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சட்ட வரைஞர் திணைக்களம்

Legal Draftsman's Department

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2016

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செயலாற்றுகை அறிக்கை

Performance Report

LEGAL DRAFTSMAN'S DEPARTMENT

2016

Performance Report

VISION

To assist the Government of Sri Lanka to ensure good governance, by transforming government policies 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, which was under the direct supervision of the His Excellency the President came under the direct supervision of the Ministry of Justice and Labor Affairs as per Gazette Extraordinary No. 1897/15 of 18.01.2015, and functions under the direct supervision of the Ministry of Justice as per Gazette Extraordinary No. 1933/13 of 21.09.2015.

The main function of the Legal Draftsman's Department is the transformation of the government policies on diverse subjects into legislation, in accordance with the Constitution and with the decisions approved by the Cabinet of Ministers. In the process of transforming government policies into legislation, the Department drafts Bills to enact new legislation and to amend existing legislation, and it also revises the subordinate legislation submitted by various Ministries of the Government. 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 coordinate with Parliament when the Bills are taken up for debate. This Department provides services to all Government Ministries and Departments including State Corporations and Statutory Bodies. The Department also provides legal advice to Ministries and Departments of the Government with regard to the preparation of various Bills and subordinate legislation.

1. Functions of the Legal Draftsman's Department in relation to drafting of Bills is as follows:-

- (1) Drafting of Bills in all three languages to enact new legislation and to amend existing legislation.
- (2) Revision and (where necessary) drafting of subordinate legislation in all three languages.
- (3) Attending to parliamentary duties in connection with the preparation of laws.
- (4) Drafting of Provincial Council Statutes.

(5) Revision of Private Members' Bills (Incorporation Bills) in all three languages.

This Department also provides legal advice in respect of drafting of Acts, Subordinate legislations and Provincial Council Statutes.

The unique feature of this Department is that it 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 subordinate legislation submitted to it by the respective line Ministries throughout any particular year. Any form of legislation 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 Legal Draftsman's Department is shown below. The total approved cadre is 143, whereas as at 31.12.2016 the employed cadre was 111.

| Employment Category | Approved Cadre | Cadre in employment |
|---------------------|----------------|---------------------|
| Senior Level | 37 | 30 |
| Tertiary Level | 28 | 16 |
| Secondary Level | 62 | 43 |
| Primary Level | 24 | 22 |

Cadre of the Legal Draftsman's Department as at 31. 12. 2016

| Senior Level | | | Tertiary Level | | | Secondary Level | | | Primary Level | | |
|--|----------|----------------------|--|------------------|--------|-----------------------------|----------|----------------|---------------|----------|--------|
| | Approved | Actual | | Approved | Actual | | Approved | Actual | | Approved | Actual |
| Legal Draftsman | 01 | 01 | Administrative Officer | 01 | - | Development Assistant | 02 | - | Driver | 10 | 09 |
| Additional Legal Draftsman | 01 | 01 | Chief Translator | 02 | 02 | Librarian | 01 | 01 | KKS | 14 | 13 |
| Deputy Legal Draftsman | 05 | 04 01 (Acting) | Translator | 24 | 13 | Public Management Assistant | 20 | 17 | | | |
| Senior Assistant Legal Draftsman | 08 | 01 | Information and Communication Technology Officer | 01 | 01 | Documentation Assistant | 20 | 15 | | | |
| Assistant Legal Draftsman | 20 | 20 | | | | Editor | 11 | 10 | | | |
| Chief Accountant | 01 | 01 | | | | | | | | | |
| Deputy Director/ Assistant Director | 01 | 01 | | | | | | | | | |
| Aggregate | 37 | 30 | | 28 | 16 | | 54 | 43 | | 24 | 22 |
| Total | | | | Approved No. 143 | | | | Actual No. 111 | | | |

The approved staff of Public Management Assistants has been amended as 20, in terms of the approval given by the letter dated 07.11.2016 of No. DMS/1008 of the Department of Management Service.

Measures taken to fill the existing vacancies in the Department.

The approved cadre to perform the overall duties of the Department is 143. However, the actual number of staff in the Department in 2016 to perform the said duties was only 111. As stated below, 32 vacancies exist in various service categories.

