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INTERSECTION OF WRITS AND FUNDAMENTAL RIGHTS: A COMPARATIVE ANALYSIS OF SRI LANKA, INDIA, AND THE UNITED KINGDOM

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ABSTRACT

In Sri Lanka, there are two remedies for challenging the discretionary administrative decisions called writs and fundamental rights guaranteed by the Constitution of 1978. Sri Lanka provides writs and fundamental rights as separate remedies, with no relationship between them. Therefore, the problem to be addressed through this research is whether the fundamental rights could be accepted as an independent ground of judicial review under Sri Lankan administrative law. To take a more progressive approach, writs are frequently combined with fundamental rights. Nonetheless, There are still a number of barriers in the way of establishing fundamental rights as a distinct basis for judicial assessment. Given this context, the study aims to respond four research questions by examining Sri Lanka's current legal system, the relationships between writs and fundamental rights, and the effective strategies used by India and the United justifications, this study makes an effort to offer Kingdom. According to these recommendations regarding how writs and basic rights intersect in Sri Lanka. Examining the current legal system in Sri Lanka, analyzing the relationship between writs and rights, assessing the legal systems in India and the United Kingdom, and making recommendations for way to make the legal system better are the main goals of this research. India has provided a robust legal foundation by way of the Constitution. With the passage of the Human Rights Act of 1998, the United Kingdom acknowledged the validity of human rights as a separate basis for judicial review. Sri Lanka's legal system will be able to include writs and rights by taking into account the lessons learned from these two nations. This research uses a doctrinal research methodology and primary sources, including the Constitution and other relevant legislation, as its sources. Cases are discussed for analyzing the compliance with the concept. The study will also take into account online and library resources, including books and journal articles, as secondary sources.

Key words: intersection, Writs, fundamental rights, judicial review, India, the United Kingdom.