

**THE DOCTRINE OF NATURAL JUSTICE  
UNDER MILITARY JUSTICE SYSTEM: A  
COMPARATIVE ANALYSIS OF PRACTICES  
AND PERFORMANCE OF THE UNITED  
KINGDOM AND SRI LANKA**

A Dissertation by  
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Submitted in partial fulfilment of the requirements  
for the award of Master of Law

PERMANENT REFERENCE

General Sir John Kotelawala Defence University

2023

Submission on: 23<sup>rd</sup> August 2023

## ABSTRACT

During the tenure of service of the Candidate as a legal officer of the Sri Lanka Army he has been entrusted with many responsibilities, mainly as an Officer in charge of the *Charge Sheet section* and later attached to the *Court of Inquiry section* affiliated to the Directorate of the Army Legal Services.

Whilst serving as the Officer in charge of the *Charge Sheet section*, the Candidate had on several occasions, come across many situations where he observed that the right to a fair trial of the accused were subject to violations and natural justice was not fairly served on the accused owing to the nature of the military justice system.

Through studying the case law findings, the Candidate became apprised of the fact that on several occasions when the judgments were delivered by the Court of Appeal or the Supreme Court, the aggrieved military personnel had already retired from the service and/or was no longer benefited from the judgment.

Resultant from these observations, the Candidate became interested in looking out for solutions to evade the lacunas found within the Sri Lankan military justice system. The manner foreseen by the candidate to evade injustice from being caused to an aggrieved military personnel was to develop the military justice system in such manner so as to further safeguard the principles of natural justice within the procedures of the military justice system and to add more value to the research, the Candidate decided to study the military justice system of the UK and thereafter compare the two systems.

It was decided to compare the Sri Lankan military justice system with the UK model since the UK is perceived to be one of the most advanced military justice systems in the world preserving the rules of natural justice. Also owing to the similarity between the Army Act of Sri Lanka with the British Army Act, the Candidate considered that it would be deemed convenient to make a comparison between the two rather than focus on the military jurisdiction of a different country.