Senior Level

- a) There are no vacancies in the post of Deputy Legal Draftsman. There are 04 Permanent Officers and 01 Acting Officer. Steps are being taken to call for applications to fill 01 Acting post.
- b) There are 07 vacancies existing in the post of Senior Assistant Legal Draftsman. As there are no Assistant Legal Draftspersons who have completed a service period of ten years to be eligible to apply for the said vacancy as per the approved procedure, the Assistant Legal Draftspersons who are in the service have to complete the required period of service and become eligible in order to fill the said vacancies.
- c) No vacancies exist in the post of Assistant Legal Draftsman.

Tertiary Level

The post of Administrative Officer is vacant. The Director General of Combined Services has been informed of the said vacancy and a reply has not been received yet.

- a) The written examination to fill the vacancies in the post of Translator was held on 04.09.2016, and 16 Sinhala and Tamil medium applicants passed the examination. Out of the qualified applicants, only 10 Sinhala medium applicants and 03 Tamil medium applicants have assumed duty. (Dates of appointment, 01.12.2016 and 20.12.2016 respectively).
- b) Therefore vacancies as at 31.12.2016.
 - In the post of English / Sinhala Translators - 03
 - In the post of English/Tamil Translators - 08

Secondary Level

- a) The Director General of Combined Services was informed by the letter dated 11.10.2016 to provide the Department with two Development Assistant Officers.
- b) As at 31.12.2016 there were 05 vacancies in the post of Documentation Assistant and 01 vacancy in the post of Editor. Based on the results of the written examination, an interview was held on 23.08.2016 and on the basis of the results of that interview 08 officers were recruited to the post of Editor and 08 officers were recruited to the post of Documentation Assistant with effect from 15.09.2016.

Primary Level

- a) There is one (01) vacancy in the post of Driver. The Director General of Combined Services has been informed in this regard.
- b) There is one (01) vacancy in the post of KKS. The Director General of combined services has been inform of the vacancy.

3. Divisions of the Department

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

Legislative Drafting Division.

Establishments and Administration Division.

Translation Division.

Publication Division.

Accounts Division.

Legislative Drafting Division.

Main functions of this Division are:-

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

Progress Review- 01.01.2016 – 31.12.2016

| | Nature of the duty | The number of requests of which the drafting has not been completed as at 01.01.2016 | The number of requests that were received from parties within the year | Total | The number of drafts where work has been completed and returned to relevant parties as at 31.12.2016 | The number of files that were closed due to absence of instructions for a long period of time. | The number of requests that were submitted as basic or completed Bills, but are awaiting observations or instructions of the Attorney-General and other Ministries and Departments | The number of requests in respect of which the drafting has not been completed as at 31.12.2016 |
|----|--|--|--|-------|--|--|--|---|
| 1. | Drafting of Bills (Principal Legislation and Amending Legislation) | 194 | 73 | 267 | 54 | 54 | 138 | 21 |
| 2. | Amendment of Subordinate Legislation (primary and amending) | 124 | 132 | 256 | 119 | 01 | 119 | 17 |
| 3. | Provincial Council Statutes | 23 | 3 | 26 | 1 | - | 23 | 2 |

Note :-

It must be noted that a request that has been attended to and completed by this Department and sent out may be resent with fresh instructions for further amendments mainly due to the instructing agencies keep on changing policy. However, when such a request is received, irrespective of it

being earlier finalized, this Department has to attend to it dedicating the same time and attention given to a fresh request. Moreover, request for such amendments to completed drafts are sent even after the Final Draft is sent out in all three languages and sometimes the procedure is repeated a number of times. The following gives a few examples:-

| Name of the Bill. | Number of times the draft has been send out. |
|---|---|
| National Audit Bill | 20 |
| Motor Traffic Bill | 16 |
| State Land (Special Provisions) Bill | 10 |
| The Bill to establish Land Banks | 07 |
| Land Development Ordinance | 12 |
| General Sir John Kothalawela National Defence University Bill | 06 |
| Sri Lanka Sustainable Development Bill | 06 |
| Voluntary Social Service (Registration and Supervision) Bill | 10 |
| National Eye Bank Bill | 07 |
| Local Government Elections (Amendment) Bill | 09 |

Therefore, even if a request has been attended to and completed by this Department, it could still be reflected in the category of “requests that have not been completed”.

Private Members' Bills (of Incorporation)

1. In accordance with the instructions given by the Cabinet Sub Committee, until the enactment of the Audit Bill, Right to Information Bill and the Bill in relation to Non-Governmental Organizations the work in relation to Private Members' Bills (of Incorporation) are temporarily discontinued, until further notice. Hence, the number of incomplete Private Members' Bills (of Incorporation) that has been accumulated as at 31.2.2016 are 108 in number.

