

LEGAL DRAFTSMAN'S DEPARTMENT

2014

Performance Report

VISION

To ensure good governance by assisting the Government to transform the policies of the Government into legislation

MISSION

In transforming Government policies into legislation, the drafting of such legislation to be done in accordance with the Constitution in Sinhala, Tamil and English languages.

Introduction

The Legal Draftsman's Department is an “A” Grade Government Department. This Department is functioning under the direct supervision of His Excellency the President as per the Gazette Extraordinary No.1651/20 of 30.04.2010.

The main function of the Legal Draftsman's Department is the transformation of the Government policies on diverse subjects into legislation in line with the Constitution and the decisions made by the Cabinet of Ministers. In this process, the Department drafts Bills to enact new legislation and to amend existing legislation, and also revises the subordinate legislation submitted by various Government Ministries. The other duties entrusted to this Department include participating at Parliamentary Select Committee Meetings convened to review draft Bills and being present in Parliament and co-ordinating with the Parliament when the Bills are taken up for debate. This Department provides services to all Government Ministries and Departments including the State Corporations and Statutory Bodies coming under the Ministries. The Department also provides legal advice to Government Ministries and Departments with regard to the preparation of various Bills and subordinate legislation.

1. Functions of the Legal Draftsman’s Department in relation to legislative drafting:

- (1) Drafting of Bills to enact new legislation and to amend existing legislation in all three languages.
- (2) Revision and, where necessary, drafting of subordinate legislation in all three languages.
- (3) Provision of legal advice in relation to Bills.
- (4) Attending to Parliamentary duties in connection with passing of legislation.
- (5) Drafting of Provincial Council Statutes.
- (6) Revision of Private Members' Bills (draft Bills of Incorporations) in all three languages.

- (7) Re construct as appropriate Government policies relating to legislative drafting, with the co-operation and approval of the relevant line Ministries, enabling practical and successful implementation of such policies.

The unique feature of this Department is that the Department does not have a structured work programme of its own. This is because the work programme of the Department is of necessity structured on the legislative needs of the Ministries of the Government and the various Departments under such Ministries, at a given time, upon the required policy being approved by the Cabinet of Ministers. The performance record of the Legal Draftsman's Department is therefore structured on the basis of the successful completion of the requests made for primary and amending legislation and subsidiary legislation submitted to it by the respective line Ministries throughout any particular year and the successful completion of the same. Any form of legislation (either primary, amending or subordinate) which comes under the scope of legislative drafting which is the primary function of the Department, has to be completed in all three languages before it can be released to the requesting Ministry or Department.

2. The Staff

The composition of the staff of the Department is shown below. The total approved cadre is 151, whereas the employed cadre in 2014 was 86.

Employment Category	Approved Cadre	Cadre in employment
Senior Level	37	27
Tertiary Level	28	03
Secondary Level	62	36
Primary Level	24	20

Cadre of the Legal Draftsman's Department as at 31. 12. 2014

Senior Level			Tertiary Level			Secondary Level			Primary Level		
	Approved	Actual		Approved	Actual		Approved	Actual		Approved	Actual
Legal Draftsman	01	01	Administrative Officer	01	-	Budget Assistant	01	01	Driver	10	06
Additional Legal Draftsman	01	01	Chief Translator	02	02	Accounts Assistant	01	-	KKS	14	14
Deputy Legal Draftsman	05	05	Translator	24	01	Librarian	01	01			
Senior Assistant Legal Draftsman	08	03	Information and Communication Technology Officer	01	-	Management Assistant	28*	21			
Assistant Legal Draftsman	20	15				Documentation Assistant	20	10			
Chief Accountant	01	01				Editor	11	03			
Deputy Director/ Assistant Director	01	01									
Aggregate	37	27		28	03		62	36		24	20
Total				Approved No. 151				Actual No. 86			

* A cadre of 28 Management Assistants is approved. Approval has been received to recruit 20 Documentation Assistants. However only 10 Documentation Assistants have been recruited.

Measures taken to fill existing vacancies in the Department

The cadre approved, to carry out the entire workload of the Department is 151. However in the year 2014 the Department had only 86 permanent employees to assist it in performing the aforementioned task. There exist 65 vacancies to be filled in various levels of employment as shown below :-

Senior Level

- (a) In the senior level, five vacancies exist in the post of Senior Assistant Legal Draftsman. As there are no Assistant Legal Draftsmen who are qualified for the said post in conformity with the approved recruitment procedure, such vacancies cannot be filled at present.
- (b) There exist 5 vacancies in the post of Assistant Legal Draftsman. Steps are being taken to publish a gazette notification to make the necessary recruitments.

