



THE COMMON LAW APPROACH TOWARDS THE DISSOLUTION OF MARRIAGES; THE SRI LANKAN PERSPECTIVE

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The bedrock feature of the Sri Lankan legal regime is the nature of legal pluralism, where the Roman Dutch Law (RDL) functions as the common law against every individual, except the issues governing under their own personal laws. Further, a large population of the country either contract or prefer to contract their marriages under the common law, which let them to follow the statutory formalities and requirements in terms of obtaining a divorce as a remedy. The section 19(2) of the General Marriage Ordinance, No. 19 of 1907 specifies three grounds for obtain a divorce as malicious desertion, adultery and sexual impotency at the time of marriage. The research question of the study is, whether those of three grounds of dissolution of marriages are comprehensive enough to address and gather the situations of the present Sri Lankan society? The objective of the study is to discuss the possible suggestion to revise the existing divorce grounds according to the modern requirements of the society. The study is totally based on qualitative approach, which largely focused on the provisions of General marriage Ordinance, Constitution of the Democratic Socialist Republic of Sri Lanka and other relevant domestic/international legal instruments/materials. Finally, the study suggests to incorporate new divorce grounds such as habitual drunkenness, imprisonment of a spouse, disappearance of a spouse, domestic violence etc as an amendments to the present statute.

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