

**Upholding Independence of the Judiciary Sovereignty of Sri Lanka:
A Comparative Study with Special Reference to Post Independent Constitutions**

Samarakoon D M T G R¹, Bandara W M S C²

^{1,2}University of Kelaniya

sarasichaya1@gmail.com

Judiciary is a significant establishment within the threefold establishments, legislative, executive and judiciary of a state. Endurance of a sovereign judiciary is much important which was consolidated by the Constitution to ensure liberation, equality. Sovereignty of judiciary means, the ability of the judiciary to execute its jurisdiction abstaining from the influence of legislature and executive of a state. Sovereignty of the judicature is very important for the well-being and existence of the state. Constitutionalists were indicated devolution of power as a basic constitutional arrangement for the establishment of an independent judicature. The opinion of the constitutionalists is that all three organs have the ability to execute its own powers abstaining from influence of others subsequently the devolution of constitutional, executive and judiciary powers by the constitution. Appointment of judges, ensure of the legal service are important facts for the independence of judicature. The principal objective of the research is to study the establishment of independence of the judicature associated to above mentioned facts under the second republic constitution. The research was done under the descriptive method as well as in comparative method. The study proves that the second republic constitution contains failures as well as strengths associated to sovereignty of judicature when comparing with Saubory constitution and first republic constitution. Above mentioned provisions are considerably influential for the establishments of an independent judiciary though there are certain failures in appointing and arrangements which are affecting on the sovereignty of Supreme Court.

Key words: *Judiciary sovereignty, Second republic constitution, Executive, Sri Lanka, Judicature*