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நீதிச்சேவை ஆணைக்குழுச் செயலகம்
Judicial Service Commission Secretariat

JUDICIAL SERVICE COMMISSION SECRETARIAT | JUDICIAL SERVICE COMMISSION SECRETARIAT | JUDICIAL SERVICE COMMISSION SECRETARIAT | JUDICIAL SERVICE COMMISSION SECRETARIAT | JUDICIAL SERVICE COMMISSION SECRETARIAT | JUDICIAL SERVICE COMMISSION SECRETARIAT | JUDICIAL SERVICE COMMISSION SECRETARIAT | JUDICIAL SERVICE COMMISSION SECRETARIAT

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எனது இலக்கம்
My No.

JSC/SEC/COR 16

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உமது இலக்கம்
Your No.

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திகதி
Date 19.08.2021

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

Instructions in relation to functioning of Courts in view of the revised Health Guidelines

In view of the revised health guidelines issued by Director General of Health Services dated 16.08.2021 in relation to the functioning of courts, the Judicial Service Commission has decided to issue the following instructions to be operative from 20.08.2021.

1. Applicable directives as per the revised Health Guidelines dated 16.08.2021 in relation to all Courts.

"No more than 25% (inclusive of staff) of the capacity of the court house should be accommodated in the court."

"No members of the public or prisoners to be present in or in the immediate vicinity of the court, unless with special permission of the relevant Judge / Judicial Officer."

"Cases should be taken up on a staggered basis at the discretion of the presiding judge"

2. Subject to the **strict** adherence to the aforementioned guidelines all Judges/ Judicial officers may attend to trial/ inquiry and/ or calling matters by way of written submissions, physical hearings and/ or virtual hearings (subject to the availability of resources and technology) in consultation with all stakeholders, including respective local branches of the Bar Association, Health Authorities, Prison Authorities and local Police.
3. Matters which cannot be attended to as mentioned above are to be rescheduled and the rescheduled dates of such cases are to be notified by publication of a notice at the entrance to the respective courts, preferably on the previous day or at least by 8.30 a.m each day.
4. If the situation, however, is such, it is not feasible to take up cases; the presiding Judge of any Court, having consulted all relevant stakeholders particularly the health authorities and the respective local branch of the Bar Association, may decide that no cases to be called in open court and all cases to be re-scheduled and the re-scheduled dates of those cases to be notified by publication of a notice at the entrance to the respective courts, preferably on the previous day or at least before 8.30 a.m each day.

However, the above restrictions will not be applicable to;

- a. All matters relating to Bail.



- b. Any other Urgent/Essential matter where the Judge/Judicial Officer is of the view that it should be attended to without delay.

Any party or an Attorney at Law who desires that any matter that needs to be taken up on the basis of being Urgent/Essential, such Party/Attorney at Law is required to file a motion to that effect before 10.00 AM on the respective day, for the consideration of the Judge.

5. In consultation with respective registrars, all judges/ judicial officers should ensure that only the minimum number of staff is requested to report to work preferably on a rotational basis. In doing so Judges/Judicial Officers can follow the current applicable Public Administration Circulars and or Health Guidelines.

General Instructions

1. In taking up trial/ inquiry and / or calling cases under this circular priority should be given to the following matters.
 - i. All matters relating to bail.
 - ii. Urgent and essential matters where the judge/ judicial officer is of the view that should be attended to without delay.
 - iii. Urgent private complaints and proceedings instituted under Maintenance Act.
 - iv. Cases where all parties involved have expressed their willingness to take up such matters.
 - v. Matters which can be attended to without the presence or with minimum presence of litigants and/ or remandees
 - vi. Matters which can be concluded by way of written submissions.
 - vii. Matters where parties are required to take particular steps before reaching the trial stage or any matters where judicial proceedings can be concluded.
 - viii. Matters where judgments and orders are due.
2. Granting permission for the remandees or members of the public to be present in open court should be only in instances where their presence is essential to proceed with a matter and every caution should be exercised in doing so, while ensuring that the spirit of the revised health guidelines are given effect to dated 16.08.2021.



3. It is advisable to consult the Prison Authorities before orders are made requiring remandees to be produced in courts.
4. Notice of any steps and/ or measures the judges/ judicial officers intend taking as per this circular should be displayed prominently at the entrance to the court premises.
5. Taking into account the present travel restrictions which are in force and other difficulties encountered by the public adverse default orders should not to be made indiscriminately.
6. Wherever possible granting of bail or extension of remand period of suspects/ accused in custody to be done through electronic means.
7. Keeping in mind the critical need to maintain social distancing, all judges and judicial officers are advised to take up cases on a staggered basis.
8. Attorneys at Law are requested to advise their clients not to visit the court premises unless their presence is permitted by the court.
9. Ensure that there is no gathering of people inside or outside the court houses.
10. Ensure Social Distancing and other Guidelines in relation to prevention of COVID-19 are adhered to all times.
11. In relation to the guidelines issued by the Bar Association of Sri Lanka for the members attending court dated 04.07.2021, judges may use their discretion and act in consultation with the local branches of the Bar Association.

Under the Command of the Judicial Service Commission,

H. Sanjeewa Somaratne

Secretary

Judicial Service Commission

H. Sanjeewa Somaratne
Secretary
Judicial Service Commission
Colombo 12

- CC:
1. Hon. Attorney General
 2. Secretary to His Excellency the President
 3. Secretary, Ministry of Justice
 4. Inspector General of Police
 5. Commissioner General of Prisons
 6. Secretary, Bar Association