

# **The Constitutional Assembly**

Report of the Sub-Committee on  
Fundamental Rights



## Introduction

Recognition of and respect for human rights is a historical and universal concept. A tradition of justice and of upholding the rights of members of a community date back centuries and it has been noted that “all societies, whether in oral or written tradition, have had systems of propriety and justice as well as ways of tending to the health and welfare of their members.”<sup>1</sup> Ancient sources containing the rights, duties and responsibilities of people vis-à-vis each other and as between the State and citizen include various religious and philosophical teachings.

In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights as “*a common standard for all peoples and all nations.*” The Declaration, consisting of thirty Articles, covers civil and political rights as well as economic, social and cultural rights. These two categories of rights were further reinforced in the two separate Covenants of 1966 – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Sri Lanka is a signatory to all three documents known as the International Bill of Human Rights.

The history of constitutional human rights (i.e. fundamental rights) in Sri Lanka can be traced through the three Constitutions of the post-independence period. The Soulbury Constitution did not contain a bill of rights, but sought to protect minority interests through Section 29(2).<sup>2</sup>

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<sup>1</sup><http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.html>

<sup>2</sup> Section 29 (1) Subject to the provisions of this Order, Parliament shall have power to make laws for the peace, order and good government of the Island; (2) No such law shall - (a) prohibit or restrict the free exercise of any religion; or (b) make persons of any community or religion liable to disabilities or restrictions to

The First Republican Constitution of 1972 pledged to realise the objectives of a socialist democracy including the fundamental rights and freedoms of all citizens. The Constitution introduced a separate Chapter on "Fundamental Rights and Freedoms" which was limited to civil and political rights. The Constitution also included Principles of State Policy to guide the making of laws and the governance of Sri Lanka but these were not justiciable. There were no special mechanisms set out for enforcement of these rights. The Second Republican Constitution of 1978 also contained a Chapter on Fundamental Rights, which was again limited to civil and political rights. Although these rights were expanded, they were also subject to extensive restriction. The right to life clause of the 1972 Constitution was deleted. Further, action for redress could only be filed as regards executive or administration action and there was no post enactment judicial review. The Chapter on Directive Principles of State Policy was more expansive than earlier and contained more specific provisions relating to the social and economic advancement of persons. However, not being justiciable, they were not elevated to the status of rights.

The Constitution Bill of 2000 contained an enhanced Bill of Rights. Among the new fundamental rights declared was the inherent right to life. Discrimination was prohibited on the additional grounds of national

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which persons of other communities or religions are not made liable; or (c) confer on persons of any community or religion any privilege or advantage which is not conferred on persons of other communities or religions, or (d) alter the constitution of any religious body except with the consent of the governing authority of that body, so, however, that in any case where a religious body is incorporated by law, no such alteration shall be made except at the request of the governing authority of that body: Provided, however, that the preceding provisions of this subsection shall not apply to any law making provision for, relating to, or connected with, the election of Members of the House of Representatives, to represent persons registered as citizens of Ceylon under the Indian and Pakistani Residents (Citizenship) Act.

or social origin, mode of acquisition of citizenship, marital status, maternity and parental status. The right to ownership of property and the right to private and family life were also included. A significant feature was the inclusion of special rights of children and several social and economic rights as enforceable fundamental rights. Public interest litigation was expressly provided for. There was provision for both pre-enactment and post-enactment judicial review of legislation but with limitations. A law or provision thereof could be challenged only within two years of enactment and the grounds of challenge could not be the same if the law had been challenged at the pre-enactment stage. The Bill did not become law.

In 2006, a committee was appointed by the Inter-Ministerial Committee on Human Rights to make proposals for a Charter of Rights. The Committee, after having heard various experts in the relevant areas and taking note of the contents of a range of international human rights instruments,<sup>3</sup> proposed a draft Chapter in 2009 to replace the Chapter on Fundamental Rights in the current Constitution.

The present Report of the Sub-Committee on Fundamental Rights established by the Constitutional Assembly in 2016 has used the 2009 Draft Bill as its reference document in making the current proposals. It has also considered the recommendations contained in the Public Representation Committee Report of May 2016 and the oral and written submissions of recognized political parties, the Human Rights Commission of Sri Lanka, representations of religious bodies,

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<sup>3</sup> Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Discrimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child; the Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment.

professional organizations including the Bar Association of Sri Lanka, civil society organizations and the submissions of international and local experts that have been adduced before it during several sittings from May to August 2016.

In early August 2016, several members of the Sub-Committee undertook a tour of South Africa to study the working of the South African Constitution, with special emphasis of the implementation of social and economic rights and judicial review of State action.

In determining the structure of the proposed Bill of Rights the Sub-Committee also took into consideration the current global trends in the formulation of fundamental rights chapters in modern constitutions. In the last decade, several countries of the global south have re-drafted their constitutions. Many of these have done so after emerging from periods of conflict and turmoil. These include Nepal (2015), Tunisia and Egypt (2014), Vietnam and Zimbabwe (2013), Haiti and Somalia (2012), and South Sudan (2011). A consistent feature of many of these constitutions is the emphasis on peace and democracy and a strong Bill of Rights. The Bills of Rights incorporates civil and political (first generation) rights, economic, social and cultural (second generation) rights and environment and development rights (third generation rights). Some Constitutions, which are noted for their progressive and innovative Bills of Rights, include South Africa (1997), East Timor (2001), Ecuador (2008), Bolivia (2009) and Kenya (2010).

The Sub-Committee considered in particular the inclusion of justiciable socio-economic rights in modern constitutions. At the time of promulgation of the present constitution in 1978, such rights had not received global attention. Therefore, relegating these rights to a chapter on Directive Principles of State Policy was consistent with the

formulation of constitutions of the time. However, in the last two decades, in the light of global developments in human rights it has become clear that the intrinsic link between political rights and freedoms and access to economic resources and a better quality of life can no longer be overlooked. This is particularly so in a country such as ours where deprivation of such resources has led to violent conflicts in the past. The global trend is to recognize such rights as fundamental rights as evidenced by the constitutions of South Africa, East Timor, Kenya, Nepal and Latin American countries. Sri Lanka has also committed to the Sustainable Development Goals and it is appropriate that these commitments be given expression in the new constitution. These rights were also included in the Constitution Bill of 2000 and the proposals of 2009. The Sub-Committee therefore determined that in the formulation of a progressive and futuristic Bill of Rights, the inclusion of justiciable socio-economic rights was of paramount importance.

