

AB52

## **Independent Judiciary System of Sri Lanka from 1978 to up to date**

R.D Priyadarshani<sup>1</sup>

Idea of Separation of Power introduced by Montesquieu in his book on "the spirit of the law" in 1748. He emphasized that if legislative, executive and judicial functions own of one person it leads to tyrannical manner. In 1947 Sri Lankan judiciary became independent but this condition gradually decline since the introduction of constitution in 1972 and 1978. In 1978 constitution Chapter XV contains provisions and protection mechanism for judicial independent. But while practicing violet the judicial independence because executive president influence the decisions of judiciary. Under this condition, it is an important to form a dialogue in the Sri Lanka to promote the judicial independence. This study intends to investigate the nature and feature of judicial system in Sri Lanka. In line with this, following are the specific objectives; to evaluate the provision towards to promote the independent of judicial system in Sri Lanka, to observe the political influences occurred in Judiciary system in present constitution under the various regimes and finally to analyze the suggestions to be established the independent judiciary system of Sri Lanka. The Study is mainly based on primary and secondary Data. Primary data was collected through observation and case study. Secondary data was collected from books, journals, Hansard, newspapers and web sites etc. Collected data from different sources, as mentioned above was analyzed using qualitative methods, and it was presented using texts and figures. The study found that institutions like executive President directly interfered with the decisions of judiciary. It further found that Mahinda Rajapaksha Regime negatively influence to the judicial independency in Sri Lanka. But in 2015 eradicating of powerful executive president power caused to regaining the judicial independence under Maithrepala Siriseana's government.

***Key Word:*** *Judiciary, independent, constitution, violate, amendment*

---

<sup>1</sup> Department of Political Science & Sociology, University of Sabaragamuwa, Sri Lanka, [rathnayakpriyadarshani@gmail.com](mailto:rathnayakpriyadarshani@gmail.com)