Tertiary level

- (a) The post of Administrative officer has fallen vacant. Director-General of Combined Services has been informed of the vacancy and it has been notified that steps are being taken to provide an officer during future recruitments.
- (b) There are 23 vacancies in the post of Translators. Steps are being taken to fill such vacancies.
- (c) There exists a vacancy in the post of Information and Communication Technology Officer. The Director-General of Combined Services has been informed of the vacancy and it has been notified that, as no officer is available at present, steps will be taken to provide an officer when making requests for transfers or during future recruitments.

Secondary Level

- (a) There is a vacancy in the post of Accounts Assistant. The Director-General of Combined Services has been notified of the vacancy and it has been informed that a suitable officer, when becomes available, will be sent on transfer.

- (b) Measures have been taken to recruit ten officers for the post of Documentation Assistant and three officers for the post of Editor according to the necessity existed during the relevant period. However at present, there are 13 vacancies in the post of Documentation Assistant and 8 vacancies in the post of Editor.

Primary Level

The number of vacancies existed in the Drivers Cadre at the end of the year 2014 was four (4).

3. Divisions of the Department

The Department has the following Divisions to perform the functions assigned to it.

Legal Drafting Division.

Establishments and Administration Division.

Translation Division.

Publication Division.

Accounts Division.

Legal Drafting Division.

Main functions of this Division are:-

- ⤴ Transforming the Government's policies into legislation.
- ⤴ Drafting Bills to enact new legislation and to amend existing legislation in all three languages.
- ⤴ Providing legal advice to Government Ministries and Departments in relation to Bills.
- ⤴ Attending to Parliamentary duties in connection with passing of legislation.
- ⤴ Drafting Statutes for Provincial Councils.

Details of the Draft Bills relating to year 2014

	Drafting (Beginning of year)	Applications received from parties during the year	New applications for the existing acts	Total	Number of Bills prepared and handed over to the relevant Parties	Closed down files	Files associated	Applications which are not completed the drafting
Drafting of bills new and amending Legislations	154	39	5	198	35	1	-	162
Private member's bills of Parliamentary members	95	22	15	132	50	-	-	82
Provincial Council statutes	20	-	-	20	1	-	-	19
Subsidiary Legislations (orders, rules, regulations and etc.)	101	22	100	223	99	-	-	124

Bills adopted by Parliament in the year 2014

Serial No.	Name of the Act		
01	Act No.1 of 2014	LDO 34/2012	Institute of Policy Studies of SL (Amendment)
02	Act No.2 of 2014	LDO 36/2012	National Institute of Business Management (Amendment)
03	Act No.3 of 2014	LDO Inc 12/2011	Institute of Geology SL (Incorporation)
04	Act No.4 of 2014	LDO Inc 11/2012	Pilip Gunawardana Foundation (Incorporation)
05	Act No.5 of 2014	LDO Inc 3/2012	Chandima Weerakkody Foundation (Incorporation)
06	Act No.6 of 2014	LDO 81/2006(II)	Medical (Amendment)
07	Act No.7 of 2014	LDO 04/2014	Value Added Tax (Amendment)
08	Act No.8 of 2014	LDO 05/2014	Inland Revenue (Amendment)
09	Act No.9 of 2014	LDO 07/2014	Economic Service Charge (Amendment)
10	Act No.10 of 2014	LDO 06/2014	Nation Building Tax (Amendment)
11	Act No.11 of 2014	LDO 08/2014	Telecommunication Levy (Amendment)
12	Act No.12 of 2014	LDO 10/2014	Special Commodity Levy (Amendment)
13	Act No.13 of 2014	LDO 11/2014	Companies (Amendment)
14	Act No.14 of 2014	LDO 12/2014	Default Taxes (Special Provisions) (Amendment)
15	Act No.15 of 2014	LDO 13/2014	Monetary Law (Amendment)
16	Act No.16 of 2014	LDO Inc 18/2012	Samastha Lanka Sasanarakshaka Mandalaya (Incorporation)
17	Act No.17 of 2014	LDO Inc 15/2010	Rehabilitation of Buddhist Temples Foundation