Since it is essential to articulate not merely the right *per se*, but also the specific expression of the right, in the interest of clarity the proposals on fundamental rights are submitted in the form of draft provisions.

# **FUNDAMENTAL RIGHTS AND FREEDOMS**

## **Inherent rights of the person**

- (1) Every person shall have the inherent right to life, dignity, equality, freedom and security of the human person.
- (2) Every person shall have the right to recognition as a person before the law.
- (3) No person shall be arbitrarily deprived of his or her life or punished with death.

## **Rights of arrested, detained and accused persons**

- (1) No person shall be arrested, detained or otherwise deprived of his or her personal liberty except according to procedure established by law.
- (2) Every person so arrested, detained or otherwise deprived of his or her personal liberty, shall be treated with respect for the inherent dignity of the human person.
- (3) Save as otherwise provided by law, no person shall be arrested except under a warrant issued by a judicial officer causing such person to be apprehended and brought before a competent court in accordance with procedure prescribed by law.
- (4) Every person arrested shall be informed, in a language which the person appears to understand, of the reason for the arrest

and of the person's rights under paragraphs (5) and (6) of this Article.

- (5) Every person arrested shall have the right to communicate with any relative or friend of the person's choice, and, if the person so requests, such person shall be afforded means of communicating with such relative or friend.
- (6) Every person arrested shall, from the time of his or her arrest, have the right to choose and consult an attorney-at-law of his or her choice. The State shall afford all reasonable facilities to enable the effective representation of the arrested person.
- (7) No person arrested shall be detained in custody or confined for a longer period than under all the circumstances of the case is reasonable, and shall, in any case, be brought before the judge of a competent court within twenty-four hours of the arrest, exclusive of the time necessary for the journey from the place of arrest to such judge. No person shall be detained in custody beyond such period except upon, and in terms of, the order of such judge made in accordance with procedure established by law.
- (8) Every person detained in custody or confined, has the right to be released on bail or upon the execution of a bond unless otherwise provided by law. The amount of bail and the amount of every such bond shall be fixed with due regard to the circumstances of the case and shall not be excessive.

- (9) Every person suspected of committing an offence shall be charged or indicted or released without unreasonable delay, having regard to the facts and circumstances of the case.
- (10) Every person charged with or indicted for an offence shall be entitled to be heard in person or by an attorney-at-law of the person's own choosing and shall be so informed by the judge.
- (11) (a) Every person charged with or indicted for an offence shall be entitled to be tried –
- (i) without undue delay;
  - (ii) by a competent court;
  - (iii) at a fair trial; and
  - (iv) subject to sub-paragraph (b) of this paragraph, at a public hearing.
- (b) A judge may, at the judge's discretion, whenever the judge considers it necessary, in proceedings relating to sexual matters or where the interests of juveniles so require or for the protection of national security or public safety necessary in a democratic society or in the interests of order and security within the precincts of such court, exclude therefrom, persons who are not necessary for the purposes of those proceedings.
- (12) (a) Every person shall be presumed innocent until the person is proved guilty.

(b) Nothing contained in any law shall be held to be inconsistent with sub-paragraph (a) of this paragraph to the extent that such law imposes upon an accused the burden of proving particular facts.

(13) No person shall be compelled to testify against himself or herself or to confess guilt.

(14) No person shall be held guilty of an offence on account of any act or omission which did not, at the time of such act or omission, constitute such an offence, and no penalty shall be imposed for any offence more severe than the penalty in force at the time such offence was committed.

It shall not be a contravention of this Article to require the imposition of a minimum penalty for an offence provided that such penalty does not exceed the maximum penalty prescribed for such offence at the time such offence was committed.

Nothing in this Article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

(15) Every person who has been convicted or acquitted of an offence in accordance with law by a competent court shall not be liable to be tried for the same offence save on the order of a court exercising appellate or revisionary jurisdiction.

- (16) (a) No person shall be punished with imprisonment except by order of a competent court and in accordance with procedure established by law.
- (b) The arrest, holding in custody, detention or other deprivation of personal liberty of a person –
- (i) pending investigation or trial shall, if not unreasonable having regard to the circumstances, not constitute punishment;
  - (ii) by reason of a removal order or a deportation order made under the provisions of the Immigrants and Emigrants Act or other such law as may be enacted in substitution therefor, shall not be a contravention of this paragraph.
- (17) (a) No restrictions shall be placed on the rights declared and recognized by paragraph (2), paragraph (10), items (ii) and (iii) of sub-paragraph (a) of paragraph (11), paragraph (14), paragraph (15) and paragraph (16) of this Article.
- (b) No restriction shall be placed on the rights declared and recognized by paragraphs (1), (3), (4), (5), (6), (7), (8), (9), items (i) and (iv) of sub-paragraph (a) of paragraph (11) and paragraphs (12) and (13) of this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national

security, law and order<sup>4</sup>, or for the purpose of securing due recognition and respect for the rights and freedoms of others.

## **Right not to be subjected to enforced disappearance<sup>5</sup>**

- (1) No person shall be subjected to enforced disappearance.
- (2) No circumstances whatsoever, including a state of war or a threat of war, internal political instability or any other public emergency, shall be invoked as a justification for enforced disappearance.

## **Freedom from torture<sup>6</sup>**

- (1) No person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.
- (2) No restrictions shall be placed on the exercise of the fundamental right declared and recognized by this Article.

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<sup>4</sup> The phrase “public order” was replaced with “law and order” by the Sub-Committee. This was opposed by Hon. Jayampathy Wickramaratne, Hon. Aravindh Kumar and Hon. M.H.M. Salman.

<sup>5</sup> This was not endorsed by Hon. Vasudeva Nanayakkara who considered this provision to be superfluous.

<sup>6</sup> This was not endorsed by Hon. Vasudeva Nanayakkara who considered this provision to be superfluous.

## **Security of the person**

- (1) No person shall be arbitrarily deprived of his or her bodily integrity.
- (2) No person shall be subjected to medical or scientific experiment without such person's informed consent.

