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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

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Date

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.

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කැ.පෙ. 573, අළුත් කොට්ඨාසය, කොළඹ 12.

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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