

Fundamental Rights

The Preamble of the Constitution, states that the people of Sri Lanka have been assured, “Freedom, Equality, Justice, Fundamental Human Rights and Independence of the Judiciary” as the intangible heritage that guarantees the dignity and well -being of succeeding generations of the People of Sri Lanka.

Chapter III of the Second Republican Constitution of 1978 enunciates the fundamental rights of the people in Sri Lanka.

The 19th Amendment to the Constitution passed in 2015 has introduced the right to information as a fundamental right of the country.

Article	Description
10	Freedom of thought, conscience and religion.
11	Freedom from torture and from cruel, inhuman and degrading treatment or punishment.
12	The right to equality and nondiscrimination The right to equality before the law and the equal protection of the law are the two aspects of the principle of equal justice.
13	Rights relating to the due process of law
14	Freedom
14(A)	14(A) the right of access to any information as provided for by law.

Article 13

1. Freedom from arbitrary arrest:
 1. The right requires that no one be arrested except according to procedure established by law and the arrested person should be informed of the reason for his or her arrest.
2. Freedom from arbitrary detention: (Two stages)
 1. Any **person held** in custody, detained or otherwise deprived of personal liberty should be produced before a court according to the procedure established by law , and
 2. Such a person **should not** be held any further except in terms of an order made by such a court in accordance with procedure established by law.
3. The right to a fair trial by a competent court.
4. The right not to be punished with death or imprisonment except by the order of a competent court made in accordance with procedure established by law.
5. The right to be presumed innocent until proved guilty.

6. The right not be to subjected to retroactive penal legislation.

Article 14

- Freedom of speech and expression including publications;
- Freedom to assemble peacefully
- Freedom of association
- Freedom to form and join a trade union
- Freedom to manifest one's religion by worship, practice or teaching alone or with others, privately or public.
- Freedom to enjoy and promote one's culture and to use one's language, alone or with others.
- Freedom engage in any lawful occupation or business, alone or with others.
- Freedom of movement and to choose one's residence within the country. The freedom of movement connotes the freedom to travel without restriction.
- Freedom to return to Sri Lanka

Restrictions on Fundamental Rights

The Constitution sets out several situations in which different fundamental rights can be restricted by law. Restrictions are imposed on several fundamental rights to promote the collective interest and welfare of the society.

Article 15 sets down a number of far reaching restrictions on fundamental rights excepting those which are meant to be absolute.

Article 10, 11, 13(3) and 13(4) embody rights which are not subjected to any limitations (they are known as absolute rights). Article 13(5) and 13(6) are subject only to such restrictions as may be prescribed by law in the interests of National Security.

Article 12, 13(1), 13(2) and 14 embody fundamental rights which operate subject to Article 15(7).

[Article 15(7) is as follows:]

"The exercise and operation of all the fundamental rights declared and recognized by Articles 12, 13(1), 13(2) and 14 shall be subject to such restrictions as may be prescribed by law in the interest of National Security, public order and the protection of public health or morality or the purpose of securing due recognition and respect for the rights and freedom of others or of meeting the just requirements of the general welfare of a democratic society. For the purpose of this paragraph law includes regulations made under the law for the time being relation to public security"

Article 15(8) provides that the exercise and operation of the fundamental rights declared and recognized by Article 12(1), 13 and 14 shall in their application to the members of the Armed Forces, Police Force and other forces charged with the maintenance of public order, be subject to such restriction as may be prescribed by law in the interest of the proper discharge of their duties and the maintenance of discipline among them.

Right to information is subject to inter alia, 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 and etc.

Article 12(2) and 14(1) embody rights which can be enjoyed only by citizens of this country while the rest of the rights are available to all persons whether citizens of Sri Lanka or not.