

## **Scales of Natural Justice in a Military Summary Trial: A Critical Analysis with Special Reference to Sri Lanka**

KAAN Thilakarathna<sup>1#</sup> and HSD Mendis<sup>2</sup>

<sup>1</sup>*Institute of Human Resource Advancement, University of Colombo, Colombo 07,  
Sri Lanka*

<sup>2</sup>*Department of Military Law, Faculty of Law, General Sir John Kotelawala Defence  
University, Ratmalana,  
Sri Lanka*

#akalanka@ihra.cmb.ac.lk

The military is considered as a society of its own with their codes of conduct and rules applying in a different manner from their civilian counterpart. It aims to maintain strict discipline in the military system itself, ready to fight a war when the country is facing a threat. When it comes to the military justice system, it is also built upon the notion of maintaining strict discipline within the military system, where swiftness and efficiency of justice is considered as a paramount concern. The military justice system consists of two main mechanisms which are introduced to achieve this end, which includes a Court Martial and a Summary Trial. While a Court Martial is more of an ordinary mechanism of delivering justice as we find within the civilian society, except for the fact that only persons subjected to military law are brought before them, a Military Summary Trial is something which is unique and distinctive as the commanding officer concern is given a wide variety of power and discretion in conducting and delivering an appropriate judgement in such a trial. By employing a doctrinal approach founded in the qualitative methodology, this research endeavours to critically comment on the applicability of natural justice in conducting such a trial and whether tilting the balance of those scales could be justified within the military justice system. The results revealed that, while the military justice system is both unique and distinct from what you would find in a civilian society, lowering down the scales of natural justice even within a Military Summary Trial cannot be entertained, and therefore, the existing procedures require a revision to maintain the scales of natural justice unstilted at whatever occasion.

***Keywords:*** *justice, military law, summary trial*