65	10	5	8	20	156
2	EP2	46	8	6	4	16	105
3	EP3	36	7	4	7	16	47
4	EP4	38	4	2	2	11	89
5	NP1	40	6	7	7	17	106
6	NP2	65	10	10	10	24	122
7	NP3	11	1	2	0	3	9
8	NP4	27	3	1	2	4	34
9	NCP1	108	45	21	16	78	208
10	NCP2	47	26	7	10	42	122
11	SP1	101	35	15	7	54	302
12	SP2	95	14	6	6	21	245
13	SP3	132	24	9	12	41	295
14	SP4	56	17	9	10	29	156
15	SP5	49	21	1	7	19	136
16	CP1	211	65	88	59	195	231
17	CP2	56	31	17	12	55	44
18	CP3	63	28	23	5	53	79
19	NWP1	237	54	18	19	91	431
20	NWP2	81	13	6	4	23	142
21	NWP3	34	9	2	4	15	59
22	NWP4	67	19	12	8	39	105
23	UP1	106	16	20	9	39	266
24	UP2	54	29	13	20	56	199
25	SGP1	95	64	24	16	97	261
26	SGP2	78	40	13	11	55	128
27	SGP3	126	77	25	4	102	193
28	WP1	260	43	19	26	83	758
29	WP2	63	15	5	6	23	198
30	WP3	158	45	16	14	68	266
31	WP4	115	20	11	11	36	218
32	WP5	57	17	3	12	32	137
33	WP6	107	20	17	9	46	138
Total		2884	836	437	357	1503	5985

ii. Civil Division

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

There are 74 officers attached to Civil Division handling civil matters in Court of Appeal, District Courts, Provincial Civil Appellate High Courts and Labour Tribunals. In addition to their work; the officers are involved in advising Government Departments on legal issues; taking part in various Technical Committees; appears in Local and International Arbitrations and appears in the Supreme Court in Rule Matters filed against errant legal professionals.

Subjects Categorized in the Civil Division

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

Performance of the Civil Division

Subject	Opened Files	Concluded Files	Remaining Files
E	325	65	260
FC	41	14	27
CA/CA	542	-	-
CA/HC	369	-	-
HRC	10	-	10
B	61	31	30
CA/NA	292	-	-
CA/DC	443	-	-
ARB	03	-	-
C	296	-	-
L	163	-	-
CE	41	-	-
AA	50	8	42
CA/LT	08	-	-
CA/MC	42	-	-
Total	2686	118	369

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

iii. State Attorney's Division

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

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

This Branch annually handled a large volume of civil cases and 1712 civil cases were concluded during this year.

iv. Supreme Court Unit

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

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

This unit has handled a large number of cases including Fundamental Rights Cases during the year 2014.

There are 392 cases opened during the year 2014 and 680 cases including 80 files opened during the same year and 600 files opened earlier were concluded during this year.

v. Corporation Branch

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

There are 1885 cases opened during the year 2014 and 1751 cases were concluded.

Subjects Categorized in the Corporation Branch

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

Performance of the Corporation Branch

Subject	Opened Files	Concluded Files	Remaining Files
CA	1045	1085	2455
C	278	259	3281
E	218	146	591
BCL	56	53	43
ARB	08	22	17
FC	01	02	02
SPC	02	01	04
L	-	-	02
WB	277	183	594
Total	1885	1751	6989

vi. Child Abuse Cases Unit

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

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

This unit has handled a large number of such cases during the year 2014. 4428 cases were opened and 2188 files were concluded this year.

vii. Public Petitions Unit

Complaints received from the general public are referred to this unit with the idea of giving some redress to those petitions. A Deputy Solicitor General is presently detailed to work closely with these petitions.