Bills (Principal Legislation and Amending Legislation)

2. The 21 Bills where work has not been completed (Principal Legislation and Amending Legislation) are those in respect of which no instructions or observations have been received from the relevant Ministries, Departments and Institutions or in respect of which Cabinet approval has not been received or those which are still under discussion.

Revision of Subordinate Legislation (Regulations, Orders, Rules etc)

3. The 17 requests in relation to which revision has not been completed (Subordinate Legislation) are those in respect of which instructions or the observation of the relevant Ministries, Departments and Institutions have not been received or those which are still under discussion.

Bills passed by Parliament in the year 2016

| Act No. | Name of Act | File No. | Passed on |
|---------|--|---------------|------------|
| 01. | Local Authorities Elections (Amendment) Act | L.D.O 50/2015 | 19.02.2016 |
| 02. | Fisheries and Aquatic Resources (Amendment) Act | L.D.O 46/2015 | 17.02.2016 |
| 03. | National Minimum Wage of Workers Act | L.D.O 51/2015 | 23.03.2016 |
| 04. | Budgetary Relief Allowance of Workers Act | L.D.O 27/2015 | 23.03.2016 |
| 05. | Prescription (Special Provisions) Act | L.D.O 21/2010 | 26.04.2016 |
| 06. | Microfinance Act | L.D.O 32/2012 | 20.05.2016 |
| 07. | Asian Infrastructure Investment Bank Agreement (Ratification) Act | L.D.O 04/2016 | 30.05.2016 |
| 08. | Registration of Persons (Amendment) Act | L.D.O 33/2013 | 26.06.2016 |
| 09. | Mediation Board (Amendment) Act | L.D.O 60/2015 | 08.07.2016 |
| 10. | Homoeopathy Act | L.D.O 46/2005 | 05.07.2016 |
| 11. | National Research Council Act | L.D.O 28/2014 | 07.07.2016 |
| 12. | Right to Information Act | L.D.O 04/2015 | 24.06.2016 |
| 13. | Fiscal Management (Responsibility) (Amendment) Act | L.D.O 16/2016 | 09.08.2016 |
| 14. | Office of Missing Persons (Establishment, Administration & Discharge of functions) Act | L.D.O 32/2016 | 01.11.2016 |
| 15. | Animal Feed Act | L.D.O 69/2006 | 23.08.2016 |
| 16. | Registration of Deaths (Temporary Provisions) (Amendment) Act | L.D.O 41/2015 | 25.08.2016 |

| Act No. | Name of Act | File No. | Passed on |
|---------|---|---------------|------------|
| 17. | University (Amendment) Act | L.D.O 35/2013 | 05.10.2016 |
| 18. | Criminal Procedure Code (Amendment) Act | L.D.O 44/2015 | 17.10.2016 |
| 19. | Law Commission (Amendment) Act | L.D.O 52/2015 | 17.10.2016 |
| 20. | Value Added Tax (Amendment) Act | L.D.O 27/2016 | 26.10.2016 |
| 21. | Ports and Airports Development Levy (Amendment) Act | L.D.O 15/2016 | 07.11.2016 |
| 22. | Nation Building Tax (Amendment) Act | L.D.O 28/2016 | 07.11.2016 |
| 23. | Appropriation (Amendment) Act | L.D.O 34/2016 | 07.11.2016 |
| 24. | Appropriation Act | L.D.O 53/2016 | 10.12.2016 |

Note:

- ▲ “L.D.O.” denotes the files relating to draft Bills for new legislation and amendments to existing legislation;
- ▲ “L. D. O. Inc” denotes files relating to draft Bills for Incorporation in respect of Private Members Bills.

Establishments Division and Administration Division

These two divisions perform the work relating to recruitment, promotion and training of staff, conducting of 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:

Due to the retirement of the Legal Draftsman, the officer who was holding the post of the Additional Legal Draftsman at the time was promoted to the post of Legal Draftsman.

(2) Training:

Local training.

