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சட்டமா அதிபதி திணைக்களம்
Attorney General's Department



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Performance Report - 2017
செயலாற்றுகை அறிக்கை - 2017

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.

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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 the Ministry of Justice.

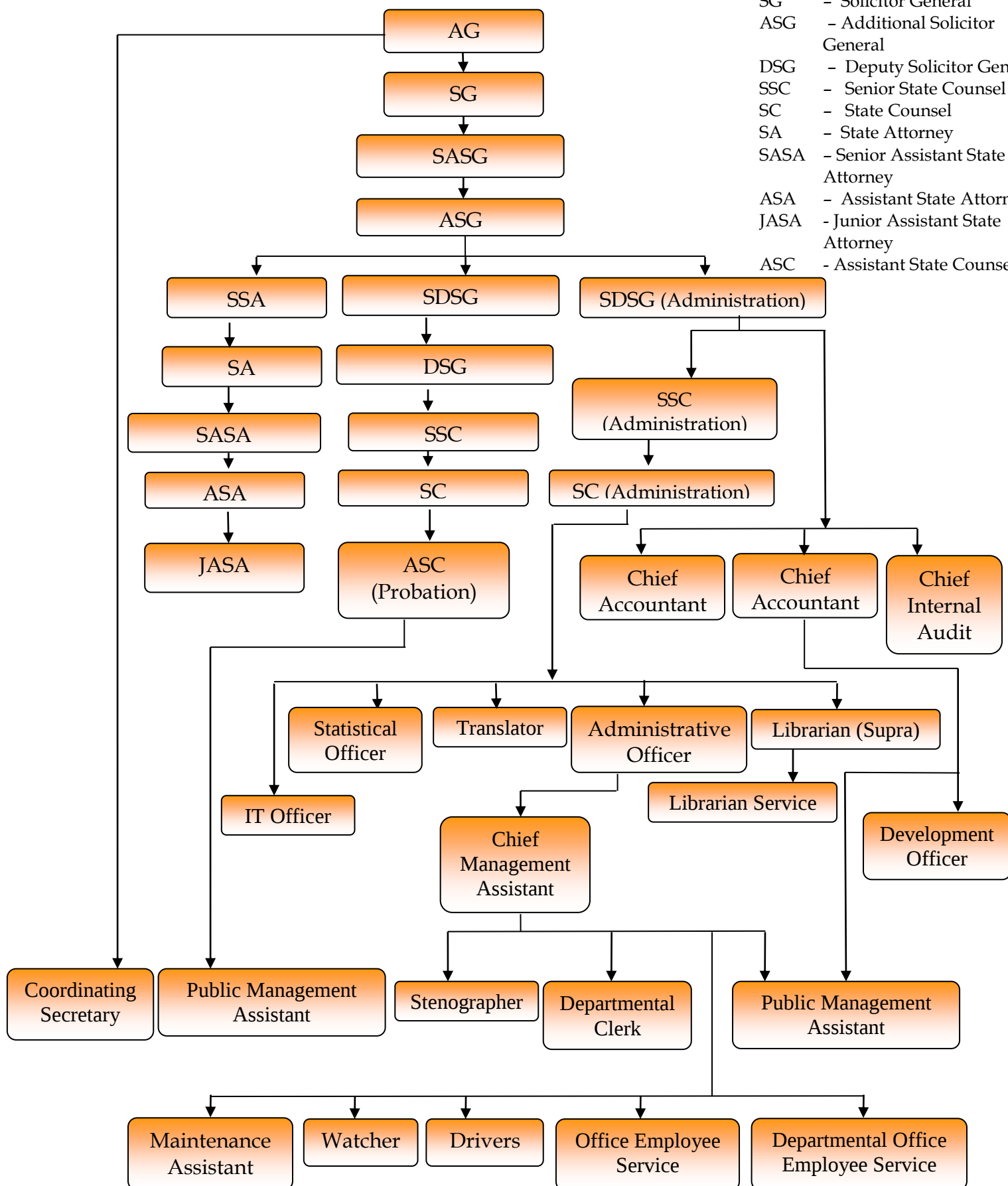
Attorney General's Department provides legal assistance to the Central Government, Provincial Councils, Government Departments, statutory Boards and other Semi Government institutions. Legal officers of the Department provide instructions to the Government and Governmental Institutions on Civil, Criminal, 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