18	Act No.18 of 2014	LDO 40/2011	National Enterprise Development Authority (Amendment)
19	Act No.19 of 2014	LDO Inc 22/2010	Kumarasiri Hettige Foundation (Incorporation)
20	Act No.20 of 2014	LDO Inc 13/2013	Mohan Lal Greero Foundation (Incorporation)
21	Act No.21 of 2014	LDO Inc 31/2012	Victor Antony Educational, Social, Economic Services and Charity Foundation (Incorporation)
22	Act No.22 of 2014	LDO Inc 30/2010	Dampe, Meegoda, Bohiwardhanarama, Sri Madurasama Piriven Viharastha Sanwardhana Sabhawa (Incorporation)
23	Act No.23 of 2014	LDO Inc 23/2012	Nimal Siripala De Silva Foundation (Incorporation)
24	Act No.24 of 2014	LDO Inc 01/2013	Lakshman Wasantha Perera Community Development Foundation (Incorporation)
25	Act No.25 of 2014	LDO 50/2011	Institute of Fundamental Studies SL (Amendment)
26	Act No.26 of 2014	LDO 28/2013	Prescription (Amendment)
27	Act No.27 of 2014	LDO Inc 28/2010	John Senevirathne Foundation (Incorporation)
28	Act No.28 of 2014	LDO Inc 35/2011	Bodhirajarama Educational and Cultural Foundation (Incorporation)
29	Act No.29 of 2014	LDO Inc 24/2012	Vasantha Senanayake Foundation (Incorporation)
30	Act No.30 of 2014	LDO Inc 18/2013	Roman Catholic Archbishop and Bishops of Ceylon (Incorporation) (Amendment)
31	Act No.31 of 2014	LDO 31/2011	Ocean University of SL
32	Act No.32 of 2014	LDO Inc 36/2012	Piyasena Gamege Foundation (Incorporation)

33	Act No.33 of 2014	LDO 59/2005	Construction Industry Development
34	Act No.34 of 2014	LDO 3/2014	Municipal Councils (Amendment)
35	Act No.35 of 2014	LDO 3/2014	Urban Councils (Amendment)
36	Act No.36 of 2014	LDO 3/2014	Pradeshiya Sabha (Amendment)
37	Act No.37 of 2014	LDO 3/2014	Local Authorities Filing of Vacancies (Special Provisions) (Incorporation)
38	Act No.38 of 2014	LDO 23/2013	Land (Restrictions on Alienation)
39	Act No.39 of 2014	LDO 25/2014	Development Finance Corporation of Ceylon (Repeal and Consequential Provisions)
40	Act No.40 of 2014	LDO 39/2011	Atomic Energy Authority of Sri Lanka
41	Act No.41 of 2014	LDO 33/2014	Appropriation Act
42	Act No.42 of 2014	LDO Inc 23/2012	Kalpawruksha Development Foundation (Incorporation)
43	Act No.43 of 2014	LDO Inc 33/2013	Sivmuni Se Vehera Buddhist Foundation (Incorporation)
44	Act No.44 of 2014	LDO Inc 11/2013	P.Harrison Community Development Foundation (Incorporation) Act
45	Act No.45 of 2014	LDO Inc 19/2013	Welfare Society of the School for the Mentally subnormal Child (Incorporation) Act
46	Act No.46 of 2014	LDO Inc 34/2011	SL Association of Professional Social Workers (Incorporation) Act
47	Act No.47 of 2014	LDO 34/2014	Appropriation Act

Note:

- ♣ “L.D.O.” means files relating to draft Bills for new legislation and amendments to existing legislation;
- ♣ “L. D. O. Inc” means files relating to draft Bills for Incorporations.

Establishments and Administration Division

This Division deals with recruitment, promotion and training of staff, conducting efficiency Bar Examinations, disciplinary matters and matters relating to transport and all other institutional and administrative matters in the Department.

(1) Recruitment, promotion and disciplinary control:

- i. 10 officers were recruited to fill the vacancies existed in the post of Documentation Assistant
- ii. Steps were taken to recruit 3 officers for the post of Editor and out of them, two officers reported for work on 31. 12. 2014
- iii. Steps were taken to recruit employees to fill the vacancies existed in the Office Assistant cadre.
- iv. The Legal officer against whom there were allegations was found guilty of such allegations and was removed from service.

