

Pragmatic Approaches Towards Fundamental Rights Litigation Procedure in Sri Lanka: Challenges and Opportunities

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Fundamental rights litigation in Sri Lanka plays a vital role in upholding constitutional rights and maintaining the rule of law. This study aimed to analyze the current landscape of fundamental rights litigation in Sri Lanka, identify key challenges faced by litigants and the judiciary, and explore opportunities to enhance the effectiveness of legal protections. By examining these factors, the study sought to provide practical recommendations for improving the legal processes that safeguard these rights. Using a qualitative approach, the study incorporated a comprehensive review of case law and legal documents to provide context and depth to the qualitative data. The study identified several significant challenges that hinder the effectiveness of fundamental rights litigation. These include issues related to locus standi, where restrictions on who can bring a case limit access to justice, and the stringent "one-month rule," which imposes a narrow timeframe for filing fundamental rights petitions. These procedural hurdles often result in cases being dismissed on technical grounds rather than their substantive merit, thereby undermining the protection of constitutional rights. However, the study also highlights opportunities, such as the expansion of public interest litigation, increased involvement of non governmental organizations in the legal arena, and the potential for a more pragmatic interpretation of the "one-month rule" to allow greater flexibility in its application. The study concludes with practical recommendations for legal and policy reforms aimed at strengthening the enforcement of fundamental rights, ensuring that the legal system remains a robust defender of constitutional protections.

Keywords: *Pragmatic approach, Fundamental rights Procedure, Article 126, judicial interpretation*