

Exploration on Principles of Uniformity, Impartiality and Relevancy Based on the Applicability of Law of Evidence within the Process of Administration of Justice in Sri Lanka

DND Kannangara# and BANM Balachandra

*Faculty of Law, General Sir John Kotelawala Defence University, Kandawala Estate,
Ratmalana, Sri Lanka*

#navo.devindi@gmail.com

The system of administration of justice in Sri Lanka remains deeply problematic due to the complexity of issues which arise through the limited incorporation of the principles of uniformity, impartiality and relevance based on law of evidence. Further, it has been observed that the absence of incorporation of the aforementioned principles threaten the independence of judiciary creating room for arbitrary or discretionary judicial decisions. This results in the disappearance of impartiality paving way for biased decisions within the robe of justice. Here, the element of subjectivity hinder the public trust and loyalty towards the system of administration of justice leading the general public to question whether the treatment of judiciary is common for every citizen or not. Though the legal framework emphasizes on the spectrum of natural justice together with the concepts of “Audi Altrem Partem” and “Nemo Judex Causa Sua”, the discrepancy between the legal framework and its practical application remains steady. Thus, it is necessary to initiate a dialogue which envisages and explores the complexities of pursuing the system of justice. This research is entirely based on the considerations over the Evidence Ordinance No.14 of 1895 which is the primary legislative enactment which directly addresses the right of considering the existence or the non-existence of facts in issue based on the principle of relevancy. Furthermore, the entire research is blended with slight references towards foreign jurisdictions. Therefore, it is pertinent that the exploration of the incorporation of principles of uniformity, impartiality and relevance based on the applicability of law of evidence within the process of administration of justice is of extreme importance.

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