Above performance of each Division for the year 2014 could be summarized as follows;

Division	Number of files opened	Number of files indictments sent	Number of files provided instructions	Number of files Released	Number of files concluded
* Civil Division	2686	-	-	-	118
Criminal Division	5496	2210	1304	870	3970
* State Attorney Division	128	-	-	-	1712
Supreme Court Unit	392	-	-	-	680
Corporation Division	1885	-	-	-	1751
Women & Child Abuse cases Unit	4428	739	540	909	2188
Public Petitions Unit	530	-	-	-	220

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

viii. Establishment Branch

Establishment Branch plays a key role silently in assisting the Department for smooth functioning of entire duties of the Department. Relative to other Divisions of this Department, performance of this Division may not be submitted on quantitative data. Therefore, performance of the Establishment Branch for the period from 01.01.2014 to 31.12.2014 is set out as follows;

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

Law Officers :-

- Approval of the Director General of Management Services has been granted for the creation of 190 new posts as below mentioned under the financial Regulation 71 with the intention of restructuring the legal staff.

01.	Senior Additional Solicitor General	-	02
02.	Additional Solicitor General	-	04
03.	Senior Deputy Solicitor General	-	09
	(by suppressing 09 posts of Deputy Solicitor General)		
04.	Senior State Counsel	-	16
05.	Assistant State Counsel (Probation)	-	130
06.	Senior State Attorney	-	01
	(by suppressing 01 post of state Attorney)		
07.	Junior Assistant State Attorney	-	28

Public Management Assistant Service :-

Requests have been made to the Ministry of Public Administration to fill the vacancies of the Public Management Assistant Service.

Departmental Posts

- Actions are being taken for the recruitment of Post of Librarian.
- An open competitive exam was held for the recruitment of 28 posts of Departmental Stenographer and actions are being taken for such recruitment upon the results of the said examination.

Minor Employees :-

- Requests have been made to the Ministry of Public Administration to take actions to fill the vacancies of Office Employees Service and Drivers Service.
- Actions are being taken for the recruitment of 07 posts of Watcher.

- **Computerization of leave**

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

- **Granting of Distress Loan**

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

Data on applying & granting distress loans from 01.01.2014 to 31.12.2014 are as follows.

Designation	Number of Applicants	No. of Employees, who was granted loans
Staff Grade	18	18
Public Management Assistant Service and other Services	42	42
Office Assistant Service	48	48
Driver	14	14

Accordingly, an amount of Rs: 8,626,695.00 has been paid from the Public Servants Advance Account for distress loans from 01.01.2014 to 31.12.2014.

- **Paying of Pensions**

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

Accordingly pension gratuities of 08 employees, retired in 2014 have been paid in the same year.

- **Human Resources Development by providing training**

08 officers of Public Management Assistants' service , 07 of the Drivers service and 02 of the Office Employees service were provided to participate in courses at the Sri Lankan Development Administration Institute in 2014. In addition actions have been taken for 07 offices of the Public Management Assistant Service to attend the Tamil language courses too.

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

- **Infrastructure Development**

- Cabinet Approval has been granted for the proposed seven storied new building for the Department and the foundation stone was laid for the same.
- Necessary building plans were prepared for the construction of quarters of State Counsels of Mannar and Vavuniya.
- Since the available space of the present departmental building is insufficient, a five storied new building was acquired on rental basis.

Object Details – from 01.01.2014 to 31.12.2014

Head 14
Programme 01
Project 01

Recurrent Expenditure from 01.01.2014 to 31.12.2014

Object Details	Budget Provisions	Net Provisions	Total Expenditure
Personal Emoluments	249,500,000	268,700,000	268,586,540
Other Recurrent Expenses	200,420,000	228,020,000	227,701,995

Capital Expenditure from 01.01.2014 to 31.12.2014

Subject & Subject No	Budget Provisions	Net Provisions	Net Expenditure
2001 - Building and Construction	4,300,000	4,300,000	4,285,302
2002 - Machine and Machinery	1,500,000	1,500,000	1,493,620
2003 - Repairing of Vehicles	3,500,000	3,500,000	3,499,945
2102 - Furniture and Office Equipment	7,500,000	7,500,000	7,497,074
2103 - Purchasing of Machine and Machinery	2,500,000	2,500,000	2,499,979
2401 - Training for the staff	6,000,000	19,000,000	18,914,468

Advance Account from 01.01.2014 to 31.12.2014

Maximum Limit of Expenditure	Minimum Limit of Receipts	Maximum Limit of Debit Balance
23,000,000	12,000,000	90,000,000