

Rethinking rights and reform of mental health law in Sri Lanka: A comparative analysis

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This paper critically examines the legal regulation of mental health admissions in Sri Lanka, with a specific focus on the doctrine of legal capacity and its relevance to involuntary detention and treatment under the Mental Diseases Ordinance No. 1 of 1956. Although mental health law sits at the intersection of care, control, and human dignity, the Sri Lankan framework has remained anchored in colonial-era provisions that neither define legal capacity nor provide safeguards for individuals facing compulsory admission. The central legal issue examined is the absence of a statutory test for legal capacity, which undermines procedural safeguards, consent, and individual autonomy in mental health decision-making. Drawing on rights-based standards, including the United Nations Convention on the Rights of Persons with Disabilities (CRPD), this paper demonstrates how the prevailing legal regime fails to uphold the presumption of capacity and does not provide mechanisms for supported decision-making or independent review. Through doctrinal and comparative legal analysis, and with reference to reforms in India, the United Kingdom, and South Africa, the paper argues that the current legal framework falls short of both constitutional and international human rights obligations. Particular attention is paid to the need for a clear legal test for decision-making capacity, procedural fairness in detention, and the recognition of autonomy-enhancing alternatives. In reimagining legal standards for capacity and involuntary admission, the study proposes a rights-based framework that incorporates statutory definitions, regular judicial oversight, and non-discriminatory access to mental health care. While the study is limited to doctrinal and comparative analysis without empirical data, it contributes to contemporary debates on the evolving role of law in advancing mental health rights. It concludes that meaningful reform is essential to align national law with international standards and ethical imperatives.

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