

My No : JSC/SEC/COR

To all High Court Judges/Judicial Officers/Presidents of Labour Tribunals,

INSTRUCTIONS REGARDING COURT WORK

Judicial Service Commission directed me to inform you that you are at your liberty to follow the instructions given in JSC Circular No. JSC/SEC/COR 5 dated 19.04.2020 (which is still in force), depending on the requirement to do so.

02. Further, your attention is drawn to JSC Circular No.442 dated 25.08.2020 in this regard.

03. JSC Circular No. JSC/SEC/COR 5 dated 19.04.2020 and JSC Circular No.442 dated 25.08.2020 are attached hereto.

Under the command of the Judicial Service Commission

H.S.Somaratne

Secretary

Judicial Service Commission

H. Sanjeewa Somaratne

Secretary

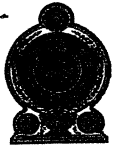
Judicial Service Commission

Colombo 12

06th October 2020,

Office of the Judicial Service Commission Secretariat,

Colombo 12.



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நீதிச்சேவை ஆணைக்குழுச் செயலகம்
Judicial Service Commission Secretariat

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எனது இலக்கம்
My No.

JUDICIAL SERVICE

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உமது இலக்கம்
Your No.

JUDICIAL SERVICE

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JUDICIAL SERVICE

JSC/SEC COR: 5

Instructions with regard to resumption of work in view of relaxation of curfew

To: All High Court Judges/All Judicial Officers and Presidents of Labour Tribunals

In view of relaxation of curfew, (press release No. 62 dated 28.04.2020, issued by the President's Media Division), the Judicial Service Commission has decided to issue the following instructions to all High Court Judges, Judicial Officers and Presidents of Labour Tribunals, to be operative in areas where the curfew is to be relaxed, with effect from 20.04.2020 and/or 22.04.2020 respectively, as the case maybe.

1. All Judges and Judicial Officers are required to adhere to the guidelines contained in circular No. PS/GPA/Circular/2020 dated 18.04.2020 issued by the Secretary to His Excellency the President, Press Release No. 62 dated 28.04.2020, issued by the President's Media Division and Operational Guidelines on Preparedness and Response for COVID-19 outbreak for Work Settings dated 17.04.2020 issued by the Directorate of Environmental Health, Occupational Health and Food Safety. Please note that it is important to familiarise yourself with the circulars/guidelines referred to.

2. Having consulted all stakeholders including the local branch of the Bar Association, Judges and Judicial Officers officiating as Heads of Department are required to plan and implement a mechanism to give effect to this circular and the guidelines referred to in paragraph 1 above.

Notice of any steps and/or measures you intend taking, should be displayed at the entrance of the court premises.

Further, until such mechanisms and measures are put in place (preferably within a timeframe of not more than two working days) all Judges and Judicial Officers are at liberty to postpone all/some cases by publication of a notice in the respective courts. Nevertheless, every endeavour must be taken to attend to urgent and essential matters in open courts.

3. Special attention of all Judges and Judicial Officers are drawn to government guidelines in respect of social distancing, wearing of face mask, sanitization of the court premises and the stipulated staff attendance.
4. All Judges and Judicial Officers are directed to instruct Registrars to publish a notice that dates for filling new matters that had not been able to satisfy the procedural time limitations due to closure of court houses in view of curfew and other restrictions will be published by a notice in due course.
5. Keeping in mind the critical need to ensure social distancing, all Judges and Judicial Officers are advised to take up cases on staggered basis (segmentation of daily court work into more than one session) to ensure reduction of the number of Attorneys-At-Law and parties present at any given time in open court.
6. Wherever possible granting of bail or extension of remand period of suspects or accused to be done through electronic means.
7. Entry to courthouses should be restricted to persons whose presence is essential to the conduct of proceedings (such as the Attorneys-At-Law representing

parties, accused and witnesses of the matters decided to be taken up for hearing) to the extent necessary to maintain social distancing within the courthouse and avoid congestion.

8. No adverse default orders should be passed indiscriminately in matters where parties/witnesses are absent.
9. It is imperative that all Judges and Judicial Officers are present at their respective stations on the due dates.
10. Number of trials and inquiries to be taken up for hearing on a given date should be subject to availability of resources and in keeping with the government health advisories with regard to prevention of COVID 19.