Abbreviations

AG	- Attorney General
SG	- Solicitor General
ASG	- Additional Solicitor General
DSG	- Deputy Solicitor General
SSC	- Senior State Counsel
SC	- State Counsel
SA	- State Attorney
SASA	- Senior Assistant State Attorney
ASA	- Assistant State Attorney
JASA	- Junior Assistant State Attorney
ASC	- Assistant State Counsel



Cadre Information as at 31.12.2017

Designation	Approved Cadre			Staff at Present		
	Permanent	Casual	Contract	Permanent	Casual	Contract
Attorney General	1	-	-	1	-	-
Solicitor General	1	-	-	1	-	-
Senior Additional Solicitor General	2	-	-	2	-	-
Additional Solicitor General	9	-	-	9	-	-
Senior Deputy Solicitor General	9	-	-	9	-	-
Deputy Solicitor General	19	-	-	18	-	-
Senior State Attorney	56	-	-	28	-	-
State Attorney	218	-	-	110	-	-
Assistant State Attorney (Probation)		130	-	-	-	-
Senior State Counsel	1	-	-	1	-	-
State Counsel	2	-	-	2	-	-
Senior Assistant State Counsel	6	-	-	6	-	-
Assistant State Counsel	18	-	-	6	-	-
Junior Assistant State Counsel	28	-	-	12	-	-
Chief Accountant	1	-	-	1	-	-
Chief Internal Auditor	1	-	-	1	-	-
Assistant/Deputy Director (Admin)	1	-	-	-	-	-
Administrative Officer	3	-	-	2	-	1
Librarian (Supra Class)	1	-	-	1	-	-
Translator	8	-	-	6	-	-
Statistical Officer	1	-	-	1	-	-
Development Officer	3	-	-	2	-	-
Librarian (I, II)	2	-	-	-	-	-
Librarian (III)	2	-	-	1	-	-
Information Technology Assistant	5	-	-	-	-	-
Development Officer	3	-	-		-	-
Public Management Assistant	180	-	-	88	-	-
Departmental Management Assistant/ Non-Technical Category 02	25	-	-		-	-
Coordinating Secretary	1	-	-	1	-	-
Personal Secretary	1	-	-	-	-	-

Stenographer	78	-	-	1	-	-
Departmental Clerk	25	-	-	25	-	-
Driver	137	-	-	82	-	-
Office Employee Service	239	-	-	116	-	-
Departmental Employee Service	22	-	-	22	-	-
Security	7	-	-	4	-	-
Maintenance Assistant	2	-	-	-	-	-
	1220			559		

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 91 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 the Nature of 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 (Files opened till 31.12.2010)

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-Criminal Division (from 01.01.2017 to 31.12.2017)

Serial No.	Subject	Remaining Files as at 01.01.2017	Opened Files	Indictment Served Files	Advised Files	Discharged Files	Other	Remaining Files	Total
1	CW3	93	0	6	4	2	0	81	
2	CW4	51	0	9	6	2	0	34	
3	SGP1	251	87	36	12	15	0	275	
4	SGP2	118	67	14	10	6	0	155	
5	SGP3	183	61	25	13	3	0	203	748
6	CR1	1703	323	86	36	8	2	1894	1894
7	CR2	532	62	3	22	8	5	556	556
8	CR3	1226	815	326	98	22	0	1595	1595
9	CR4	108	11	5	0	0	0	114	114
10	NWP1	449	105	44	25	20	0	465	
11	NWP2	199	44	30	6	14	0	193	
12	NWP3	108	38	14	10	1	0	121	
13	NWP4	154	21	29	14	5	0	127	906
14	OW	274	94	53	1	5	0	309	
15	AG/T	54	4	3	0	1	0	54	363
16	CS1	131	0	13	14	11	0	93	
17	SP1	265	71	41	15	6	0	274	
18	SP2	281	89	33	10	8	0	319	686
19	CS2	154	0	21	19	6	2	106	
20	SP3	259	70	45	19	7	3	255	
21	SP4	132	54	16	10	0	1	159	
22	SP5	145	38	19	5	1	3	155	675
23	I & E	788	471	3	371	88	0	797	797
24	EER	37	12	9	2	7	0	31	31
25	TR	3	2	0	0	0	0	5	5
26	MTA	54	30	3	4	0	0	77	77
All files have been concluded									
මුළු එකතුව		13110	4072		1551	1065	417	69	14080
									14080

