

Court structure of sri lanka law constitutional administrative essay

Law



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Supreme Court
Court Of Appeal
High Courts
Magistrates Court
Labour
Tribunals
District Court

Magistrate Court

This is the court of 1st instance follow all the minor criminal offences. Cases are heard by a single judge who is called the magistrate. There are magistrate courts situated all over the country. Procedures in the magistrate court is carried out by a state official.

District Court

This is the primary court of 1st instance for all civil disputes such as; brief of contracts, divorce, recovery of money etc. A district court will be presided by a judge who is call district judge. The cases will be heard and determination in the form of a judgment is delivered by a district judge.

Labour Tribunals

The labour tribunals have been setup to hear & determine cases involve in unfair dismissal of employees. The labour tribunals are presided over by a single judge who is referred to as the president of the labour tribunals. The note worthy facture of the labour tribunal is that representation is permitted even for non-lawyers.

High Courts

This is the court of 1st instance for all major criminal offences such as murder, rape, drug. A trial in a high court can take place in 3 forms. 1. Trial by judge. 2. Trial by jury. 3. Trial by bar.

Court Of Appeal

The main task of court of appeal involves hearing the appeals against the judgments of the lower courts. When the cases is heard in appeal, the parties will argue the case in relation to the procedures that have been recorded and judgment that have been delivered. The appeal will be heard usually by a bench of 3 judgers. The court of appeal also acts as a court of 1st instance for hearing cases involving writs. There is only 1 appeal court for the entire country that sits in Colombo.

Supreme Court

This is the highest court in Sri Lanka. This is situated only in Colombo. All litigations can finally end up in appeal in Supreme Court. Final appeal of any case will be heard by the Supreme Court which usually before a bench of 3 judges. The supreme court also enjoys sold and exclusive jurisdiction several power wrested in it by the constitution of Sri Lanka.

COURT STRUCTURE OF GREAT BRITAIN

Supreme Court
The Court Of Appeal
The High Court
The Chancery Division
The Queen's Bench Division
The Family Division
Crown Court
County Court
Magistrate Court

Magistrate Court

A magistrates' court is a lower court, where all the criminal proceedings start. Also some civil matters are decided here, namely family proceedings. They have been streamlined to swiftly and cheaply deliver justice. Summary offences are smaller crimes, that can be punished under the magistrates' court's limited sentencing powers – community sentences,

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finer, short custodial sentences. Indictable offences, on the other hand, are serious crimes (rape, murder); if an initial hearing at the magistrates' court finds there is a case to answer, they are committed to (passed on to) a crown court, which has a much wider range of punishment.

County Court

These courts are entirely civil jurisdiction. Civil court cases arise where an individual or a business believes their rights have been infringed. Has jurisdiction in both 1st instance and in appeal situations. The hearing is informal and no costs are awarded. The principal judges in the county court are circuit judges from the crown courts. Although County Court judgments usually call for the repayment or return of money or property, anyone who does not comply with the judgment can be arrested and prosecuted.

Crown Court

The crown court has both civil and criminal jurisdiction. The Crown Court carries out four principal types of activity: appeals from decisions of magistrates; sentencing of defendants committed from magistrates' courts, jury trials, and the sentencing of those who are convicted in the Crown Court, either after trial or on pleading guilty. In respect of its civil jurisdiction, the crown court has a wide ranging appellate jurisdiction. Cases will be heard in front of a Jury.

The High Court

Both criminal & civil jurisdiction. The High Court deals at first instance with all high value and high importance cases, and also has a supervisory jurisdiction over all subordinate courts and tribunals, with a few statutory

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exceptions. The Senior Courts Costs Office, which quantifies legal costs pursuant to orders for costs, serves all divisions. The jurisdictions overlap in some cases, and cases started in one division may be transferred by court order to another where appropriate. To facilitate the administration of the high court, it is divided into the following 3 categories. The Queen's Bench division. The Chancery division. The Family division.

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The Court Of Appeal

The Court of Appeal is the second most senior court in the English legal system. This court is divided into 2 parts as criminal division & civil division. This exercises appellate jurisdiction. The Criminal Division hears appeals from the Crown Court, while the Civil Division hears appeals from the County Courts and High Court of Justice. There are 3 lord justices of appeal to hear cases. Decisions may be additionally appealed to the Supreme Court.

The Supreme Court

This is the most senior court in English legal system. The Supreme Court was established by Part 3 of the Constitutional Reform Act 2005 and started work on 1 October 2009. This is formally referred to as the House of Lords. Has jurisdiction in both civil and criminal cases. Twelve justices sit in the Supreme Court with a president as its head. This has very limited and residual jurisdiction at 1st instance

Sri Lankan court system influenced by the Britain court system

In 1505 Portuguese fleet of in Sri Lanka. After that Sri Lanka became a kingdom of Great Britain. As time passed on, English leaders who were in Sri Lanka influenced the Sri Lankan court system according to their court system. The significant feature of the Sri Lankan court structure comparing to the Britain Structure is the hierarchical structure that it takes. Therefore it recognizes certain courts are superior to others. Comparing to some courts in the Britain structure, similar courts have been influenced in the Sri Lankan structure. In both structures, the Supreme Court acts as the final judiciary. It is the main jurisdiction in both criminal & civil cases. Sri Lankan court system has the court of Appeal which acts as the applied court as it is in the Britain system. The main purpose of it is to hear the appeals against the judgments of the lower courts. Both court structures have the high court system but in different manner according to the circumstances. To hear the 1st instance of criminal cases both structures have Magistrate court whereas to hear the civil cases Britain structure has the county court & the Sri Lankan structure has the district court. But the purpose of both courts is the same. In the court of appeal, under both court structures appeals will be heard by bench of three judges. For the 1st instance courts, there is only one judge in both structures. Comparison between court structures of Sri Lanka and Britain. In the Britain court structure Magistrate court hear 1st instance of all criminal cases & some civil cases too. But according to the Sri Lankan structure it only hears minor criminal cases. All major criminal cases are heard in the high court. In the Britain structure there is a main court call Crown court where you cannot find it in the Sri Lankan structure. Crown court has both <https://assignbuster.com/court-structure-of-sri-lanka-law-constitutional-administrative-essay/>

civil & criminal jurisdiction. In the Britain court system, high court is divided into sub courts. There are, 1. The Queen's Bench Division- 1st instance cases of the law of contracts and torts. 2. The Chancery Division- Land law, Trust law, Company law, Partnership, Insolvency. Also hears appeal cases on probate and insolvency etc that have been appealed from county courts. 3. The Family Division- Matrimonial cases. Also deals with appeal cases from magistrate's courts and crown courts. But the high court under the Sri Lankan court system divided into forms according to the trial. There are, 1. Trial by judge-This is where the case is heard before a single judge. 2. Trial by jury- A person who is accused of serious criminal offense has the option of asking for a trial by jury. 3. Trial by bar- Certain serious criminal cases also caused much public will be heard here. Under the Britain court system, Supreme Court cases will be heard before 12 justices. But in Sri Lankan system, Supreme Court cases will be heard before 3 judges.