

From formality to substantive justification: Evolving standards on judicial accountability and reasoned decision making in Sri Lanka

U. A. T. Udayanganie

Department of Public and International Law, Faculty of Law, University of Colombo, Sri Lanka

This study focuses the significant role of judicial accountability in Sri Lanka, emphasizing that judges, as guardians of justice, must deliver decisions grounded in reason, fairness, and integrity to ensure public trust and uphold the rule of law. Disregarding these standards undermines judicial legitimacy. While Sri Lankan law does not explicitly recognize judicial accountability, it is indirectly reinforced through some statutory provisions and setting standards for judgment writing, conducts, and reviews. The Civil Procedure Code (S.186) and Criminal Procedure Code (S.283) require judges to state issues, decisions, and reasons in judgments. The Judicature Act and Evidence Ordinance also influence decision-making quality and integrity. However, Sri Lanka lacks a clear and consistent approach to reasoned decision-making as a core element of accountability. Its importance has been highlighted in recent cases such as *Pathirathne v. Mahinda Yapa Abeywardena and Others* (SC/FR/35/2024), *Sanjeewa Fernando and Others v. Somawathie Perera* (SC Appeal/1/2025), and the *MV X-Press Pearl* matter. These cases reflect a shift from considering reasons as a procedural formality to recognizing them as a substantive tool for accountability. Recent Supreme Court rulings, especially in matters of judicial appointments, deprivation of liberty, and public interest litigation, show a trend toward robust, context-sensitive reasoning. This research will analyze recent case law to trace this evolution and assess its implications for accountability. It will evaluate whether current standards balance judicial independence with public trust and propose reforms to strengthen that balance. Grounded in the concept of deliberative legitimacy, judicial power draws its legitimacy not only from constitutional or statutory authority but also from well-reasoned legal justifications that uphold the rule of law, protect individual rights, and serve the public interest. In essence, it is the quality of reasoning not merely the source of authority that sustains judicial legitimacy. The doctrinal method will be used to examine statutes, constitutional provisions, case law, and judicial interpretations relating to the duty to give reasons and judicial accountability.

Keywords: *Judicial accountability, Judicial reasoning, Deliberative legitimacy, Public trust, Judicial independence*