(2) Training:

Local training.

Local training provided to officers is as follows:

- i. Sri Lanka Institute of Development Administration

Legal Officers	- 05
Management Assistants Service	- 02
- ii. Skills Development Foundation

Legal Officers	- 09
Management Assistants Service	- 04
Drivers	- 04
K. K. S.	- 01
- iii. National Labour Education Institute

K.K.S.	- 01
--------	------
- iv. Construction Training and Development Institute

Drivers	- 02
---------	------

In addition to the aforementioned training programmes Legal officers of the Department participated in two more local workshops. Further, a three day “presentation skill workshop” was conducted in the Department premises for the benefit of the Legal officers.

Also, steps have been taken to make available provisions for 5 legal officers to follow a post graduate course in Law enabling them to perform their work in the Department more effectively.

Foreign Training.

- i. The Legal Draftsman participated in the Asia Law Conference, 2014 held in Thailand and the 75th Refugee Law course held in Italy.
- ii. The Additional Legal Draftsman participated in the Legislative Drafting course – 2014 held in the United Kingdom.
- iii. A Deputy Legal Draftsman participated in a training programme conducted by the International Legislative Drafting Institute in USA and a Senior Assistant Legal Draftsman participated in a workshop held in India relating to IT Law enforcement.
- iv. Two Deputy Legal Draftsmen participated in the Asia Law Conference, 2014 held in Thailand and a Deputy Legal Draftsman was sent for the 25th South Asian Teaching Session in International Humanitarian Law held in Nepal.

Foreign Conferences which the Legal Draftsman’s Department’s Executive Officers participated – 2014

	Name of the conference and Country	Name of the participated Officer
1.	LAW ASIA CONFERENCE 2014 - Thailand	Mr.G. S. A. De Silva Legal Draftsman Mrs.T.A.Y.M.Ranawana Deputy Legal Draftsman Ms.D.D.Kulasena Deputy Legal Draftsman

Foreign Workshops which Legal Draftsman's Department's Executive Officers participated – 2014

	Name of the Workshop and Country	Name of the Participated Officer
1.	75 th Refugee Law Course – Italy	Mr.G.S.A. De Silva Legal Draftsman
2.	25 th South Asia Teaching Session (SATS) on International Humanitarian Law - Nepal	Mrs. K.R.Y.Happuarachchi Deputy Legal Draftsman

Foreign Training Courses which the Legal Draftsman's Department's Executive Officers participated – 2014

	Name of the Training Course and Country	Name of the Participated Officer
1.	2014 Course in Legislative Drafting -UK	Mrs. D.S. H. Kumarajeewa., Additional Legal Draftsman
2.	2014 International Legislative Drafting Institute - USA	Mrs. S. A.Dilrukshi Deputy Legal Draftsman
3.	IT Law Enforcement - India	Mrs. D. D. Weerakkody, Senior Assistant Legal Draftsman

(3) Other institutional and administrative activities.

- i. The Department has established a Grade 1 library with a view to keep the officers abreast with the current development in the field of law locally as well as internationally, and develop their skills towards same. A total of 11 law books, local and foreign, have been purchased in the year 2014.

- ii. There is a Welfare Society in the Department for the benefit of the employees of the Department. In the year 2014, the Society organized trips, to enhance solidarity among the staff members and religious programmes aiming at their spiritual development. Loan facilities also were provided by the Society to its members to assist in their financial needs.
- iii. There is a Legal Officers Association established for the welfare of the Legal Officers. This Association caters for the development of the professional skills of the officers while attending to other welfare needs of the officers.
- iv. All computers within the Department are linked to a network and all staff officers and other eligible officers have been provided with computers and the internet facility. Other officers have also been provided access to computers and internet facility. The Department has implemented the e-Governance policy by providing opportunities to all officers to use new technology.

Translation Division

The Translation Division is responsible for translating all draft Bills (of new legislation and amending legislation) and subordinate legislation revised in English by the Legal Drafting Division into the relevant languages. This Division is also responsible for the translation of official documents sent by the Establishment, Administration and Accounts Divisions into the required languages.

Publication Division

The Publication Division is responsible for proof-reading and checking of the English, Sinhala and Tamil texts of the draft Bills and subordinate legislation and reading through the manuscripts of drafts with the relevant proof copies and master copies forwarded by the Government Printer and the Parliament. This Division is also responsible for co-ordinating with the Government Printer and the Parliament where such proof copies are edited under the supervision of the Legal Officers and attending to matters relating to the publication of Bills in the Government *Gazette*.

