

TOWARDS REFORMING JUDICIAL REVIEW IN SRI LANKA: NAVIGATING THE LEGAL GREY OF PROPORTIONALITY THROUGH COMPARATIVE JURISPRUDENCE

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Judicial review constitutes a cornerstone of constitutional governance, serving as a pivotal mechanism for ensuring that administrative action conforms to principles of legality, rationality and procedural fairness. In the Sri Lankan context, while traditional grounds of judicial review, namely illegality, procedural impropriety, and unreasonableness, remain entrenched, the doctrine of proportionality has yet to be formally recognized as an independent and structured evaluative standard. Proportionality, as elucidated in jurisdictions such as the United Kingdom, India and South Africa, provides a rigorous analytical paradigm for adjudicating the legitimacy of governmental measures by systematically balancing competing public imperatives and individual rights. This paper employs a comparative jurisprudential methodology, situating the United Kingdom as the locus of doctrinal origination and normative development, India as an exemplar of pragmatic integration within a common law system analogous to Sri Lanka, and South Africa as a paradigmatic instance of constitutionally entrenched, rights-based proportionality adjudication. Through critical scrutiny of landmark decisions and judicial reasoning, the study extrapolates salient principles and best practices that may be harnessed to inform the prospective codification and operationalization of proportionality within the Sri Lankan legal milieu. The study contends that the formal adoption of proportionality as a ground of judicial review would fortify the rule of law, enhance institutional accountability, and facilitate calibrated and equitable administrative decision-making. The paper concludes by articulating potential avenues for doctrinal reform and policy innovation, thereby bridging comparative insights with domestic legal development and reinforcing the role of judicial review as a dynamic instrument of constitutional governance in Sri Lanka.

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