

## Wisdom of outlawing *sub judice* statements in Sri Lanka: A comparative study with the United States of America

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This article analyses the concept of *sub judice* (under the consideration of a judge) in Sri Lanka, along with how the concept originated and evolved to its current state. Through an examination of the Contempt of Court Act and case law in Sri Lanka, it finds that statements made *sub judice* can be held to be in contempt of court. This article contrasts this state of the law with that of the United States of America (USA) which does not recognize *sub judice* statements to be in contempt of court, to the extent in Sri Lanka. The methodology of this article is comparative, doctrinal and normative. The article draws upon a recent case study surrounding two star-studded actors in Hollywood who sued each other, one for sexual harassment and the other on a counter suit of defamation. Based on public interest in the trial and conversations online, the case saw parties amend their petitions based on findings of interesting internet sleuths. The article attributes the allowance of such a practice to the wide first amendment freedoms of expression in the USA. The article draws on case law in Sri Lanka which has limited recognition that similar statements would be in contempt of court and prejudice litigants before a verdict is pronounced in court. However, the article concludes that most *sub judice* pronouncements so far have been limited to matters taken up by multiple judicial and quasi-judicial bodies at a time. Major findings reveal that apart from specific situations where statements *sub judice* may be inappropriate, prohibiting larger public conversations on matters under judicial consideration may stifle vital public debate and participation on important matters of governance. The article tentatively concludes that the law in Sri Lanka provides for a limited interpretation of *sub judice* and advocates for such an approach in order to allow for a fertile marketplace of ideas in public spaces about matters under judicial consideration, as long as the expressions be made in good faith.

**Keywords:** *Sub Judice, Contempt of Court, Marketplace of ideas, Public debate*