Accounts Divisions

015 Legal Draftsman's Department

Expenditure for the period

01.01.2014 – 31.12.2014

Head : 015 – Legal Draftsman
Programme : 01 Operational Activities
Project : 01 General Administration and Drafting of Legislation
(a) Recurrent Expenditure, from 01. 01. 2014 to 31. 12. 2014

Details of Recurrent Expenditure	Budgetary Provision (Rs.)	Net Provision (Rs.)	Total Expenditure (Rs.)
Personal Emoluments	41,000,000	41,000,000	39,871,636
Other Expenditure	28,845,000	28,845,000	28,107,404
Total Recurrent Expenditure	69,845,000	69,845,000	67,979.040

Capital Expenditure, from 01. 01. 2014 to 31. 12. 2014

Details of Capital Expenditure	Budgetary Provision (Rs.)	Net Provision (Rs.)	Total Expenditure (Rs.)
<u>Rehabilitation and Improvement of Capital Assets</u>			
2001 Building and Constructions	500,000	500,000	214,027
<u>Acquisition of Capital Assets</u>			
2102 – Furniture and Office Equipment	1,000,000	1,000,000	964,241
<u>Human Resource Development</u>			
2401 - Training of Office Staff (a)	7,800,000	7,800,000	5,835,886

<u>Other Capital Expenditure</u>			
2502 – Investments – Purchasing of Law books	1,000,000	1,000,000	184,891
Revision of Legislative Enactments of Sri Lanka			
2502 - Investment	32,175,000	32,175,000	659,934
Total Capital Expenditure	42,475,000	42,475,000	7,858,979

(b) Revenue Account from 01. 01. 2014 to 31. 12. 2014

Description	Estimated Revenue (Rs.)	Revenue (Rs.)
Interest – Other	400,000	496,884

(c) Advance Account – 015011

(01. 01. 2014 – 31. 12. 2014)

	Maximum Limit of Expenditure (Rs.)	Minimum Limit of Receipts (Rs.)	Maximum Limit of Debit Balance (Rs.)
2014 Estimate	4,000,000	2,000,000	23,000,000
F.R.503(1) - before adjustments as at 31.12.2014	2,017,965	2,730,296	10,572,650

Summary of the Performance of the Institution

The primary function of the Legal Draftsman's Department is the transformation of the policies of the Government on diverse subjects into legislation that is consistent with the Constitution. The process consists of, drafting of new legislation, amendment of existing legislation, consolidation of legislation and revision of subsidiary legislation referred to by the relevant Ministries. The Department is also entrusted with certain other duties which include participating at Parliamentary Select Committee meetings convened to review draft Bills to be presented in Parliament and coordinate with Parliament when Bills are taken up for debate. Furthermore, the Department does provide legal advice to Ministries and Government Departments with regard to the preparation of subordinate legislation.

The Department has also commenced 4 year project which aims at official consolidation and revision of legislative enactments of Sri Lanka and for them to be published in Sinhala, Tamil and English languages, in compliance with the Constitution.

Actions have been taken in respect of drafting of Bills relevant to year 2014 under the 'Legal Drafting Division'.



නීති කෙටුම්පත් සම්පාදක දෙපාර්තමේන්තුව
නො.80, අධිකරණ මාවත,
කොළඹ 12.

சட்ட வரைநர் திணைக்களம்,
இல. 80, அதிகரண மாவத்தை,
கொழும்பு 12.

ක.පෙ.
අ.බෙ } 554
P.O.Box

LEGAL DRAFTSMAN'S DEPARTMENT,
No.80, Adhikarana Mawatha,
Colombo 12.

දුරකථන/තொலைபேசி/Telephones : 2333394
ෆැක්ස් පෙක්ස් /Fax: 2325185,2435935

දිගුලි පණිවුඩ : කෙටුම්පත්, කොළඹ
Telegrams : DRAFTSMAN, Colombo

E-mail : Idds1@slt.net.lk

මගේ අංකය எனது இல. My No. }	08 12/01/2012 - Audit queries	ඔබේ අංකය உமது இல Your No.. }	JP/C/LDD/2/14/08	දිනය திகதி Date }	29.04.2015
----------------------------------	----------------------------------	------------------------------------	------------------	-------------------------	------------

Superintendent of Audit,
Audit Sub Office,
Ministry of Justice,
Colombo 12.

