

ABSTRACT

This dissertation will cover the aspects of why the death penalty is still used in some countries. This study will look at the history of capital punishment and the use of it through religious, cultural and political perspectives. This will help to understand why it is still in force in some countries as stated. By the end of the study, the factors of political, cultural and religious beliefs behind the process and mainly the Legal aspects associated with the process will be assessed logically and will recommend whether to eliminate the death penalty or to implement it. The data for this study was taken from various sources, including: the Constitution of Sri Lanka, Relevant legislations, and International conventions. Other regional countries were examined. This study is mainly conducted on the Research Problem of "Whether the reimplementation of the capital punishment in respect of the offence of murder in Sri Lanka is appropriate and justifiable." and with allied main research questions of

1. What are the international obligations of Sri Lanka affecting the re-implementation of capital punishment with regard to the offence of murder?
2. What are the constitutional obligations of Sri Lanka affecting the re-implementation of capital punishment with regard to the offence of murder?
3. What are the human rights perspectives (including rights of the offenders) affecting the re-implementation of capital punishment with regard to the offence of murder in Sri Lanka?
4. What are the chief/main practical issues and concerns in the administration of justice affecting the re-implementation of capital punishment with regard to the offence of murder in Sri Lanka? . Should Sri Lanka re-implement the capital punishment with regard to the offence of murder? The objective of this study is to examine and to make recommendations to, Should Sri Lanka re-implement the capital punishment with regard to the offence of murder

The Research Methodology adopted for the study is comparative in nature and desk based. Constructive comparison of the other jurisdiction is the most affirmative method as it serves the objective of this study to make the appropriate recommendation as objected. This study recommends that "Sri Lanka should re-implement the capital punishment with regard to the offence of murder and further recommends that forceful administrative and legal mechanism to be established. This study has some policy concerns for policymakers, such as recommendations to eliminate political interferences what so ever with regard to the administration of justice.

"Mercy to the guilty is cruelty to the innocent." Adam Smith