Every endeavour must be taken to take up trials/inquires at fixed time slots which should be notified in advance when such trials/inquiries are marked in the morning.

When taking up trials/inquires for hearing priority must be given to old matters/partly heard matters and matters where accused are languishing in remand custody.

11. When calling/mention cases are taken up, the personal appearance of the parties may be dispensed with.

Only matters essential to be called in open courts to be called at the discretion of the Judge.

Wherever any particular step can be taken by the registry, that should be facilitated by permitting to file a motion in the registry to that effect.

In cases involving payments, such payments to be made in the registry and calling those cases in open court would not be necessary.

12. As far as possible facilitate the payment of maintenance as per Section 7(1) of the Maintenance Act No. 37 of 1999.
13. Application of JSC/SEC/COR:4 dated 16.04.2020 will be limited to courthouses in areas where the curfew will be in force on 20th and 21st April 2020.
14. The Judicial Service Commission is mindful of the fact that the ground situation of each court is different and it is not possible to spell out exhaustively, the steps that need to be taken in the context of the present pandemic. In the circumstances it is of paramount importance that High Court Judges / Judicial Officers discharge the onerous duties entrusted, in the best interest of the dispensation of justice.

Under the command of the JSC.


H.S. Somaratne

Secretary, Judicial Service Commission

19th April 2020

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කොවිඩ් 19 ව්‍යාප්තවීමේ අවධානම අවම වන පරිදි ක්‍රියා කිරීම

බන්ධනාගාර ධූර්වයන් අධිකරණ නියෝග ප්‍රකාරව අධිකරණ වෙත ඉදිරිපත් කිරීමේදී, බාහිර පුද්ගලයන් හා මුහුට්මෙන් කොවිඩ් 19 ආසාදනය බන්ධනාගාර වෙත ව්‍යාප්තවීමේ අවධානම පිළිබඳව, සෞඛ්‍ය සේවා අධ්‍යක්ෂ ජනරාල්වරයා සහ බන්ධනාගාර කොමසාරිස් ජනරාල්වරයා විසින් අධිකරණ සේවා කොමිෂන් සභාවට ඉදිරිපත් කරන ලද කරුණු දැක්වීම් සලකා බැලූ අධිකරණ සේවා කොමිෂන් සභාව පහත කරුණු ඔබගේ අවධානයට ලක් කිරීමට මට නියම කර ඇත.

01. පොලිස් ස්ථාන මගින් අලුතින් රැගෙන එන සැකකරුවන් හා බන්ධනාගාර මගින් අධිකරණ වෙත රැගෙන එන රැඳවියන්, ඉඩකඩ සීමිත උසාවි සිරමැදිරිවල එකිනෙකා හා මුහුට්ම අවම වන පරිදි එනම්, එකම අවස්ථාවේදී එම දෙකොට්ඨාශයම උසාවි සිර මැදිරිවල එක්ව නොසිටින පරිදි දෛනික නඩු කටයුතු හැකි තාක්දුරට සැලසුම් කර ගැනීමට හැකි සෑම උත්සාහයක්ම ගන්නා බවට වගබලා ගැනීම.
02. JSC/SEC COR: 5 සහ 2020.04.19 දිනැති අධිකරණ සේවා කොමිෂන් සභා චක්‍රලේඛයද, JSC/SEC/Notice 4 සහ 2020.05.08 දිනැති දැන්වීම ද තවමත් බලාත්මකව පවතින බැවින් එම චක්‍රලේඛයේ සහ දැන්වීමේ සඳහන්, බන්ධනාගාර ධූර්වයන් සම්බන්ධයෙන් ක්‍රියා කිරීමට අදාළ ප්‍රතිපාදන කොවිඩ් 19 ව්‍යාප්තවීමේ අවධානම අවම වන ආකාරයෙන් ක්‍රියා කිරීම උදෙසා පාවිච්චි කිරීමේ නිදහස විනිශ්චයකාරවරුන්ට තවදුරටත් පවතින බව.

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2020 අගෝස්තු මස 25 වන දින,
අධිකරණ සේවා කොමිෂන් සභා ලේකම් කාර්යාලයේදී ය.