Appropriation Account- 2014

I hereby forward the following explanation in relation to audit queries mentioned under items 02 to 04 in the letter bearing No.JP/C/LDD/2/14/08 dated 20.04.2014, of the Auditor General.

02. More than 50% of the provisions have not been utilized

15-1-1-2001	There was a delay on the part of the Building Constructions Department in approving estimates relating to the formation of office rooms, which were to be allocated to the Assistant Legal Draftsmen and hence the provisions could not be utilized in full.
15-1-1-2502	Quotations were called for the purchase of law books, but no quotations were received. No, books were supplied for the order given to the Vijitha Yapa Company. As a result of the above, the allocated provisions could not be used in full.
15-1-1-2502	The work of the Project for the Consolidation and Revision of Legal Enactments commenced only in the last quarter of the year 2014 and therefore sufficient work had not been completed to make any payments and as a result, the allocated provisions remained unutilized.

03. Defects in reporting liabilities

Even though in terms of the Financial Regulations 94, the liabilities and expenditure shall under no circumstances exceed the provisions allocated for that financial year, there exists a liability amounting to Rs.309,569.00 in spite of the balance left under three Expenditure Heads. The reason for this deficit is given below :-

Expenditure Head	Balance as at 31.12.2014	Liability as at 31.12.2014	Liability which exceeds the balance	Explanation
15-1-1-1101	7,013	28,127	21,114	Due to the transport expenses incurred within the training period (during the months June/July/August) of the Assistant Director, liabilities have exceeded the amounts of the provisions left unused.
15-1-1-1402	12,114	171,823	159,709	The telephone bills for the month of December 2014 were received in the month of January 2015 and therefore the amounts to be paid on the bills could not be predetermined and this resulted in liabilities exceeding the savings (provisions left unused)
15-1-1-1403	70,875	199,621	128,746	The electricity bills for the month of December 2014 were received in the month of January 2015 and as a result, the value of the bills could not be predetermined and this resulted in liabilities exceeding the savings (provisions left unused)
Total	90,002	399,571	309,569	

04. Deficiencies in the report relating to non-current assets movement

- (I) In the Appropriation Account under the balance column as at 1.1.2014 in respect of books, magazines and journals, there is no mention of any of the books sold at the auction held on 8th August 2014.

Therefore the cost adjustment is not necessary. As such books had been purchased for the use of the officers of the Department to assist in their official duties, they were not included in the Library Accession register.

- (II) Details of the vehicles, of the value Rupees 27,979,940.00, belonging to our Department is included in the report of the vehicle evaluation Board (Copy attached hereto)

G.S.A. de Silva P.C.
Legal Draftsman



නීති කෙටුම්පත් සම්පාදක දෙපාර්තමේන්තුව
නො.80, අධිකරණ මාවත,
කොළඹ 12.

சட்ட வரைநர் திணைக்களம்,
இல. 80, அதிகரண மாவத்தை,
கொழும்பு 12.

නැ.පෙ. }
අ.බෙ } 554
P.O.Box }

LEGAL DRAFTSMAN'S DEPARTMENT,
No.80, Adhikarana Mawatha,
Colombo 12.

දුරකථන/තொலைபேசி/Telephones : 2333394
ෆැක්ස්/பெக்ஸ் /Fax: 2325185,2435935

විදුලි පණිවුඩ : කෙටුම්පත්, කොළඹ
Telegrams : DRAFTSMAN, Colombo

E-mail : Idds1@sltnet.lk

මගේ අංකය }
எனது இல. }
My No. }

12/01/2012 - }
Audit queries }

ඔබේ අංකය }
உமது இல }
Your No. }

JP/C/LDD/2/14/08

දිනය }
திகதி }
Date }

14.07.2015

The Auditor General,
The Department of the Auditor General,
Battaramulla.

The Audit Report for the year 2014, pertaining to the Legal Draftsman's Department prepared in terms of Article 154(6) of the Constitution of the Democratic Socialist Republic of Sri Lanka - Head - 15.

With reference to your letter dated 03.07.2015 bearing same reference number as above.

Head 15 – Audit Report pertaining to the Legal Draftsman's Department – year 2014.