Serial No.	Subject	Remaining Files as at 01.01.2017	Opened Files	Indictment Served Files	Advised Files	Discharged Files	Other	Remaining Files	Total
1	CN	24	0	0	1	3	0	20	
2	EP1	167	23	12	12	9	0	157	
3	EP2	103	49	12	4	6	0	130	
4	EP3	73	40	16	3	1	0	93	
5	EP4	72	40	7	11	3	0	91	
6	NP1	160	46	25	9	2	2	168	
7	NP2	142	20	13	5	4	0	140	
8	NP3	16	28	3	0	0	0	41	
9	NP4	44	23	5	2	1	0	59	899
10	CM1	123	0	6	7	5	7	98	
11	NCP1	442	107	95	50	21	0	383	
12	NCP2	139	60	19	11	5	0	164	645
13	CM2	69	0	2	2	1	7	57	
14	CP1	285	141	49	18	13	0	346	
15	CP2	60	44	11	5	2	0	86	
16	CP3	124	67	27	10	4	0	150	639
17	CM3	102	0	6	0	5	0	91	
18	UP1	280	67	30	15	5	0	297	
19	UP2	177	39	10	16	2	0	188	576
20	CB1	47	0	4	2	3	5	33	
21	CB2	70	0	9	2	2	0	57	
22	WP1	911	227	26	48	12	16	976	1066
23	CW1	71	0	8	8	4	0	51	
24	WP5	193	97	19	13	17	5	236	
25	WP6	426	116	40	25	17	1	459	
26	CR5	70	37	2	5	1	5	94	840
27	CW1	105	0	12	3	4	0	86	
28	WP2	203	43	40	14	3	0	189	
29	WP3	318	110	56	25	10	0	337	
30	WP4	342	79	41	13	6	5	356	968

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 80 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/SC	-	Supreme Court Cases
CA/HC	-	High Court Cases
HRC	-	Human Rights Commission Matters
B	-	Bills
CA/NA	-	Notice of Action
CA/DC	-	District Court Cases
ARB	-	Arbitration Cases
C	-	Cases Filed Against State (Reimburse to State)
CL	-	Counseling on Comprehensive Agreements
CE	-	Recovery of Possession of State Lands
AA	-	Rule Matters
AV	-	Aviation cases
CA/LT	-	Labour Tribunal cases
CA/MC	-	Magistrate Court cases

Performance of the Civil Division

Subject	Opened Files	Concluded Files	Remaining Files
E	485	375	110
FC	35	13	12
CL	175	173	2
C	327		-
CE	46	3	43
B	53	30	23
CA/SC	86	-	-
CA/CA	400	-	-
CA/HC	425	-	-
CA/DC	426	-	-
CA/NA	366	-	-
CA/MC	48	20	28
CE/MC	6	1	5
CA/LT	34	4	30
ARB	12	1	11
HRC	1	1	-
AA	6		6
Total	2710	231	616

Note that the 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 26 officers including 3 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 1415 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 2017.

There are 530 cases opened during the year 2017 and 54 cases 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 2087 cases opened during the year 2017 and 1941 cases were concluded.

Subjects Categorized in the Corporation Branch

- CA - Cases where the Government Institution is a Defendant or Respondent
- C - Cases where 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	1142	1176	2206
C	381	335	2591
E	238	197	569
BCL	55	72	15
ARB	27	35	09
FC	04	01	03
SPC	02	01	07
L	14	-	25
WB	220	122	690
BLA	04	02	07
Total	2087	1650	6772

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 18 young attorneys to work in this unit with an additional supporting staff of fourteen.

This unit has handled a large number of such cases during the year 2017. 2488 cases were concluded during the year 2017 whereas 17582 are remaining.

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. Three Senior officers of this Department are presently detailed to work closely with these petitions.