## **Right to equality and freedom from discrimination**

- (1) All persons are equal before the law and have the right to the equal protection of the law.
- (2) Women and men shall have equal rights and duties in all areas of public, family, political, economic, social and cultural life.<sup>7</sup>
- (3) (a) No person shall be arbitrarily discriminated against on any ground including race, gender, sex, sexual orientation, gender identity, maternity, marital status, parental status, caste, ethnic or social origin, age, disability, religion, conscience or belief, political or other opinion, culture, language, place of birth, or place of residence.

Nothing in this paragraph shall prevent discrimination between citizens and non-citizens provided that such discrimination is not arbitrary.

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<sup>7</sup> Hon. M. H. M. Salman requested clarification as to how this provision would affect the rights of those governed by Muslim personal law.

- (b) Every citizen shall have the right of equality of opportunity in public employment.
  - (c) It shall be lawful to require a person to acquire within a reasonable time sufficient knowledge of any national language as a qualification for any employment or office in the service of the State or in the service of any Public Service, Provincial Public Service, local government service or public corporation, where such knowledge is reasonably necessary for the discharge of the duties of such employment or office.
  - (d) It shall be lawful to require a person to have sufficient knowledge of any language as a qualification for any such employment or office where no function of that employment or office can be discharged otherwise than with knowledge of that language.
- (4) No person shall, on any of the grounds referred to in subparagraph (a) of paragraph (2) (a) of this Article, be arbitrarily subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of the person's own religion.
- (5) Nothing in this Article shall prevent special measures being taken by law, subordinate legislation or executive action where necessary for the sole purpose of the protection or advancement of, or ensuring substantive equality for, disadvantaged or

underprivileged individuals or groups including those that are disadvantaged or underprivileged because of ethnicity, gender, sex, age, mental or physical disability or historical marginalization or of individuals and communities affected by war and conflict, disturbances and disasters.

- (6) No restriction shall be placed on the exercise of the rights declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, law and order<sup>8</sup> or the protection of public health or for the purpose of securing due recognition and respect for the rights and freedoms of others.

## **Freedom of thought, conscience and religion**

- (1) Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of the person's choice.
- (2) No restrictions shall be placed on the exercise of the fundamental right declared and recognized by this Article.

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<sup>8</sup> The phrase "public order" was replaced with "law and order" by the Sub-Committee. This was opposed by Hon. Jayampathy Wickramaratne, Hon. Aravindh Kumar and Hon. M. H. M. Salman.

## **Freedom to manifest religion**

- (1) Every person is entitled to the freedom, either alone or in association with others, and either in public or in private, to manifest the person's religion or belief in worship, observance, practice, propagation and teaching.
- (2) No one shall be subject to coercion which would impair the freedom to have or to adopt a religion or belief of his or her choice.
- (3) No restriction shall be placed on the rights declared and recognized by paragraph (1) of this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, law and order<sup>9</sup>, or for the purpose of securing due recognition and respect for the rights and freedoms of others including the freedom declared by paragraph (2) of this Article.

## **Freedom to hold opinions**

- (1) Every person shall have the right to hold opinions without interference.
- (2) No restriction shall be placed on the rights declared and recognized by paragraph (1) of this Article.

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<sup>9</sup> The phrase "public order" was replaced with "law and order" by the Sub-Committee. This was opposed by Hon. Jayampathy Wickramaratne, Hon. Aravindh Kumar and Hon. M. H. M. Salman.

## **Right to enjoy and promote culture and use of language**

- (1) Every person is entitled alone or in association with others to enjoy and promote such person's culture and, to use the language of such person's choice.
- (2) Persons belonging to a cultural or linguistic community shall not be denied the right, with other members of that community, to enjoy their own culture or to use their own language.
- (3) No restriction shall be placed on the exercise of the rights declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of law and order<sup>10</sup>, racial or religious harmony, the protection of public health or morality, the protection of the environment or for the purpose of securing due recognition and respect for the rights and freedoms of others.

## **Freedom of speech and expression including publication and freedom of information**

- (1) Every citizen is entitled to the freedom of speech and expression including publication and this right shall include the freedom to express opinions and to seek, receive and impart information and ideas in any form, including orally, in writing, in print, in the

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<sup>10</sup> The phrase "public order" was replaced with "law and order" by the Sub-Committee. This was opposed by Hon. Jayampathy Wickramaratne, Hon. Aravindh Kumar and Hon. M. H. M. Salman.

form of art, or through any other medium, freedom of the media, freedom of artistic creativity, and academic freedom.

- (2) The right in subsection (1) does not extend to
  - (a) propaganda for war,
  - (b) incitement to violence, or
  - (c) advocacy of racial, ethnic, gender based or religious hatred or disaffection among communities.
  
- (3) No restrictions shall be placed on the right declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, law and order<sup>11</sup>, the protection of public health or morality, racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offence or for the purpose of securing due recognition and respect for the rights and freedoms of others.

## **Right of access to information**

- (1) Every citizen shall have the right of access to any information as provided for by law, being information that is required for the exercise or protection of a citizen's right held by:

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<sup>11</sup> The phrase “public order” was replaced with “law and order” by the Sub-Committee. This was opposed by Hon. Jayampathy Wickramaratne, Hon. Aravindh Kumar and Hon. M. H. M. Salman.

- (a) the State, a Ministry or any Government Department or any statutory body established or created by or under any law;
  - (b) any Ministry of a Minister of the Board of Ministers of a Province or any Department or any statutory body established or created by a statute of a Provincial Council;
  - (c) any local authority; and
  - (d) any other person, who is in possession of such information relating to any institution referred to in subparagraphs (a) (b) or (c) of this paragraph.
- (2) No restrictions shall be placed on the right declared and recognized by this Article, other than such restrictions prescribed by law as are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals and of the reputation or the rights of others, for the protection of the national economy, privacy, prevention of contempt of court, protection of parliamentary privilege, for preventing the disclosure of information communicated in confidence, or for maintaining the authority and impartiality of the judiciary.
- (3) In this Article, "citizen" includes a body whether incorporated or unincorporated, if not less than three-fourths of the members of such body are citizens.