Local training provided to officers is as follows:

| Institute | Post | Number of officers Participated | Course |
|--|---------------------------|---------------------------------|--|
| University of Colombo | Assistant Legal Draftsman | 01 | Mphil/ PHD Programme |
| Ministry of Health | Assistant Legal Draftsman | 01 | Monitoring and implementation workshop relating to the compilation of a code on breast feeding in Sri Lanka. |
| Chartered Accountants Institution of Sri Lanka | Chief Accountant | 01 | Asset Management training Programme |

| | | | |
|---|-------------------------|----|---|
| Sri Lanka Institute of Development Administration | Translator | 01 | Diploma in IT |
| | Documentation Assistant | 02 | Training Programme on Attitude Development in Public Services |
| Miloda Institute | Management Assistant | 02 | Training Programme on CIGAS |
| | Editor | 01 | workshop on formal letter writing skills |
| Skills Development Fund | IT Officer | 01 | Procurement & Evaluation of IT Products |
| | Management Assistant | 02 | Workshop on Stores Management & Purchasing Procedures |
| | | 03 | Control Training Programme of Office Equipments |
| | | 01 | Function and responsibility of Leave clerks |
| Skills Development Fund | Management Assistant | 02 | Training programme on Salary Conversion |
| | | 02 | Training on calculation and payment of civil pensions |
| | Driver | 04 | Training on Improvement of Attitudes and professional knowledge and Vehicle Maintenance |

| | | | |
|---|-------------------------|----|--|
| Institute of National Labour Studies | Management Assistant | 01 | Disciplinary Procedures (Tamil Medium) |
| | | 02 | Training programme on Documentation |
| | | 01 | Training programme on Procurement Process |
| | | 01 | Administration of Motor Vehicles and machinery |
| | Documentation Assistant | 02 | Documentation |
| | Driver | 03 | Training Programme for Skills Development of Drivers |
| | Office Staff Assistant | 02 | High Labour effectiveness |
| Constructions and machinery Training Center | Driver | 03 | Scientific, economic and secure Driving. |

Foreign Training.

| Foreign trainings in which the Executive Officers of the Legal Draftsman's Department participated - 2016 | | |
|--|--|---|
| | Name of the Training and Country | Name of the Participated Officer |
| 1. | APG on Money Laundering – Workshop on implementing Targeted financial sections against Proliferation of weapons of Mass Destruction – Malaysia. 9 th – 11 th March 2016 | Ms. V.L Dayaratne – ALD Mr. G K Hevavithana – ALD |
| 2. | 2016 International Legislative Drafting at The Public Law Centre, New Orleans, Lusiana, USA 13 th - 24 th June 2016 | Mr. S. Selvakunapalan – DLD Mrs. S.S.M.D.E. Weerakoon – SALD Mrs. C.B. Kapurubandara – ALD Mrs. G.A.S. Krishanthi – ALD Mrs. L.G Punchihewa - ALD |
| 3. | Course in Legislative Drafting 2016 – UK 20 th June 2016 – 15 th July 2016 | Ms. V.L Dayaratne – ALD Mrs. B.K.N De Silva – ALD Mr. GK Hevavithana – ALD |
| 4. | 2016 Advanced Legislative Drafting – USA 15 th – 26 th August 2016 | Ms. D.D. Kulasena - DLD Mrs. U.M. Sapukotana - ALD |
| 5. | International Programme & Study Tour on Risk & Change Management – Malaysia 23 rd – 30 th October 2016 | Mrs. T.T.N. Fernando – Chief Accountant |
| 6. | e-Government Training Programme for Govt. officials – Korea 24 th October 2016 – 04 th November 2016 | Ms. R.P. Kodithuwakku - ALD |
| 7. | MENAF ATF/ APG Joint Topologies and Capacity Building Workshop 2016 – Saudi Arabia 28 th November 2016 – 01 st December 2016 | Mrs. U.M. Sapukotana – ALD |
| Meetings Attended | | |
| 1. | APG – 19 th Annual Meeting Technical Assistance Forum -2016 USA | Mrs. D.S.H. Kumarajeewa - LD |

**Foreign Conferences which Legal Draftsman's Department's
Executive Officers participated – 2016**

| | Name of the Conference and Country | Name of the Participated Officer |
|----|---|---|
| 1. | Law Asia IP Technology Conference - Malaysia 17 th – 18 th November 2016 | Mrs. D.D. Weerakkody – SALD Mrs. V.S. Thushari - ALD |
| 2. | Conference on Cyber Security and Internet Governance – India 28 th – 30 th September 2016 | Mrs. D.M.K.D.K. Dissanayake – ALD |
| 3. | Conference on Parties to the UN Convention against Transnational Organized Crime (UNTOC) – Austria 17 th October 2016 – 21 st October 2016 | Mrs. B.K.N De Silva – ALD |
| 4. | Cybercrime Convention Committee – France 23 rd – 26 th May 2016 | Mrs. T.A.Y.M. Ranawana – DLD |
| 5. | Global Action on Cybercrime Conference – Romania 26 th – 28 th October 2016 | Mrs. K.R.Y Happuarachchi – Addl.LD |

(3) Other institutional and administrative activities.

