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சட்டமா அதிபதி திணைக்களம்
Attorney General's Department



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Performance Report - 2018

செயலாற்றுகை அறிக்கை - 2018

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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.

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.

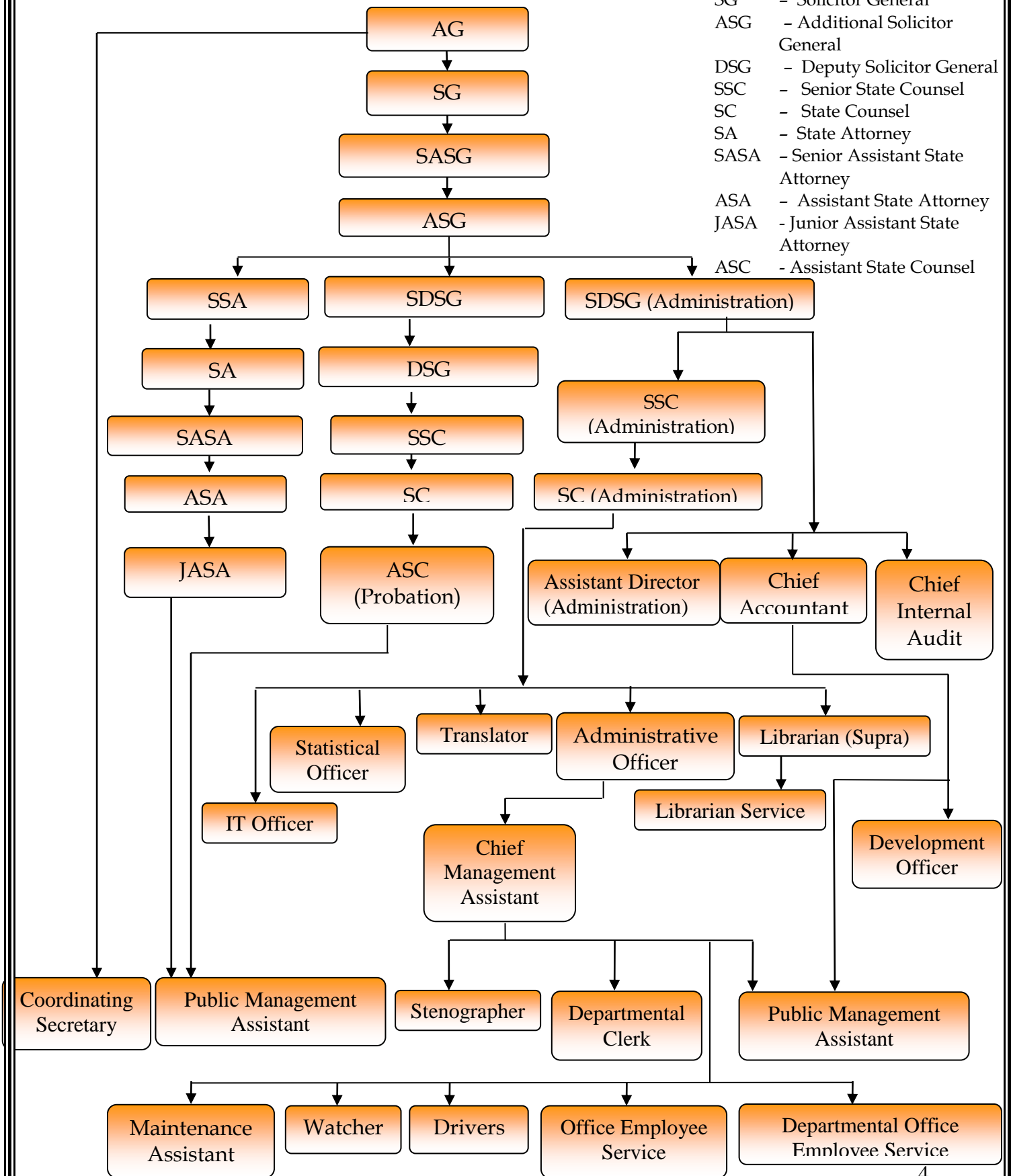
Attorney General's Department provides legal assistance to the Central Government, Provincial Councils, Government Departments, statutory Boards and other Semi Government institutions. Legal officers of the Department provide instructions to the Government and Governmental Institutions on Civil, Criminal, 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, Child Abuse cases unit, Immigration & emigration unit, Public Petitions unit and Supreme Court unit have been established for the effective 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