## **Freedom of peaceful assembly**

- (1) Every citizen is entitled to the freedom of peaceful assembly.
- (2) No restrictions shall be placed on the exercise of the right declared and recognized by this Article other than such restrictions prescribed by any law as are necessary in a democratic society for the protection of national security, law and order<sup>12</sup>, racial or religious harmony, the protection of public health or for the purpose of securing the due recognition and respect for the rights and freedoms of others.

## **Freedom of association**

- (1) Every citizen is entitled to the freedom of association.
- (2) No restrictions shall be placed on the exercise of the rights declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, law and order<sup>13</sup>, racial or religious harmony, national economy the protection of public health or morals or for the purpose of securing due recognition and respect for the rights and freedoms of others.

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<sup>12</sup> The phrase “public order” was replaced with “law and order” by the Sub-Committee. This was opposed by Hon. Jayampathy Wickremaratne, Hon. Aravindh Kumar and Hon. M. H. M. Salman.

<sup>13</sup> The phrase “public order” was replaced with “law and order” by the Sub-Committee. This was opposed by Hon. Jayampathy Wickremaratne, Hon. Aravindh Kumar and Hon. M. H. M. Salman.

## **Freedom of movement**

- (1) Every person lawfully resident within the Republic is entitled to the freedom of movement within the Republic and of choosing such person's residence within the Republic.
- (2) Every person shall be free to leave the Republic unless detained in accordance with the law.
- (3) No restrictions shall be placed on the exercise of the rights declared and recognized by paragraphs (1) and (2) of this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security or law and order<sup>14</sup> or national economy or the protection of public health or morality or for the purpose of securing due recognition and respect for the rights and freedoms of others or for the extradition of persons from the Republic.
- (4) Every citizen shall be entitled to return to the Republic.
- (5) No restrictions shall be placed on the exercise of the right declared and recognized by paragraph (4) of this Article.

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<sup>14</sup> The phrase "public order" was replaced with "law and order" by the Sub-Committee. This was opposed by Hon. Jayampathy Wickremaratne, Hon. Aravindh Kumar and Hon. M. H. M. Salman.

## **Freedom to engage in any lawful livelihood, trade, occupation, profession, business or enterprise**

- (1) Every citizen is entitled to the freedom to engage alone or in association with others in any lawful livelihood, trade, occupation, profession, business or enterprise.
- (2) Every citizen shall be entitled to exercise the right declared in paragraph (1) of this Article within or outside Sri Lanka.
- (3) No restrictions shall be placed on the exercise of the rights declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of the national economy, national security, law and order<sup>15</sup>, protection of public health or morality, the protection of the environment or for the purpose of securing due recognition and respect for the rights and freedoms of others or in relation to –
  - (a) the professional, technical, academic, financial and other qualifications necessary for practicing any profession or carrying on any occupation, trade, business or enterprise, and the licensing and disciplinary control of a person practicing a profession or carrying on an occupation, trade, business or enterprise in the exercise of such fundamental right; and

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<sup>15</sup> The phrase “public order” was replaced with “law and order” by the Sub-Committee. This was opposed by Hon. Jayampathy Wickremaratne, Hon. Aravindh Kumar and Hon. M. H. M. Salman.

- (b) the carrying on by the State, a State agency, a company fully owned by the State or a public corporation of any trade, business, industry, service or enterprise, whether to the exclusion, complete or partial, of citizens or otherwise.

## **Labour rights**

Every citizen has the right to the enjoyment of just and favorable conditions of work that ensures, in particular:

- (1) remuneration which provides fair wages and equal remuneration for work of equal value without distinction of any kind;
- (2) decent work and safe and healthy working conditions;
- (3) equal opportunity for everyone to be promoted in employment to an appropriate higher level, subject to no considerations other than those of competence and appropriate qualifications including seniority and experience where relevant; and
- (4) rest, leisure and reasonable limitation of working hours and periodic holidays with pay.

## **Trade union rights**

- (1) Every person is entitled to the freedom to form and join a trade union of the person's choice and for such trade union to function without undue hindrance.

- (2) Every person is entitled to the right to participate in trade union action, provided that the right is exercised in conformity with law.
- (3) No restrictions shall be placed on the exercise of the rights declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, law and order, racial or religious harmony or for the purpose of securing due recognition and respect for the rights and freedoms of others.

### **Freedom from exploitation**

- (1) No person shall be subjected to trafficking, slavery, practices similar to slavery, or forced labour.
- (2) Forced labour as used in paragraph (1) of this Article shall not include performance of labour pursuant to a sentence of a court of competent jurisdiction or any work or service which forms a part of normal civic obligations.

### **Right to privacy**

- (1) Every person has the right to privacy, including:
  - (a) the right to be protected from arbitrary interference with family life or the inviolability of the home;
  - (b) the right not to have the person's home or property searched or the person's possessions seized, except according to procedure established by law;

- (c) the right not to have privacy of the person's correspondence and communications infringed.
- (2) No restriction shall be placed on the exercise of the rights declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, law and order<sup>16</sup> or the protection of public health or morality or for the purpose of securing due recognition and respect for the rights and freedoms of others or for the enforcement of a judgment or order of a competent court.

## **Family rights**

- (1) Every person of marriageable age shall be entitled to marry and to found a family. The rights of spouses within the family shall be equal.
- (2) No marriage shall be entered into without the free and full consent of the intending spouses.<sup>17</sup>

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<sup>16</sup> The phrase "public order" was replaced with "law and order" by the Sub-Committee. This was opposed by Hon. Jayampathy Wickramaratne, Hon. Aravindh Kumar and Hon. M. H. M. Salman.

<sup>17</sup> Hon. M.H.M. Salman expressed concern as to the effect of this Article on Muslim personal law.

## **Right to ownership of property**

- (1) Every citizen is entitled to own property alone or in association with others subject to the preservation and protection of the environment and the rights of the community.
- (2) No person shall be deprived of property except as permitted by law.
- (3)
  - (a) No property shall be compulsorily acquired save for a clearly described public purpose and except by authority of law which provides for the payment of fair compensation having regard to the prevalent market value of the property at the time of such acquisition.
  - (b) No property shall be requisitioned save for reasons of public utility or law and order<sup>18</sup> and except by authority of law.
  - (c) Property requisitioned by the State shall be restored to their lawful owners without undue delay.

