

## **RIGHT TO EDUCATION IN SRI LANKA: CONSTITUTIONAL BLINDNESS AND JUDICIAL BLIND ALLEYS**

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Sri Lanka takes considerable pride in its free education system, largely attributed to the Kannangara reforms and subsequent legal measures that mandate compulsory education from the ages of five to sixteen. These reforms have significantly improved enrolment rates and literacy levels, positioning Sri Lanka as a leader in educational performance within South Asia. Sri Lanka has also been a signatory to several international instruments, including the Universal Declaration of Human Rights (UDHR), which recognizes the right to education as an inherent entitlement of every human being. These instruments hold state parties accountable for ensuring the availability, accessibility, acceptability, and adaptability of education to realize the full development of the human personality. Nonetheless, it is ironic that the Fundamental Rights Chapter of the Sri Lankan Constitution has not yet recognized education as an enforceable right. Despite this constitutional gap, the Supreme Court, in a series of cases, has used Article 12 -the 'Right to Equality' to incorporate the 'Right to Education' as an enforceable right of the citizens of Sri Lanka. This paper critically examines the judiciary's interpretation of the right to education and evaluates how judicial intervention has constrained this right relative to international standards. The analysis argues that judicial interpretation has reduced the right to merely 'Equal Access to Education' rather than encompassing a more comprehensive right that includes all its dimensions. This limited interpretation has, in effect, eased the state's legal obligations regarding essential aspects of the Right to Education, such as acceptability referring to the quality and relevance of education—and adaptability addressing the need for education to respond to societal changes. Through doctrinal research methods, this study employs qualitative data from primary and secondary legal sources. It assesses the judicial stance by analyzing Supreme Court decisions on the Right to Education since the 1978 Constitution, compared with the broader scope of the right outlined in international instruments to which Sri Lanka is a signatory. Through comparative analysis, the paper emphasizes the necessity of thoroughly incorporating the right to education, to fully develop the human personality.

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