- i. Grade 1 Library has been established in the Department with a view to keep the officers abreast with the current developments in the field of law locally as well as internationally, and develop their skills towards same. 142 books, local and foreign, have been purchased in the year 2016.
- ii. There is a Welfare Society in the Department for the benefit of the employees of the Department. In the year 2016, the Society provided loan facilities to its members and held cultural festivals in order to enhance solidarity among the staff members and conducted religious programmes in furtherance of spiritual development of the members. The society also established a small library for the benefit of the staff of the Department and conducted social service activities (providing stationery and other material for students in Bulathkohupitiya Primary school which is deserving school)
- 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 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 done in the English language by the Legislative Drafting Division into the relevant national 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 Division

230, Legal Draftsman's Department

01-01-2016 - 31-12-2016

Cost Description

Headline : 230- Legal Draftsman
 Programme : 01 operations
 Project : 01 General Administration and Drafting of Law

(a) Recurrent Expenditure from 01.01.2016 to 31.12.2016.

| Description of Recurrent Expenditure | Budgetary Provisions (Rs.) | Net Provisions (Rs.) | Total Expenditure (Rs.) | Financial Progress |
|--------------------------------------|----------------------------|----------------------|-------------------------|--------------------|
| Salary and wages. | 65,500,000.00 | 65,500,000.00 | 57,232,483.83 | 87.38% |
| Other expenditure | 21,060,000.00 | 21,060,000.00 | 19,665,707.25 | 93.37% |
| Total of Recurrent expenditure | 86,560,000.00 | 86,560,000.00 | 76,898,191.08 | 88.83% |

Capital Expenditure from 01.01.2016 to 31.12.2016

| Description of capital Expenditure | Budgetary Provisions (Rs.) | According to F. Reg. 66 Exchanges | Net Provisions (Rs.) | Total Expenditure (Rs.) | Financial Progress |
|--|----------------------------|-----------------------------------|----------------------|-------------------------|--------------------|
| <u>Rehabilitation and improvement of Capital Assets</u> 2001- Buildings and constructions | 2,500,000.00 | | 2,500,000.00 | 2,479,497.56 | 99.18% |
| <u>Acquisition of capital</u> | | | | | |

| | | | | | |
|---|---------------|----------------|---------------|---------------|--------|
| <u>Assets</u> | | | | | |
| 2102- Furniture and office Equipment | 800,000.00 | 3,000,000.00 | 3,800,000.00 | 3,629,995.28 | 95.53% |
| <u>Skills Development</u> | | | | | |
| 2401- Staff Training | 7,000,000.00 | | 7,000,000.00 | 6,816,452.26 | 97.38% |
| <u>Other Capital Expenditure</u> | | | | | |
| 2502- Investments Purchase of Law Books | 1,000,000.00 | | 1,000,000.00 | 998,585.00 | 99.86% |
| Revision of Legislative Enactments of Sri Lanka | | | | | |
| 2502- Investments | 20,000,000.00 | (3,000,000.00) | 17,000,000.00 | 1,939,828.66 | 11.41% |
| Total of capital expenditure | 31,300,000.00 | | 31,300,000.00 | 15,864,358.76 | 50.68% |

(b) Advance Account- 230011

(01.01.2016 – 31-12.2016)

| | Maximum Limit of Expenditure (Rs.) | Minimum Limit of Gains (Rs.) | Maximum Limit of Debit Balances (Rs.) |
|--|------------------------------------|------------------------------|---------------------------------------|
| 2016- estimate | 4,000,000.00 | 1,500,000.00 | 17,000,000.00 |
| Financial regulation 503(1)- Before doing adjustments as at 31.12.2016 | 3,870,863.68 | 3,019,293.00 | 10,650,498.00 |

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 Government Ministries and Departments with regard to the preparation of subordinate legislation.

The Department is also engaged in a 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.

As specified under the 'Legislative Drafting Division', steps have been taken in respect of drafting of Bills relevant to year 2016.



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අංක 80, අධිකරණ මාවත
කොළඹ 12.

சட்டவரைஞர் திணைக்களம்
இல.80, அதிகரண மாவத்தை
கொழும்பு 12

කැ.පෙ.
த.பெ
P.O.Box } 554

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N0.80, Adhikarana Mawatha,
Colombo 12.