## **Right to education**

- (1) Every person has the right to education.
- (2) Primary and secondary education shall be compulsory and shall be provided free by the State.

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<sup>18</sup> The phrase “public order” was replaced with “law and order” by the Sub-Committee. This was opposed by Hon. Jayampathy Wickramaratne, Hon. Aravindh Kumar and Hon. M. H. M. Salman.

- (3) Tertiary education shall be provided free by the State to all on the basis of capacity and equitable opportunity, which shall be progressively realized.
- (4) Nothing in this Article shall exclude the right of a lawful guardian of a child, acting on that child's behalf, or of any adult to select an education provided by a private institution of education whether denominational or otherwise.

## **Right to health**

- (1) Every citizen has the right to enjoy the highest attainable standard of physical and mental health and to have access to preventive and curative health-care services through free health services provided by the State.
- (2) No person may be denied emergency medical treatment.
- (3) The State shall take reasonable legislative and other measures with a view to achieving the progressive realization of the rights guaranteed by paragraph (1).

## **Social rights**

- (1) Every citizen shall have the right to participate in, contribute to and enjoy the benefits of sustainable economic, social, cultural and political development equally and without discrimination.
- (2) Every citizen has the right of access to –

- (a) sufficient food and nutrition;
  - (b) clean water and sanitation;
  - (c) adequate housing and shelter;
  - (d) appropriate social protection including social security when unable to support the citizen and the citizen's dependents; and
  - (e) decent employment.
- (3) The State shall take reasonable legislative and other measures with a view to achieving the progressive realization of the rights guaranteed by paragraph (2).
- (4) No person shall be evicted from the person's home or have the home demolished, except as permitted by law.

## **Right to environment and natural resources**

- (1) All persons have the right to a healthy environment that is not harmful to their health or well-being and that can sustain all forms of life.
- (2) All persons have the right to have the environment protected through reasonable legislative and other measures that –
- (i) prevent pollution and ecological degradation;
  - (ii) promote conservation; and
  - (iii) secure ecologically sustainable development and use of natural resources.
- (3) All persons have the right to benefit equally from the natural resources of Sri Lanka and the State shall hold such resources in trust for present and future generations.

## **Rights of children**

- (1) Every child shall have the right to special protection by the family, the community and the State, particularly against all forms of abandonment, maltreatment, neglect, discrimination, violence, oppression, abuse including sexual abuse and exploitation.
  
- (2) Every child shall have the right –
  - (a) to have his or her birth registered and to have a name from his or her date of birth;
  - (b) to acquire nationality;
  - (c) to family care or parental care or to appropriate alternative care when removed from the family environment;
  - (d) to basic nutrition, shelter, basic health care services and social services;
  - (e) to have legal assistance provided by the State at State's expense in criminal proceedings affecting the child, if substantial injustice would otherwise result;
  - (f) not to be detained except as a measure of last resort, in which instance, the child may be detained only for the shortest appropriate period of time, and has the right to be:
    - (i) kept separately from detained persons over the age of 18 years; and
    - (ii) treated in a manner, and kept in conditions, that take account of the child's age.

- (g) not to be used in armed conflict and to protection in times of armed conflict.
- (3) No child shall be discriminated against on the ground of the child's or his or her parent's or legal guardian's race, colour, sex, sexual orientation, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status including the marital status of parents.
- (4) Every child shall have the right to grow up in an environment protected from the negative consequences of the consumption of addictive substances harmful to the health of the child and, to the extent possible, from the promotion of such substances.
- (5) Every child shall have the right to free education provided by the State.
- (6) A child shall not be employed in any hazardous activity, shall be protected from exploitative labour practices and shall not be required or permitted to perform work or provide services that-
- (a) are inappropriate for a person of that child's age;
  - (b) places at risk, the child's wellbeing, education, physical or mental health or spiritual, moral or social development.
- (7) The rights recognized by this Article shall be in addition to and not in derogation of any other right to which a child is entitled as a citizen or person under this Chapter.

- (8) For the purposes of this Article "child" means a person under the age of eighteen years.
- (9) In all matters concerning children, whether undertaken by institutions of state or public or private social welfare institutions, the best interest of the child shall be of paramount importance.

## **Rights of senior citizens**

Every senior citizen shall have the right to special protection by the State to social security.

## **Rights of citizens with disabilities or special needs**

- (1) Citizens with disabilities or special needs shall enjoy the same rights as all other citizens.
- (2) Persons with disabilities have the right to recognition everywhere as persons before the law and shall enjoy legal capacity on an equal basis with others in all aspects of life.
- (3) The State shall recognize and respect the inherent dignity and autonomy of persons with disabilities and their freedom to make their own choices.
- (4) In order to ensure the right to equal opportunity for persons with disabilities in all aspects of life, the State shall promote persons with disabilities access to the built environment,

transportation, information and communication, and all other facilities and services open to and used by the public in urban and rural areas. Accordingly, the State shall ensure the progressive identification and elimination of all barriers to accessibility.

- (5) Persons with disabilities have a right to seek and receive information through all forms of communication of their choice including augmentative and alternative means and modes of communication.
- (6) The State shall promote the protection of citizens with disabilities or special needs as may be practicable and in accordance with the law.
- (7) Every citizen who has a disability or special needs shall have the right:
  - (a) To be protected by his or her family and by the State.
  - (b) To work in appropriate conditions, consistent with his or her possibilities and capacities, with fair remuneration that assures a dignified life.
  - (c) To the development of his or her individual potential.

## **Right of access to justice**

- (1) Every person has the right of access to justice through courts or any other tribunal.

- (2) Legal aid shall be made available by the State to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.

## **Right of access to fair State action**

Every person has the right to State action that is lawful, reasonable, procedurally fair and proportionate.

## **Consumer rights and right to public services**

- (1) Every person shall have the right to goods and services of good quality, to truthful information and protection of their health and safety, fair prices and to reparation for damages.
- (2) Public services shall be provided to all persons without discrimination and in a manner that is reasonable and without undue delay.

## **Responsibility of the State to respect, secure and advance Fundamental Rights**

All organs of State shall take all necessary measures including the enactment and implementation of necessary legislation and the adoption and implementation of appropriate policies and programmes for the full realization of the rights declared and recognized by this Chapter.