3.Cadre Information as at 31.12.2018

Employee Category Level	Designation	Approved Cadre	Staff at Present	Vacancies
	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	14	5
	Senior State Counsel	56	27	29
	State Counsel	218	153	65
	Assistant State Attorney (Probation)	130	8	122
	Senior State Attorney	1	1	-
	State Attorney	2	1	1
	Senior Assistant State Attorney	6	6	-
	Assistant State Attorney	18	6	12
	Junior Assistant State Attorney	28	12	16
	Chief Accountant	1	1	-
	Chief Internal Auditor	1	1	-
	Assistant/Deputy Director (Admin)	1	-	1
Tertiary Level	Administrative Officer	3	2	1
	Librarian (Supra Class)	1	1	-
	Translator	8	7	1
	Statistical Officer	1	1	-
Secondary Level	Development Officer	3	2	1
	Librarian (I, II)	2	-	2
	Librarian (III)	2	2	-
	Information Technology Assistant	5	-	5
	Public Management Assistant	180	159	21
	Coordinating Secretary	1	1	-
	Personal Secretary	1	1	-
	Stenographer	78	1	77
Departmental Clerk	25	24	-	

Primary Level	Driver	137	89	48
	Office Employee Service	239	210	29
	Departmental Office Employee Service	20	20	-
	Watcher	7	3	4
	Maintenance Assistant	2	-	2
Total		1218	775	443

Note: The post of Budget Assistant has been absorbed in to the Development Officers' Service.

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 125 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 01.01.2018 to 31.12.2018)

Serial No.	Subject	Remaining Files as at 01.01.2018	Opened Files	Indictment Served Files	Advised Files	Discharged Files	Other	Remaining Files
1	CW3	81	0	2	2	6	0	71
2	CW4	34	0	0	0	1	0	33
3	SGP1	275	152	48	14	5	0	359
4	SGP2	155	21	20	14	7	0	134
5	SGP3	203	52	40	18	5	0	192
6	CR1	1894	290	140	61	10	4	1969
7	CR2	556	54	1	58	2	5	544
8	CR3	1595	828	956	91	17	0	1192
9	CR4	114	4	6	1	0	0	111
10	NWP1	465	80	72	18	14	0	441
11	NWP2	193	43	35	5	5	0	191
12	NWP3	121	29	20	3	0	0	127
13	NWP4	127	18	28	8	7	0	102
14	OW	309	68	136	10	17	1	213
15	AG/T	54	9	2	0	0	0	61
16	CS1	93	0	9	4	8	0	72
17	SP1	274	73	40	11	4	0	292
18	SP2	319	53	45	18	10	0	299
19	CS2	106	0	5	4	0	1	96
20	SP3	255	70	39	8	5	0	273
21	SP4	159	56	28	7	4	0	176
22	SP5	155	39	30	5	3	0	156
23	I & E	797	147	12	105	20	0	807
24	EER	31	19	4	1	1	0	44
25	TR	5	5	0	0	0	0	10
26	MTA	77	29	2	11	0	0	93
27	CR7	0	25	0	0	0	0	25

Serial No.	Subject	Remaining Files as at 01.01.2018	Opened Files	Indictment Served Files	Advised Files	Discharged Files	Other	Remaining Files
1	CN	20	0	2	1	0	0	17
2	EP1	157	25	27	13	5	0	137
3	EP2	130	26	15	8	2	0	131
4	EP3	92	33	18	6	0	0	101
5	EP4	91	27	13	10	2	1	92
6	NP1	168	53	39	15	3	4	160
7	NP2	140	19	30	10	1	0	118
8	NP3	41	25	22	1	1	0	42
9	NP4	59	15	15	7	1	1	50
10	CM1	98	0	7	3	1	0	87
11	NCP1	383	100	40	17	10	1	415
12	NCP2	164	36	22	4	1	0	173
13	CM2	57	0	6	1	1	0	49
14	CP1	346	163	63	35	11	3	397
15	CP2	86	22	15	10	2	0	81
16	CP3	150	59	31	9	5	1	163
17	CM3	91	0	6	2	1	0	82
18	UP1	297	61	41	16	4	0	297
19	UP2	188	47	17	12	4	0	202
20	CB1	34	0	1	4	0	0	29
21	CB2	57	0	5	1	1	0	50
22	WP1	977	178	132	99	16	2	894
23	CW1	51	0	6	1	3	0	41
24	WP5	236	60	21	18	3	0	240
25	WP6	459	47	42	31	5	2	425
26	CR5	94	26	3	8	2	4	103
27	CW1	86	0	7	4	5	0	70
28	WP2	188	37	54	14	1	0	156
29	WP3	337	100	91	30	8	0	308
30	WP4	356	76	21	21	3	0	376
31	WP7	0	26	12	2	0	0	12