දුරකථන/தொலைபேசி /Telephones:2333394

විදුලි පණිවුඩ :කෙටුම්පත්, කොළඹ.
Telegrams : DRAFTSMAN, Colombo

ෆැක්ස්/ பெக்ஸ் /Fax : 2325185, 2435935

E-mail : Idds1@sltnet.lk

මගේ අංකය }
எனது இல } LDD/Ac/06/06
My No. }

ඔබේ අංකය }
உமது இல. } JPA/B/LDD/02/16/APP/20/AQ2
Your No. }

දිනය }
திகதி } 23/05/2017
Date. }

Assistant Auditor,
Auditor General's Department,
Battaramulla.

Audit of Appropriation Accounts -2016

Headings 230 - Legal Draftsman's Department.

This refers to your letter dated 27.04.2017 under the aforesaid title, addressed to me. The observations and the action to be taken regarding the matters mentioned in the aforesaid letter are submitted as follows.

01. (a) under utilization of provisions.

| Subject of Expenditure | Description of the Expenditure | Percentage of unspent provisions | Reasons for the unspent provisions. |
|------------------------|---------------------------------|----------------------------------|-------------------------------------|
| 230-1-1-1002 | Overtime and Holidays Salaries. | 34 | Limitation of over-time work |

| | | | |
|--------------|------------------------------|----|---|
| 230-1-1-1003 | Other allowances | 21 | When converting the salaries in accordance with the Public Administration Circular 03/2016 the allowances allocated under the subject of expenditure have been added to the basic salary. |
| 230-1-1-1101 | Domestic Travelling expenses | 39 | Limitation of requests regarding travelling expenses. |
| 230-1-1-2502 | Investments | 89 | Major part of the project activities are done by the legal officers of the legal Draftsman's Department. It was difficult for them to reach the given target since there was no coordinating officer until 01.05.2016 and also due to insufficient time for them to be engaged in the proposed work, taking into consideration the work load involved in drafting of Bills for the year 2016. |

(b) further, you are kindly informed that the answers given previously as reasons for unspent provisions, is also applicable hereto.

02. The Clarifications given for unspent provisions are unacceptable.

Since it has been informed by audit observations that the reasons given by this Department with respect to unspent provisions are unacceptable, the following further reasons are submitted for your consideration:

The tasks to be fulfilled during the year 2016 could not be performed due to the following reasons-

With the change of the Government, this Department had been entrusted with lot of work in bringing new laws for the implementation of the new policies of the Government;

- Department had been required to enact new legislations, to obtain GSP+
- All the drafts / subordinate legislation were becoming urgent in nature.

Furthermore, although new recruitments of Documentation Assistants and Editors were made to this Department, these new officers are not the ones who are directly engaged in the activities relating to Consolidation and Revision of laws in the project and most of the officers who are directly engaged in Consolidation are also new officers. These officers perform their duties under the guidance of senior officers who are few in number. (only 05 officers of the Deputy level and one officer of the Senior Assistant level)

03. Losses and Damages

(a) Rs. 20,281.80 has been recovered from March 2016 to December 2016 as Rs. 2, 028.18 per month. The situation as at 31.12.2016 was not stated in the loss and damages document inadvertently. A certified photocopy of the salary slip is attached herewith

(Annexure-01) as proof of recovery from the relevant officer.

(b) This was an accident that happened in 2011. It was mentioned in the document in which losses and damages are recorded. The photocopy of the relevant report is attached herewith (Annexure-02)

04. Survey of Goods

The reports after conducting the 2016 survey of goods was sent to the Auditor General on 20.04.2017 with copies to Secretary, Ministry of Justice and Internal Audit Division, Ministry of Justice.

(A copy of the covering letter is attached herewith) (Annexure- 03).

D.S.H Kumarajeeva

Legal Draftsman.

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 the drafting of legislations to evade the dearth of experienced Senior Legal Draftsmen.
- (iii) Necessary number of legal officers have been recruited in order to accomplish work relating to drafting of legislation without undue delay.
- (iv) There existed a dearth of Translators to the translation work relating to drafting of Bills and amended Legislation. However, necessary officers have been now recruited to perform the above task
- (v) Necessary officers have been recruited by filling vacancies existed in the posts of Documentation Assistant and Editor who assist in the task of drafting Legislation.
- (vi) Ample opportunities have been 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.
- (vii) 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.
- (viii) 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.