

## ABSTRACT

The Military Justice System is constructed to provide a mechanism for disciplinary offences committed by the military personnel are dealt with fairly, quickly and have a right to appeal against the sentence made against them. Therefore it is important to have a confidence procedure in the Military Justice System and legal safeguard for everyone. Military Justice encompassing several rights of any people who is subject to Military Law, such as right to equality, right to public hearing, right to be presumed innocent until guilty is proven and right to be informed of the charge to the accused and so on. Discipline and Justice can be treated as two sides of the one coin; therefore one cannot prevail without the other. Military is totally based on the discipline and good order of the serviceman and the purpose of the Army Act is to promote a justice to everyone. It means Military Justice System should help to ensure justice without unnecessary delay. The key principles stipulate in the Armed Forces Act are; be fair and be seen to be fair, be conducive to the expeditions application of justice, be efficient and simple to use and provide consulting in treatment to the serviceman.

A major criticism against the Army Act is certain disciplinary mechanisms are not corporate with the concept of "Military Justice". Disparity of punishments in similar nature, excessive administrative delays in processing disciplinary actions, poor legal knowledge of the officers who are dealing disciplinary powers, procedural weaknesses, lack of education and training in Military Law and Justice and verdicts are influenced by the higher command are highly debatable areas. Other criticism is officers who are dealing disciplinary powers did not adhere to the principle of Natural Justice and fair procedure. The cardinal principle of the Natural Justice is justice should not only be done, it should manifestly and undoubtedly be seen to be done.

It is obvious that Sri Lanka Army Act was very old and outdated. It is not compatible with some modern legal aspects. Some military provisions like military offences, procedure for Redress of Grievances, time bar are also primitive and cannot cope with the modern legal aspects. Hence disciplinary mechanism stipulated in the Sri Lanka Army Act needs to be expanded in terms of Natural Justice and Military Justice.

*Key words:* Military Justice, Natural Justice, disciplinary mechanism