


**The Modern Approaches Used by Judges in the Interpretation of the “Right to Life”
under the Current Constitutional Framework of Sri Lanka**


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Abstract

The Human Rights provisions found in the present Sri Lankan Constitution encompass a very large and fruitful area. They include various fundamental rights except most valuable right called “right to life”. The 1978 Constitution of Sri Lanka does not expressly recognize right to life as a fundamental right. Irrespective of the fact that there was no direct provision to safeguard the right to life, the Supreme Court of Sri Lanka has interpreted mainly in Articles 11 (Freedom from torture or cruel, inhuman or degrading treatment) and 13(4) (Right not to be punished with death or imprisonment except by order of a competent court made in accordance with procedure established by law) in order to bring in the fundamental right to life. Without life in the sense of existence, it would not be possible to exercise rights or to be the bearer of them. The Court should certainly play an active role with use modern approaches in interpreting the fundamental rights enshrined in the Constitution not to change any of its provisions but to give it a more effective meaning in fundamental rights. The main objective of this research work has been to focus on the modern approaches used by judges in the interpretation of “Right to Life” under the current constitutional framework of Sri Lanka. Thus, this particular study cited in several judgments where our Supreme Court has examined the scope and application of the right to life in Sri Lanka. For this purpose, the main research question is how the modern approaches used by judges in the interpretation of “Right to Life” under the current constitutional framework of Sri Lanka. The research methodology mainly based on interpretivism and epistemological philosophy, this help to build subjective reality, exploratory understandings and interpretations of real-world contexts. In addition, used to the qualitative research study by collecting both primary and secondary data for content analysis. Finally, researcher concerned key findings used content analysis and provided recommendations for directly recognize right to life in Constitution by a constitutional amendment or be included into fundamental rights chapter of the proposed new Constitution as a justiciable fundamental human right.

Keywords: *Constitution, fundamental right, interpretation, right to life, Sri Lanka.*

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