### **Protection of Fundamental Rights in times of public emergency**

- (1) Where a Proclamation has been duly made pursuant to the provisions of [the Chapter on Public Security], and subject to paragraphs (2) and (3) of this Article, measures may be prescribed by law derogating from the exercise and operation of the fundamental rights declared and recognized in this Chapter to the extent strictly required by the exigencies of the situation and necessary in a democratic society, provided that such measures do not involve discrimination on grounds recognized under paragraph (2) of Article XXX [Equality] and for the purpose of this Article, "law" includes regulations made under the law for the time being in force relating to public security.
- (2) In prescribing measures under paragraph (1) of this Article, there shall be no derogation –
  - (a) from [any of the rights declared and recognized by Articles XXX] freedom of thought, conscience and religion, right to human dignity, inherent rights of the

person, right to recognition as a person before the law, freedom from torture, security of the person, right of freedom from enforced disappearance, freedom to hold opinions, family rights, rights of the child and freedom from exploitation;

- (b) from the right declared and recognized by paragraph (XXX) of the rights of arrested, detained and accused persons [Article number to be inserted] unless at the same time legal provision is made requiring:
  - (i) the Magistrate of the area in which such arrest was made to be notified of the arrest; and
  - (ii) the person arrested to be produced before any Magistrate, within such time as is reasonable in all the circumstances of the case.

- (3) In prescribing measures under paragraph (1) of this Article, the State shall have a minimum core obligation to ensure the satisfaction of minimum essential levels of the rights recognized by Articles XXX [right to education, labour rights, right to health, social rights and right to environment] and in discharging such obligation the State shall not discriminate solely on any of the grounds set out in Article XXX (prohibited grounds of discrimination).

## **Existing written law and unwritten law**

- (1) All written and unwritten laws in force at the time of coming into force of this Constitution including the Chapter on Fundamental

Rights shall be read subject to the provisions of the [new] Constitution and in the event of a court declaring that any such law is inconsistent with any such provision, such law shall be deemed to be void to the extent of such inconsistency.<sup>19</sup>

- (2) The provisions of paragraph (1) of this Article shall not apply to personal laws (provide an appropriate definition of 'personal laws') in force at the time of coming into force of this Constitution.<sup>20</sup>
- (3) (a) Within three months of the commencement of the Constitution, the President shall establish a Commission consisting of not more than five persons, appointed under the hand of the President, who have distinguished themselves in the fields of law or human rights, of whom one shall be appointed Chairperson, to examine all existing written or unwritten (personal) laws and report to the President as to whether any such law is inconsistent with the provisions of the Constitution.
- (b) In appointing the members of such Commission, the President shall have due regard to the necessity of ensuring the representation of the major communities on the Commission.

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<sup>19</sup> Endorsed by Hon. Mahinda Samarasinghe, Hon. Jayampathy Wickramaratne and Hon. (Dr.) Thusitha Wijemanne.

<sup>20</sup> Endorsed by Hon M. H. M. Salman.

- (c) The Commission shall submit its report to the President within a period of one year from the date of its establishment and the President shall, as soon as practicable, cause such report to be placed before Parliament.<sup>21</sup>

## **Remedy for infringement of Fundamental Rights by State and non-State action**

- (1) Subject to following paragraphs of this Article, every person shall be entitled to apply to the Court of Appeal as provided by Article XXX in respect of the infringement or imminent infringement by State action or non-State action of a fundamental right to which such person is entitled under the provisions of this Chapter;
- (2) Where the person aggrieved is unable to make an application under Article XXX owing to reasonable cause, an application may be made on behalf of such a person, by any relative or friend of such person, if the person aggrieved raises no objection to such application.
- (3) An application may also be made in respect of any individual, group or class of persons affected or in the public interest, by any person or by any incorporated or unincorporated body of persons, acting bona fide.

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<sup>21</sup> Endorsed by Hon Vasudeva Nanayakkara who was of the view that Article 16 (1) of the 1978 Constitution should be retained. It should be immediately followed by a provision which states that a Commission shall be appointed up by the President to review personal law and make proposals as to how they could be harmonized with fundamental rights provisions.

- (4) For the purposes of this Article and Article XXX, "State action" includes legislative action, executive or administrative action and judicial action.

## **Rights of non-citizens permanently and legally resident**

A person who, not being a citizen of any country, has been permanently and legally resident in the Republic on the date on which the Constitution comes into force and continues to be so resident, shall be entitled to all the rights declared and recognized by this Chapter, to which a citizen of Sri Lanka is entitled.

## **Interpretation of Fundamental Rights provisions**

- (1) In interpreting the rights declared and recognized by this Chapter, a court, tribunal or other body:
- (a) shall take cognizance of the Directive Principles of State Policy contained in Chapter XXX;
  - (b) shall promote the values that underlie an open and democratic society based on human dignity, equality and freedom;
  - (c) shall have regard to the international legal obligations of the Republic and other sources of international law; and
  - (d) may have regard to foreign law.
- (2) When interpreting any written or customary law, every court, tribunal or other body shall promote the spirit, aims and objects of this Chapter.

- (3) The rights declared and recognized in this Chapter do not derogate from any other rights or freedoms that are recognised or conferred by common law, customary law or legislation, to the extent that they are consistent with this Chapter.

## **Fundamental Rights and Language Rights jurisdiction and its exercise**

- (1) The Court of Appeal shall have sole and exclusive jurisdiction to hear and determine any question relating to the infringement or imminent infringement by State action or non-State action of any fundamental right or language right declared and recognised by Chapter XXX or Chapter XXX.
- (2) The jurisdiction of the Court of Appeal under this Article may be invoked by any person or body of persons referred to in Article XXX in accordance with such rules of Court as may be in force. Any such person or body of persons may apply to the Court of Appeal by way of Petition in writing addressed to such Court praying for relief or redress in respect of such infringement or imminent infringement of any fundamental right or language right declared and recognised by Chapters XXX. Such application may be proceeded with only with leave to proceed first had and obtained from the Court of Appeal, which leave may be granted or refused as the case may be by not less than two Judges of such Court. Where leave is refused, the Court of Appeal shall record the reasons therefor.

