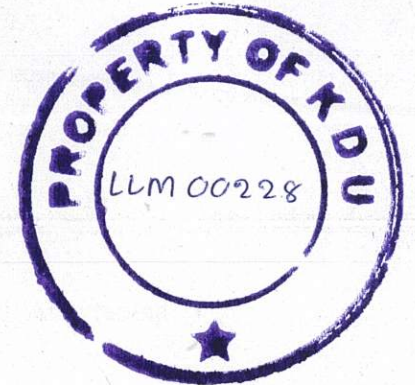


**THE IMPACT OF LEGAL AND NON-LEGAL  
LIMITATIONS ON THE EFFECTIVE ENFORCEMENT OF  
FUNDAMENTAL RIGHTS IN SRI LANKA:  
A COMPARATIVE ANALYSIS WITH INDIA, NEW  
ZEALAND, CANADA AND MEXICO**

By



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## ABSTRACT

Discussions on fundamental rights, their significance, development, and protection have been extensively studied, researched, and written about, and it is a topic that consistently remains in the spotlight. However, the limitations and practical enforceability of these rights have gained only scarce attention in the existing body of literature. Even if the Constitution or any other legislation grants rights to the people, such rights would be rendered meaningless in the absence of practical enforceability. The Sri Lankan experience indicates that the enforcement of fundamental rights of the people is constrained by various legal and non-legal limitations in reality. In this context, this research answers the overarching question, whether the unjustifiable legal and non-legal limitations on the exercise of fundamental rights in Sri Lanka be relaxed to ensure the full and effective exercise of the fundamental rights recognized under the Constitution? The research was conducted using a combination of three methodologies: The blackletter approach to research, socio-legal or empirical research methodology, and international and comparative research methodology. In learning the best practices in this regard, the research draws lessons from India, New Zealand, Canada, and a selected case study in Mexico. The research identifies several legal limitations on the effective enforcement of fundamental rights in Sri Lanka. These include the sole jurisdiction placed on the Supreme Court for addressing fundamental rights violations, the one-month prescription rule, and the limited enforceability of fundamental rights only against executive and administrative actions. Additionally, financial and geographical limitations are recognized as non-legal constraints. The research proposes suggestions for law reform aimed at improving people's meaningful access to fundamental rights while upholding the status of the Constitution, preserving the powers of the Supreme Court, and safeguarding the economic and

developmental interests of the country. The research emphasizes that any reforms should carefully balance the goal of enhancing access to fundamental rights with the broader interests of the nation.

Key Words: fundamental rights jurisdiction in Sri Lanka, sole jurisdiction of Supreme Court, limitation on fundamental rights jurisdiction.