

Greening Laws: a critical discourse analysis of judicial receptiveness and legitimization of constitutional environmental rights in Sri Lanka

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This study involves identifying the cruciality of language use in legal discourse, especially in the process of legitimizing a constitutional environmental right by the Supreme Court of Sri Lanka, from an interdisciplinary framework anchored theoretically in Critical Discourse Analysis and using analytical tools from Systemic Functional Linguistics and Legitimation Analysis. It analyzes seven judgements delivered by the Supreme Court of Sri Lanka on matters concerning Fundamental Rights of the citizens, specifically, Article 12 (1) of the Constitution which provides that all persons are equal before the law and are entitled to equal protection of the law. The Constitution of Sri Lanka does not provide for an environmental right, therefore, the study critically analyzes the language used by the judiciary in order to identify their perception with regards to protecting the environment, advocating sustainable development, and providing a safe and clean environment to the citizens as a Fundamental Right guaranteed by the Constitution. This study specifically focuses on aspects such as the legitimizing of the authority of the Constitution by the judiciary, the construction of the role for the State, its duties, their importance and the invoking of moral consciousness and collective identity of the citizenry. The findings reveal that the judiciary uses language to interpret constitutional provisions in a manner favourable to them, in this instance, in order to protect the environment and legitimize their decision to provide the citizens with a right to a clean environment.

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