- (3) The Court of Appeal shall have power to grant such relief or make such directions as it may deem just and equitable in the circumstances in respect of any Petition or Reference referred to in this Article or refer the matter back to the Court making the reference if, in its opinion, there is no infringement of a fundamental right or language right declared and recognised by Chapters XXX.

Provided that in the case of an infringement or imminent infringement of a fundamental right or language right by judicial action, no order for compensation or costs shall be made against a judicial officer who had acted *bona fide* and the Court of Appeal may, in lieu thereof, order the State to pay any compensation or costs.

- (4) Where at the hearing of a Petition or Reference referred to in this Article there are any disputed questions of fact, the Court of Appeal may refer such questions to the Human Rights Commission of Sri Lanka, the Official Languages Commission or other appropriate body or person for inquiry and report.
- (5) The Court of Appeal shall hear and finally dispose of any Petition or Reference under this Article as expeditiously as possible and in any event, not later than three months of the filing of the petition or the making of the reference, as the case may be. In computing the period of three months, any period taken for inquiry and report by the Human Rights Commission of Sri Lanka, the Official Languages Commission or any other body or person referred to in paragraph (4) shall be excluded.

- (6) Where the State action complained of is that of a Judge or Judges of the Supreme Court or Court of Appeal, the case will be heard in the Supreme Court. Leave to Proceed shall be granted or refused and the matter shall be heard, if Leave to Proceed is granted, by a Bench comprising all the Judges of the Supreme Court save those whose action is complained of and any Judge who does not wish to participate.

## **Constitutionality of laws and statutes**

Notwithstanding anything to the contrary in the Constitution, the Supreme Court/Constitutional Court shall have sole and exclusive jurisdiction and power to make-

- (a) a declaration that any law made by Parliament, any statute made by a Provincial Council or provision thereof that is inconsistent with any provision of the Constitution is invalid to the extent of the inconsistency; and
- (b) any order that is just and equitable, including –
- (i) an order limiting the retrospective effect of the declaration of invalidity; and
  - (ii) an order suspending the declaration of invalidity for such period and subject to such conditions as would enable Parliament or a Provincial Council to take steps to make the impugned law or statute cease to be inconsistent with the provisions of the Constitution.

Note: Provision to be made for a case to be referred to the Supreme Court/ Constitutional Court when a question of interpretation of the Constitution arises.

## **Incorporation of treaties<sup>22</sup>**

- (1) The Constitution would require that every treaty, along with a memorandum explaining its implications, be tabled in Parliament at least one month before ratification. Parliament may adopt a resolution recommending ratification, reservations or even non-ratification. The executive would be bound by the terms of such resolution.
- (2) Parliament shall be informed of the ratification of every such treaty forthwith.
- (3) The provisions of a human rights treaty shall become a part of the domestic law on the expiry of a period of two years reckoned from the date of ratification. Parliament may by resolution extend such period by one year or reduce such period. Any further extension of the period, not exceeding one year at a time, would require a two-thirds majority. Where Parliament passes a law incorporating a part but not the entirety of a treaty before automatic incorporation, the unincorporated provisions would become domestic law at the end of the period concerned.

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<sup>22</sup> All members agreed to paragraphs (1) and (2). Hon Jayampathy Wickramaratne wanted paragraphs (3) and (4), in addition, to apply to human rights treaties.

- (4) In relation to human rights treaties to which Sri Lanka is a party at the time the new constitutional provisions come into effect, the two-year period shall begin to run from such time.

# **RECOMMENDATIONS ON LANGUAGE RIGHTS**

## **National, Official and Link languages**

The Committee proposes that Sinhala and Tamil be recognized as the national and official languages of the Republic. Citizens who use the national languages have equal rights in learning, practicing and promoting their languages. The link language of the Republic shall be English.

Every citizen has the right to seek information of public importance from the government institutions or private or non-profit organization in either of the national languages or link language.

A Member of Parliament or a Member of a Provincial Council or a member of a local authority shall be entitled to perform the duties and discharge his/her functions in any of the national languages or link language.

## **Languages of administration**

Sinhala and Tamil shall be the languages of administration throughout the Republic. Sinhala shall be the language used for the maintenance of public records by national and provincial public institutions and Local Authorities in all the Provinces other than the Northern and Eastern Provinces, wherein Tamil shall be used.

Sinhala and Tamil shall be used as the languages for the maintenance of public records in any Divisional Secretary area where the Sinhala or Tamil linguistic minority, as the case may be, in such area exceeds one

eighth of the total population of that area and is declared as such by the President.

## **Rights relating to communication**

A person shall be entitled to communicate or transact business with any official in Sinhala, Tamil or English and to receive a response from such official in the language in which the person communicated. The right to obtain a copy of a document in Sinhala, Tamil or English or a translation thereof shall be guaranteed.

The right to give information as regards any birth, death or marriage in Sinhala, Tamil or English and to receive the original certificate of such birth, death or marriage in such language and the right to give information with regard to the commission of an offence in Sinhala, Tamil or English shall also be guaranteed.

## **Rights of Provincial Council Administrations & Local Authorities**

A Provincial Council or local authority which maintains its public records in Sinhala or Tamil, shall be entitled to receive communications from and to communicate and transact business with, any official, in his or her official capacity, in Sinhala or Tamil, as the case may be.

## **Language of examinations for admission to services of the State**

A person shall be entitled to be examined through the medium of either Sinhala or Tamil or English at any examination for the admission of persons to any national or provincial service or any public institution, subject to the condition that the person may be required to acquire a

sufficient knowledge of Tamil or Sinhala, as the case may be, within a reasonable time. A person may be required to have a sufficient knowledge of Sinhala or Tamil or English as a condition for admission when a sufficient knowledge of such language is required for such office or employment.

## **Language of legislation**

All Acts of Parliament, Statutes of Provincial Councils and subordinate legislation shall be enacted or made in Sinhala, Tamil and English. Each such text shall be regarded as equally authoritative unless the authority enacting or making such written law shall otherwise provide.

## **Language of the courts**

Sinhala and Tamil shall be the languages of the courts throughout the Republic. Sinhala shall be used as the language of the record and proceedings in the courts situated in all the areas of the Republic except in the Northern and Eastern Provinces, wherein Tamil shall be used. The Minister of Justice may direct that the record of any court shall also be maintained and the proceedings conducted in a national language other than the language of the court.

