

## ABSTRACT

Recently experienced environmental destructions due to the embarked large-scale development projects in Sri Lanka have attracted the public attention for the need of establishing a proper legal mechanism with rights-based approach and judicial intervention in balancing the right to environment and right to development. It is observed that, these development projects have a significant impact on environment. For a better balancing mechanism in protecting the environment while preserving the right to development, it is vital to access the prevailing legal framework in Sri Lanka. Therefore, this study has focused on balancing the right to environment with right to development in Sri Lanka with a comparative analysis of Indian and South African jurisdictions. This study has conducted by means of a desk study, including a review of legislations, judgements, textbooks, expert scholarly work including journal articles, web articles. The comprehensive literature review has appraised the prevailing literature related to the historical background along with Sri Lankan, Indian and South African literature in the area of the study. As discussed, this conflict has become one of the most popular global discussions due to ecological disasters often brought about by the large-scale development activities around the world. The need of balancing these two critical rights has been identified in both domestic and international level. In Sri Lanka, both these rights do not have direct Constitutional provisions and to address the issues pertaining to right to environment and right to development, the judiciary has interpreted the fundamental rights chapter along with the directive principles of state policy and fundamental duties of citizens. The international instruments on Sustainable Development and the judgments which have discussed about the principles in addressing this issue have enhanced the capacity of Sri Lankan judiciary in determining these matters. India and South Africa which are enriched with judicial activism and direct constitutional provisions with rights-based approach have developed a certain legal application including environmental tribunals and these can be identified as progressive nature of emerging environmental law jurisprudence. Finally, this study would suggest reforms to strike a balance in right to environment and right to development in Sri Lanka to eliminate the burning issue in Sri Lankan environmental law regime.

**Key words: Right to environment, Right to development, Sustainable development, Rights-based approach**