

ABSTRACT

It is a sacrosanct principle of natural justice that the right of the accused to a fair trial should be observed. A condition precedent to that requirement is the application of the principles of the right to fair trial in domestic legislation by the courts of first instance in Sri Lanka. However, the practical application of the right to a fair trial raises a number of issues. In part, its presence in almost every area of law means that the right is composed by a number of other rights. Further, because the concept of fairness is not static, the right to a fair trial has an ever-changing scope, content and meaning. These considerations have resulted in the inconsistent application of its principles guiding the application of the right in the everyday administration of justice. Therefore it is vital for the provisions related to the right of fair trial to be consistently applied by the courts of Sri Lanka. The research undertaken sheds light on the application of the right of fair trial in the courts of first instance in Sri Lanka. This research is based on a study made with regards to the inconsistent application of the right of fair trial in courts of first instance in Sri Lanka. It is the premise of this dissertation that consistent application of the right of fair trial in Sri Lanka is necessary to guarantee the fair trial right of persons such as accused parties in cases that seek it. The research is conducted on a mixed method based methodology that analyses the law in the statutes found through a desk research against the application of the law by exploring the views of the society through a secondary research. This dissertation contends that the application of the right to a fair trial should be directed toward the goals of the criminal process. This means that in order to protect the rights of the defendant it is pertinent for the uniform application of right to fair trial in the courts of first instance of Sri Lanka. The continued significance of the right to a fair trial therefore requires the consistent application of the law to be directed toward the goal of protecting the rights of the accused in a way that is fair to all parties. Based on the study conducted a series of conclusion are drawn and recommendation based on them are made.

Keywords – fair trial, human rights, fundamental rights, justice mechanism