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 126 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/CA	-	Appeal 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	482	266	216
FC	31	12	19
CL	173	172	1
C	195	89	106
CE	12	4	8
B	77	44	33
CA/SC	142	} Future affairs related to these files will be done by the State Attorneys' Division	
CA/CA	447		
CA/HC	385		
CA/DC	470		
CA/NA	382		
CA/MC	40	9	31
CE/MC	34	13	21
CA/LT	5	1	4
ARB	8	1	7
HRC	2	0	2
AA	5	1	4
Total	2890	612	452

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

iii. State Attorneys' Division

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

There are 26 officers including 2 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 **4137** 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 2018.

There are **847** cases opened during the year 2018 and **498** 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 **2088** cases opened during the year 2018 and **2365** cases were concluded.

Categorization of Subjects 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	-	850	1305
C	-	597	1917
E	-	276	293
BCL	-	14	-
ARB	-	16	10
FC	2	4	3
SPC	4	6	6
L	2	9	22
WB	-	1	10
BLA	217	203	743
E	268	198	70
CA/SC	213	7	206
CA/CA	218	11	207
CA/HC	273	12	261
CA/DC	268	4	264
CA/MC	3	3	0
CA/LT	143	10	133
CA/NA	12	6	6
CK	42	42	-
C/HC	27	6	21
DC	70	2	68
MC	76	7	69
C/SC	3	-	3
C/CA	2	-	2
C	162	37	125
BCL	49	43	6
ARB	34	1	33
Total	2088	2365	5783

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 **29** 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 2018. **2717** cases were concluded during the year 2018 whereas **16084** 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 2018 could be summarized as follows;

Division	Number of files brought down from 2016	Number of files opened	Number of files indictments served	Number of files provided instructions	Number of files discharged	Number of files concluded	Remaining Files
* Civil Division	-	2890	-	1490	-	612	452
Criminal Division	14080	3425	2544	890	253	3717	13581
* State Attorney Division	8534	2523	-	-	-	4137	6920
Supreme Court Unit	847	496	-	-	-	498	845
Corporation Division	6122	2088	-	268	-	2365	5783
Women & Child Abuse cases Unit	17582	2057	1885	667	165	2717	16084
Public Petitions Unit	619	672	-	-	-	823	468

* 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 01.01.2018 to 31.12.2018 is set out as follows;

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

Legal Officers:-

- Recruitment of 49 officers for the post of State Counsels on 17.12.2018.

Public Management Assistant Service :-

- 49 new officers have been attached to the Attorney General's Department during the latest recruitment to the Management Assistants' Service.
- Three officers have been appointed to fill the 3 vacancies existed in the Government Librarians' Service.

Departmental Posts

- The recruitment procedure for the posts of Departmental Stenographers has been prepared and submitted for the approval.

Minor Employee:-

- Recruitment has been done regarding 12 vacancies of Drivers' Service.
- Recruitment for 110 vacancies in the Office Employees' service has been done according to the partial supervisory proposals.

- **Computerization of leave**

Leave of all the officers and employees of the Department are entered into relevant documents. In addition all the leave are being computerized under an especially designed Computer software. 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 01.01.2018 to 31.12.2018 are as follows.

Designation	Number of Applicants	No. of Employees, who were granted loans
Staff Grade	08	09
Public Management Assistant Service and other Services	52	65
Office Employees Service	45	60
Driver	37	38

- ❖ The number of employees to whom the loans have been paid is higher than the number of applicants, as payments have been made to those in the 2018 waiting list.

