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DECLARATION

**STRENGTHENING AND PRESERVING THE
BEST INTEREST OF THE CHILD IN DIVORCE
PROCEEDINGS: A COMPARATIVE ANALYSIS
WITH SPECIAL REFERENCE TO SRI
LANKAN LEGAL SYSTEM**

By

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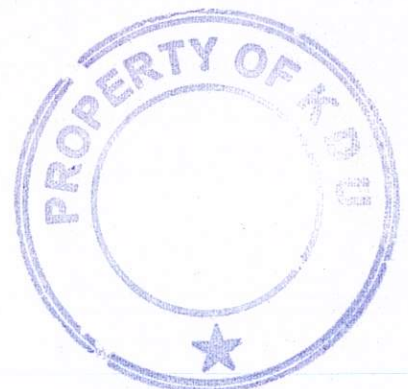
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ABSTRACT

STRENGTHENING AND PRESERVING THE BEST INTEREST OF THE CHILD IN DIVORCE PROCEEDINGS: A COMPARATIVE ANALYSIS WITH SPECIAL REFERENCE TO SRI LANKAN LEGAL SYSTEM

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This study advocates the prevailing legal provisions on the concept, the best interest of the child in divorce proceedings in Sri Lanka. The statutory grounds for dissolution of marriage are embodied in two different statutes in Sri Lanka (i.e.) the General Marriage Ordinance and the Civil Procedure Code which provides both substantive and procedural laws to be followed in matrimonial actions. The concept 'the best interest of child' has become more integral component in the contemporary society but a lacuna can be observed in Sri Lankan legal system on recognition and the applicability of this concept. When the rights of the child is infringed due to matrimonial controversies of the parents, it is the paramount duty of the legislation to preserve the best interest of the child as the divorce proceedings in the court of law abrogate the parents' autonomy to care and preserve the child. The instant study asserts, that the current legal system in Sri Lanka does not guarantee the best interest of the child in divorce proceedings hence the child is voiceless and unrepresented. Therefore, the law should be adequate, accessible and generous to strengthen and preserve the best interest of the child with legitimate participation of the child in divorce proceedings. In the instant study, the data gathered from the secondary sources essentially were explored and substantiated by the primary sources. Specifically, the measures utilized and encouraged in the selected jurisdictions; India and United Kingdom were also analyzed comparatively to identify the gap in the existing law in Sri Lanka in order to design a solid mechanism. The eventual aftermath is to make recommendations in order to accomplish the objectives to strengthen and preserve the best interest of the child in divorce proceedings.

Key Phrases: The best interest of the Child, Divorce proceedings, Solid Mechanism