

# **Necessity of Enhancing the Security of Fundamental Rights under the Constitution of Sri Lanka to Achieve Good Governance**

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A range of Conventions, Covenants, etc. have been passed and still law seems inadequate to safeguard the rights of the people to achieve Good Governance and get rid of the violations and corruptions, against human dignity. This paper was on, whether Rights, guaranteed as Fundamental Rights under the constitution of Sri Lanka are sufficient and enshrined with sufficient security. Hence, the objective of this study is to identify the impediments regarding the FR and its security and find innovative and practical ways to enhance the protection of them to achieve the attributes of GG comparing with relevant provisions of India and South Africa.

The research was carried out, based on literal instruments, library searches and e-resources. A number of important rights such as Right to Life, Right to Education are not included under the constitution of Sri Lanka. Article 21 and 30 of the constitution of India expresses those vital FRs in accordance. South Africa acts in a broad way on FRs since they are guaranteed under the Bill of Rights. Equality and Equity are important components of GG. Article 16 is a barrier for Equality as there are many indigenous laws which do not enhance equal and equitable opportunities among Sri Lankans which have been recognized by this article. Article 17 says infringement of FRs by the executive and administrative actions only can be applied to the Supreme Court. Therefore, accountability and responsiveness of judiciary and legislature are questionable. Article 126 (2) talks about one month rule and Locus Standi. This provision decreases the Efficiency and Effectiveness which are emphasized by GG in claiming remedy for the violation of FRs. Public Interest litigation is not recognized under the constitution though the courts of Sri Lanka have valued PIL to some extent by innovative interpretation and PIL is firmly

established by Article 32 of the constitution of India. Salient concepts as Public Trust Doctrine which lead to GG should be included expressly to the constitution. Article 80(3) of the constitution prevents judicial review. Eventually the present constitution of Sri Lanka should be repealed to enhance the security of FRs to make it a reality.

**Key words:** *Good Governance, Fundamental Rights, Security.*