Above performance of each Division for the year 2017 could be summarized as follows;

Division	Number of files brought down from 2016	Number of files opened	Number of files indictments sent	Number of files provided instructions	Number of files Released	Number of files concluded	Remaining Files
* Civil Division		2925				458	2467
Criminal Division	13110	4023	1551	1065	417 +69 (Other)	3054	14079
* State Attorney Division	8338	1611	-	-	-	1415	8534
Supreme Court Unit	371	530	-	-	-	54	847
Corporation Division	5976	2087	-	-	-	1941	6122
Women & Child Abuse cases Unit	18199	2488	-	-	-	3105	17582
Public Petitions Unit	483	620	-	-	-	484	619

* 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 01.01.2017 to 31.12.2017 is set out as follows;

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

Legal Officers :-

- Interviews were conducted to fill 30 vacancies for the post of Assistant State Counsels (Probationary).
- Recruitment of 08 officers on 10.08.2017 and 04 officers on 15.09.2017 to fill the vacancies for the post of Junior Assistant State Attorneys.
- Approval has been granted for the creation of 100 new posts of State Attorneys under the Financial Regulations 71.

Public Management Assistant Service :-

It has been referred to the Director General of Combined Services to take necessary action to fill the vacancies of the Public Management Assistant service.

Departmental Posts

- Preliminary action has been taken for the recruitment of Departmental Stenographers

Minor Employee :-

- Upon obtaining approval for the establishment of 08 new posts in the Drivers' Service under Financial Regulations 71, the relevant recruitment has been done.
- Recruitment for the post of 05 Watchers.

- **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 01.01.2017 to 31.12.2017 are as follows.

Designation	Number of Applicants	No. of Employees, who were granted loans
Staff Grade	25	18
Public Management Assistant Service and other Services	43	52
Office Employee Service	60	45
Driver	28	32

Accordingly, an amount of Rs: 16,620,141.34 has been paid from the Public Servants Advance Account for distress loans from 01.01.2017 to 31.12.2017.

- **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 12 out of 13 employees retired in 2017 have been paid in the same year.

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

Further, 06 officers of Public Management Assistants' Service were provided to participate in training in Malaysia organized by the Sri Lanka Foundation Institute from 09.10.2017 to 17.10.2017. (Foreign Training)

- **Infrastructure Development**

- The construction work in the new building for this department has been completed up to the second floor.
- The construction of the quarters for State Counsels in Mannar has been completed up to the roof.
- Roof of the quarters in Vavuniya has been built and plastered.

Description of Expenditure from 01.01.2017 to 31.12.2017

Head 229

Programme 01

Project 01

Recurrent Expenditure from 01.01.2017 to 31.12.2017

Description of Expenditure Object	Budget Provision	Net Provision	Actual Expenditure
Personal Emoluments	453.400.000	456.400.000	452.265.951
Other Recurrent Expenditure	211.244.000	268.509.000	256.555.726
Total	664.644.000	724.909.000	708.821.677

Capital Expenditure from 01.01.2017 to 31.12.2017

Object and Object No.	Budget Provision	Net Provision	Net Expenditure
2001-Building and Construction	6'000'000	6'000'000	3'872'069
2002-Plant, Machinery and Equipment	2'000'000	2'000'000	1'990'727
2003-Rehabilitation of Vehicles	4'500'000	4'500'000	4'499'350
2101-Acquisition of Vehicles	-	22'500'000	22'500'000
2102-Furniture and Office Equipment	7'000'000	7'000'000	5'497'719
2103-Purchase of Plant, Machinery and Equipment	7'000'000	7'000'000	2'373'102
2014-Construction	563'000'000	541'500'000	152'981'331
2401-Staff Training	19'000'000	44'500'000	41'261'328
Total	608'500'000	635'000'000	234'975'626

Advance Account from 01.01.2017 to 31.12.2017

	Maximum Limit of Expenditure	Minimum Limit of Receipts	Maximum Limit of Debit Balances
Approved Limit	23.000.000	14.000.000	80.000.000
Actual	21.787.703	16.683.426	52.980.420

Income Account from 01.01.2017 to 31.12.2017

Income Account No.	Estimate of 2017	Actual Income of 2017
20.03.02.11	40.000.000	63.070.041