

## ABSTRACT

The 1978 Constitution of Sri Lanka guarantees a set of Human Rights named as Fundamental Rights to its citizens and non citizens as well, showing the way to end injustice, discrimination and inequality. Legislative and affirmative action are firmly in place yet, Fundamental Rights abuses and violations are increasing daily.

Fundamental Rights violations committed by the Armed service personnel, prison and police personnel were taken as the main focus of this study due to the reason that, most inhumane and barbaric forms of violations are taken place in the custody of service personnel, prison and police, where bodily harm coupled with mental torture is being exercised against suspects in custody under the colour of office by the authorities. Personal grudges are compensated in certain instances under the cover of "national security and public order". Most instances of abuses are not reported due to fear of intimidation by the perpetrators. Most incidents of massacres during the LTTE and JVP insurrections have been buried with impunity due to lack of evidence.

Before exploring into the study, the idea was that most frequent violations were committed by Armed services and prison officers but, the research proved that most serious forms of violations are committed by the police.

My research question was whether Human Rights education imparted to Armed service personnel, police and prison officers is sufficient to prevent Fundamental Rights abuses in police and prison custody and in the custody of service personnel. The main objectives of the research were to investigate on the increased rate of Fundamental Rights violations by members of armed services, police and prison officers, the lacunae in existing system of Human Rights education within the three services, police and prison Departments, areas to be improved to enhance Human Rights education for the above parties and, to understand the role of judiciary in protecting Fundamental Rights of the people.

This research is a qualitative study and the data collected were qualitative in nature. Data were collected through Fundamental Rights cases heard in the Supreme Court, books, web sites and other publications. A questionnaire was distributed among a randomly selected sample of armed service personnel, prison officers and the police personnel to understand the Human Rights knowledge among the service personnel, police and the prison cadres. Few personal interviews were conducted to ascertain the records on Human Rights courses followed by the service personnel, police and prison officers from 2006 to 2009. Details of 25 Fundamental Rights petitions against service personnel, police and prison officers filed at the Supreme Courts during the past two decades was collected.

Study revealed that a large number of Fundamental Rights abuses are taken place in the custody of police, service personnel and in prisons. The knowledge on Human Rights among service personnel, prison and police authorities was insufficient.

Judicial response towards fundamental rights abuses was found to be inconsistent and punitive action taken against the violators were not commensurable with the nature of the offence in certain instances. Prompt action is required with regard to preventing grave form of Fundamental Rights violations by the Armed services, prison and police personnel. It is recommended that Human Rights education to be included in school education. Revision of Emergency Regulations periodically due to Human Rights abuses under the cover of Emergency Regulations would help reduce future abuses. Adjudications of Fundamental Rights have not placed adequate burden on the culpable officers, thus a need to adjudicate Fundamental Rights cases in a more equitable manner is required.

