

ABSTRACT

Critical Analysis of Grounds for Dissolution of marriages in General Law of Sri Lanka

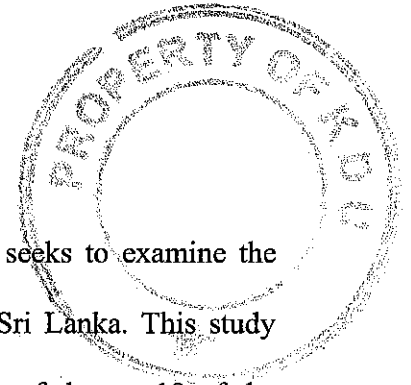
K. Sasitha De Silva

Faculty of Graduate Studies

General Sir John Kotelawala Defence University

Sri Lanka

Sri Lankan general law on marriage and divorce is centralized within the provisions of General marriage registration ordinance and which has been considerably influenced by Roman Dutch law and English law principles. The Roman Dutch Law relating to marriage was largely a seventeenth or eighteenth century law. Some of its inherent features must be understood in the context of that period and its relevance today must be questioned. It is evident that general law does not recognize the concept of breakdown of marriage requires the parties seeking the divorce to establish the matrimonial fault such as adultery, malicious desertion, incurable impotency on the part of the another party in order to claim divorce. Moreover general law in Sri Lanka does not recognize mutual consent as a ground for divorce. But in modern society it is essential for the dissolution of marriage because if the parties are unsatisfied with their marriage then they must



have an option for their satisfactory. Therefore this study seeks to examine the current scenario and the trends of social security laws in Sri Lanka. This study explores the constraints towards successful implementation of the sec.19 of the Marriage Registration Ordinance of Sri Lanka. It also seeks to identify existing legal provisions and remedial measures to overcome barriers for successful implementation of section 19 of the Marriage Registration Ordinance and to make suitable policy recommendations.

The study will include a comparison with the laws of England and South Africa. Because Sri Lankan general law solely based on Roman Dutch law and English law. As well as England and South Africa also govern by English law and Roman Dutch law accordingly. Therefore the legal system in Sri Lanka can be compare with selected jurisdictions. Moreover early England and South African laws on marriage and divorce were amended as suitable with modern aspects of the society. Furthermore these two jurisdictions develop their laws according to their development of society. But still Sri Lanka does not take any step to amend their laws according to aspects of modern society. This context creates an incompatibility between the circumstantial realities of the family breakdown and the available legal procedure for dealing with the said issue. Therefore in comparison with laws in England and South Africa, this research proposes recommendations help Sri Lanka to make existing legal procedure more effective through the identification of true issues behind the breakdown of marriages.