Proceedings may be instituted and pleadings and other documents be submitted in Sinhala, Tamil or English. The State shall provide interpretations and translations into Sinhala, Tamil or English to enable the judge, juror, party or applicant or other person to understand and participate in the proceedings before a court. The Minister of Justice may permit the use of English in any court.

## **Medium of instruction**

A person shall be entitled to be educated through the medium of either Sinhala or Tamil, and if facilities are available, through the medium of English.

A person shall be entitled to be instructed in any institution of higher education in any national language of the person's choice if instruction in such language at such University is reasonably practicable. Provided that these provisions shall not apply to an institution of higher education where the medium of instruction is a language other than a national language.

Where one national language is a medium of instruction for or in any course, department or faculty of any institution of higher education financed by the State, the other national languages shall also be made the media of instruction for students who were educated in the other national language prior to their admission, unless such other national language is the medium of instruction for or in any like course, department or faculty either at any other campus or branch of such institution of higher education or of any other like institution of higher education.

## **Communication of persons who have disabilities or special needs**

The State shall provide adequate facilities for the persons with disabilities or special needs to exercise the right to communicate and seek information through all forms of communication of their choice including augmentative and alternative means and modes of communication such as Braille, large print, sign language, visual media

as well as simplified versions when exercising the administrative, educational or judicial functions stated in this chapter. Sign Language shall be recognized as the language of communication for the deaf community and its use should be promoted.

## **Preservation of languages of linguistic communities**

The State shall provide facilities to preserve or foster a language used by any numerically small linguistic community if the grant of such facilities has been recommended by the Official Languages Commission.

## **Directive Principles of State Policy and Fundamental Duties**

- (1) The Directive Principles of State Policy herein contained are fundamental in the governance of the country and it shall be the duty of the State to follow them for the establishment of a just, democratic and free society.
  
- (2) These Directive Principles shall guide all organs of government and all public officers at national, provincial and local government levels and all persons whenever any of them,
  - (a) Applies or interprets the Constitution;
  - (b) Enacts, applies or interprets any law; or
  - (c) Makes or implements public policy decisions.

## **Territory and sovereignty**

- (1) The State shall safeguard the independence, sovereignty, unity and the territorial integrity of Sri Lanka.

## **Peace and democracy**

- (1) It shall be the duty of the State and all persons to ensure peaceful coexistence and harmony among all ethnic, religious and social groups while maintaining the plural character of Sri Lanka;
- (2) The State shall safeguard and strengthen the democratic structure of government and the democratic rights of the People and promote a peaceful, just and inclusive society.

## **Economic matters and the social order**

- (1) The State shall establish a just, equitable and moral social order, the objectives of which include:
  - The full realization of the fundamental rights and freedoms of all persons;
  - The promotion of the welfare of the People by securing and protecting as effectively as it may, a social order in which social, economic and political justice shall guide all institutions of national life.

## **Environment and development**

- (1) The State shall ensure the full and equal participation of women and men as agents and beneficiaries of people-centered sustainable development which includes:
  - (a) promoting inclusive and sustainable economic growth, employment and decent work for all;
  - (b) eradicating poverty and illiteracy and reducing inequalities;
  - (c) ensuring access to affordable, reliable and sustainable energy for all;
  - (d) ensuring sustainable food production systems and support for small farmers;
  - (e) ensuring the equitable distribution of natural and material resources, and the social product, so as best to serve the common good.
  
- (2) The natural heritage of Sri Lanka including its rich biodiversity shall be considered a public good and the state and all citizens shall ensure that it is protected and used sustainably.
  
- (3) The state and all citizens shall take all possible measures to mitigate climate change and address its adverse impacts on people and all living systems.
  
- (4) It shall be the duty of the State and every person to treat all nonhuman living creatures with compassion and subject to the

interests of human health, welfare and security to ensure that they are protected from unnecessary pain and suffering.

- (5) The State and every person shall preserve and protect the cultural and archaeological heritage of Sri Lanka for present and future generations.
- (6) The State and every person shall protect and preserve the indigenous knowledge of Sri Lanka and prevent its misappropriation.

## **Other matters**

- (1) The State shall take adequate measures to prevent transnational organized crime, human trafficking, forced labor, consumption of addictive substance while providing sufficient safeguards to victims of trafficking of persons.
- (2) The State shall take all appropriate means to prohibit corrupt practices whether undertaken by public officials or private actors and identify and indemnify victims of corruption, both individuals and groups, and establish appropriate means by which to secure compensation for identifiable victims from disgorged funds.
- (3) The State shall promote international peace, security and co-operation, and the establishment of a just and equitable international economic and social order and shall foster respect for international law.

## **Fundamental Duties of State and its officials**

- (1) It is the primary duty of the State, all State institutions and representatives/ officials to recognize the Constitution as the supreme and the fundamental law of the country and obey its provisions.
- (2) It is the fundamental duty of the State, to refrain from promoting in any manner ethno-nationalism in the country directly or indirectly. The State shall promote civic nationalism and liberal patriotism based on most enlightened religious and secular principles, fundamental human rights and cosmopolitanism.

## **Fundamental Duties of citizens**

It shall be the duty of every citizen to-

- a) Uphold and protect the independence, sovereignty, unity and territorial integrity of Sri Lanka;
- b) Uphold and defend the Constitution and its ideals and institutions;
- c) Foster national unity and promote harmony amongst all the People of Sri Lanka;
- d) Respect the rights and freedoms of others;

- e) Refrain from hate speech or expressions that could lead to incitement or social disharmony;
- f) Value and preserve the rich heritage of our composite culture;
- g) Protect and improve the environment, conserve its riches, and the value of all forms of life;
- h) Safeguard and preserve artistic or historical objects and places of national importance;
- i) Safeguard and protect public property and combat its waste and misuse;
- j) Refrain from directly and indirectly participating in bribery or corruption;
- k) Uphold the rule of law and renounce all forms of violence;
- l) Work conscientiously in that citizen's chosen occupation.

### **Principles of State Policy and Fundamental Duties not justiciable**

- (1) The provisions of this Chapter are not enforceable in any court or tribunal.