The following explanations can be given with reference to certain facts contained in the above report, which cannot be agreed with.

1:1 The maintenance of books and records has not been carried out.

Our Department keeps and maintains regularly a register of vehicles, in accordance with Financial Regulations 1647(ඉ) and the said list is updated regularly. A copy of same is attached hereto (Annexure 1)

1:2 Appropriation Account.

1:2:1 Budgetary fluctuations –

(a) In spite of the fact that a follow up is carried out from time to time in co-ordination with the relevant institutions, there remained net provisions within the range 57% - 98% in the following Expenditure Heads.

15-1-1-2001	Provisions remained unspent due to the delay in approving estimates in relation to the formation of office rooms for the use of Assistant Legal Draftsmen, by the Department of Building constructions.
15-1-1-2502	Quotations were called for the purchase of Law books. However no quotations were received and no books were supplied by the Vijitha Yapa Company in respect of the orders given to them.
15-1-1-2502	As the “Project for consolidation and revision of legislative enactments” commenced only in the last quarter of the year 2014, sufficient work had not been done which required the making of payments and therefore the allocated provisions remained unspent.

- (b) Expenditure Head 2502 – Only the purchase of law books, magazines and journals for the library of the Department are shown as investments.

The books (Dictionaries, index of Acts of Parliament) purchased, to be used in carrying out official duties by the officers of the Department are not included in this Register.

The books which are of the value of Rs.2,815/- and were purchased to be used by the officers of the Department in carrying out their official duties and were recommended to be sold by the Board of Survey in the year 2013, were comprised of dictionaries and indexes of Acts of Parliament.

Due to the above fact the value of the said articles were not shown under ‘books, magazines and journals’ in the noncurrent assets movement register-2014, under code No.6112210 and therefore no steps were taken to exclude it from its cost and expenditure.

1:3 Good governance and Accountability.

1:3:1 Internal Audit

The Secretary to the President was informed on the 24th of January 2011. (A copy of the said letter is attached hereto – Annexure ii)

The Secretary to the President was further informed by letter dated 24th January 2012 (Annexure – iii).

Even during the year 2014, there weren’t any Internal Audit Division established in the Department and the internal auditing relating to this Department had been carried out by the Internal Audit Division of the President’s Office.

G.S.A. de Silva P.C.

Legal Draftsman

Copy : Secretary, Ministry of Justice

The measures proposed to be taken in the near future to uplift the work performance of the Department

- (i) Instructions have been given continuously to all legal officers of the Department to follow up the work entrusted to them (which work is comprised of drafting of Bills pertaining to preparation of Acts of Parliament, amendments proposed to such Acts and, the revision of private member Bills and other affiliated work) on a regular basis and to complete such work in all three languages.
- (ii) Four Consultants have been recruited to get assistance in drafting of legislation as an answer to the dearth of experienced Senior Legal Draftsmen.
- (iii) There exists a dearth of translators qualified to handle the translation work relating to drafting of Bills and Amendment Acts. Due to the lack of Tamil translators it has become necessary to engage the services of the officers who are in the employment of the Official Languages Department (who are conversant with the translation work relating to legislative drafting).
- (iv) Recruited thirteen Publication Assistants and Editors to fill at least some of the vacancies in the posts relating to documentation and editing which assist the process of legislative drafting.
- (v) Ample opportunities are being provided to all Legal Officers and other staff members to participate in various training programmes which are aimed at improving the knowledge, outlook and skills of all such officers.
- (vi) The A grade library established in the Department provides the Officers of the Department, necessary facilities to use local and foreign books written on the subject of Law.
- (vii) All Legal Officers and other members of the staff of the Department have been given clear instructions to the effect that they should attend to their official duties during office hours thereby preserving the dignity of the Government Service and it is to be mentioned that all the members of the staff including legal officers, carry out their duties in an exemplary manner.

- (viii) As the newest global trend is to use simple language in legislative drafting, a programme titled “simple language for legislative drafting”, has already been commenced with a view to promoting simple language among the legal officers. The programme is sponsored by the UNDP and both Senior and Assistant Legal Draft Persons are following the programme enthusiastically.

- (ix) Special set of model laws are being prepared on important areas pertaining to legislative drafting, for the legal officers to follow when drafting related legislation. Availability of model laws eases the work of the draft person and also ensures the uniformity of the drafts formulated by the Department.