

AN EXAMINATION OF WHETHER PRISONS MERELY EXECUTE COURT IMPOSED PUNISHMENTS OR IMPOSE ADDITIONAL PENALTIES BEYOND JUDICIAL SENTENCES: A COMPARATIVE ANALYSIS OF SRI LANKA AND SOUTH AFRICA

W.T.A. Dulakshika

Department of Legal Studies, The Open University of Sri Lanka

This research critically examines whether correctional institutions function solely as executors of judicially imposed sentences or whether they in practice, impose additional punishments beyond the scope of judicial authority. Focusing on Sri Lanka's prison system, this study investigates the gap between legal theory and operational reality within custodial settings. The theoretical framework posits that prisons should merely administer sentences determined by courts, with imprisonment itself constituting the punishment. However, evidence suggests that conditions of confinement, procedural irregularities, and systemic deficiencies may result in punishment exceeding judicial intent. This research analyzes Sri Lanka's legal framework, primarily the Prisons Ordinance 1877 and related subsidiary legislation, examining their adequacy in preventing extra-judicial punishment. The study further evaluates Sri Lanka's compliance with international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), the United Nations Convention Against Torture (UNCAT), and the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). Through comparative analysis with South Africa's correctional system, this research explores how constitutional protections, particularly the entrenched rights in South Africa's Constitution and the Correctional Services Act 111 of 1998, provide safeguards against excessive punishment. South Africa's progressive jurisprudence, particularly landmark decisions affirming prisoners' dignity and constitutional rights, offers valuable insights for reforming Sri Lanka's antiquated legal framework. Employing doctrinal legal analysis, case law examination, and comparative methodology, this study reveals systemic challenges including overcrowding, inadequate healthcare, prolonged pre-trial detention, and limited judicial oversight in Sri Lankan prisons. The research concludes that without comprehensive legislative reform and enhanced accountability mechanisms, Sri Lankan prisons inadvertently impose punishments beyond judicial mandate, thereby violating fundamental rights and international obligations. This study recommends urgent modernization of the Prisons Ordinance, establishing independent oversight bodies, and implementing standards aligned with contemporary human rights norms to ensure prisons function strictly within their legitimate mandate of executing not augmenting court-imposed sentences.

Keywords: *Prison Conditions, Extra-Judicial Punishment, Human Rights, Custodial Violence, Penal Reform*