Accordingly, an amount of Rs: 23,844,132/- has been paid from the Public Servants Advance Account for distress loans from 01.01.2018 to 31.12.2018.

- **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 **16** out of **17** employees retired in 2018 have been paid in the same year.

- **Human Resources Development by providing training and physical resources**
- **Providing foreign training opportunity to Legal Officers through the Department of External Resources.**
- **Trainings received by the officers of Public Management Assistants' Service.**
 - Participation of two officers in the Book Binding course organized by the Department of National Archives.
 - Participation of two officers in the Personal Files Maintenance course conducted by Skills Development Fund.
 - Participation of two officers in the course on the Functions of Leave Clerks conducted by Skills Development Fund.
 - Participation of two officers in the course on Office Management and Financial Regulations conducted by National Institute of Labour Studies.
 - Participation of two officers in the Procurement Procedure course conducted by National Institute of Labour Studies.
 - Participation of three officers in the Payroll course conducted by Miloda Institute.
 - Participation of an officer in the Translation course (University of Kelaniya).
 - Participation of two officers in the Digital Library course conducted by the National Science Foundation.
 - Participation of four officers in the Financial Regulations course conducted by the Ministry of Public Administration.
 - Participation of two officers in the course on Management in the Public Sector conducted by DCL Institute.
 - Participation of around 43 officers in the Tamil Language course in the year 2018.

ix. Planning Division

• Infrastructure Development

- The new building being constructed for this Department –
 - ❖ Construction of 12 floors has been completed.
 - ❖ The internal partition work of 11 floors in the building has been completed.
 - ❖ The work of the ceiling is being continued.
 - ❖ 80% of the installation of power lines and aluminum work has been concluded.

- Quarters of State Councils in Mannar –
 - ❖ 70% of structural work has been completed.
 - ❖ Walls up to the roof have been built and the material necessary for the remaining work have been provided.

- Quarters of State Councils in Vavuniya –
 - ❖ The installation of power lines is being done.
 - ❖ Total construction work has been completed according to the original plan.
 - ❖ Nevertheless, the work of the Police guardroom, drivers' room and the kitchen which was decided to add later has been commenced.
 - ❖ Physically the performance of 93% of the work here has been completed.
 - ❖ Bathroom fittings and Air Conditioners have been fixed as internal construction.

x. Accounts Division**Description of Expenditure from 01.01.2018 to 31.12.2018**

Head 229 Programme 01 Project 01

Recurrent Expenditure from 01.01.2018 to 31.12.2018**Rs.**

Description of Expenditure Object	Budget Provision	Net Provision	Actual Expenditure
Personal Emoluments	466,000,000	921,290,000	919,614,161
Other Recurrent Expenditure	273,000,000	287,750,000	287,181,125
Total	739000000	1209040000	1206795286

Capital Expenditure from 01.01.2018 to 31.12.2018**Rs.**

Object and Object No.	Budget Provision	Net Provision	Net Expenditure
2001-Building and Construction	6000,000	7,500,000	7500,000
2002- Machinery and Equipment	2000,000	3800,000	3748,570
2003-Rehabilitation of Vehicles	4500,000	6500,000	6500,000
2101-Acquisition of Vehicles	-	-	-
2102-Furniture and Office Equipment	8000,000	6200,000	6,184,153
2103-Purchase of Machinery and Equipment	7000,000	3500,000	3500,000
2014-Construction	429000,000	399,000,000	317,236,171
2401-Staff Training	28000,000	58,000,000	57,515,940
Total	484,500,000	484,500,000	402,184,835

Advance Account from 01.01.2018 to 31.12.2018**Rs.**

	Maximum Limit of Expenditure	Minimum Limit of Receipts	Maximum Limit of Debit Balances
Approved Limit	24,000,000	15,000,000	80,000,000
Actual	28,801,743	27,884,321	49,927,849

Revenue Account from 01.01.2018 to 31.12.2018**Rs.**

Revenue Account No.	Estimate of 2018	Actual Income of 2018
20.03.02.11	40,000,000	64,610,665

