

**DESTRUCTIVE ADAPTABILITY OF DIVORCE LAWS
IN SRI LANKA: IRRETRIEVABLE MARRIAGE BREAKDOWN
AS A GROUND FOR DIVORCE**

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ABSTRACT

The evolution of divorce laws worldwide has shifted from ‘fault-based’ approaches to ‘non-fault-based’ ones, aiming to reflect the complexities of contemporary societies. While countries like the UK, South Africa, and India have successfully implemented these reforms, Sri Lanka’s divorce legislation remains anchored in ‘fault-based’ principles. Therefore, this study explores the imperative of modernising divorce laws in Sri Lanka, advocating for the incorporation of the ground of irretrievable marriage breakdown. Through a comparative analysis, this article examines legal reforms in the UK, South Africa, and India, highlighting their transition from ‘fault-based’ to ‘non-fault-based’ systems. The paper also delves into the well-reasoned judgment of *Guneshi Mallika Gomes v Jammagalage Ravindra Ratnasiri Gomes*, where the Sri Lankan Supreme Court considered “irretrievable marriage breakdown” as a potential ground for divorce. Drawing from contemporary societal realities, this study advocates for a broader consideration of grounds, including, but not limited to, “cheating” as a basis for divorce. Thus, this study explores real-life incidents involving novel cases where transgender individuals, relatively new to society, entered marriages through deception, illustrating the challenges these cases pose to the existing legal framework and emphasising the need for reform. Finally, it is highlighted that the existing grounds for divorce in Sri Lanka are incongruent with modern social needs, signalling the urgency for a ‘non-fault-based’ approach.

Keywords: Divorce Law, Irretrievable Marriage Breakdown,
Comparative Analysis, Legal Reform, Social Change

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