

The Egalitarianism and Muslim Minorities Grievances in Sri Lanka: Until the third wave of the COVID-19 Pandemic Outbreak

Thanabalasingam Krishnamohan¹, Halideen Fathima Rifasha²

¹*Professor in Political Science, Department of Social Sciences, Eastern University, Sri Lanka, Chenkalady, Sri Lanka.*

²*B.A (Honours) in Political Science, Research Assistant*

Abstract: Sri Lanka is a country with a multi-cultural social structure. The majority living in Sri Lanka is Sinhalese who follow the Buddhist culture, Tamils who follow the Hindu culture, Muslims who follow the Islamic culture, also some Sinhalese and Tamils follow the Christian culture (Catholic and non-Catholic). Until now, Muslims, Christians, and some Hindus have been buried according to the cultural system, following their demise. However, the government ordered the burning of all bodies who died of the disease from the COVID-19 pandemic outbreak from March 2020 to March 2021. This study relates the relationship between the burning of dead bodies and the violation of the cultural rights of Muslims, the reasons for the burning of the bodies of Muslims who died of the Covid-19 epidemic, and the reasons behind the government's subsequent permission to bury the dead bodies of Muslims, the World Health Organization (WHO) for burying the bodies of those who died of the COVID-19 epidemic and explores issues such as the reflection of the policy of the international community. In this research, the most common qualitative methods, include individual interviews, focus group discussions, and behavioral observations by means of thoughts, beliefs, customs, ideas, words, and phrases. Further, the Constitution of Sri Lanka and Al-Quran is used for this research. Based on the formula, ten samples were selected based on the purpose of sample selection. Of the ten chosen, four were males, and six were females. Seven of them are from Islam, and the other three are from different religions. Accordingly, information obtained through interviews with two families who had been directly affected and died of the COVID-19 pandemic, a public health officer, a former urban council member, a former mayor and teacher of Political Science, an Islamic religion leader (Moulavi), and four ordinary peoples. Secondary data were also used in this research. Data are obtained from texts, journals, research articles, websites, and the conclusion is obtained through the deductive method. Although the Sri Lankan government has consistently refused to listen to violations of the fundamental rights of Sri Lankan Muslims, it has allowed the burial of bodies after March 2021. However, the government has cremated the bodies of more than three hundred Muslim loved ones. By doing so, the government is violating the cultural and fundamental rights of Muslims. It has broken their minds and hurt and upset them.

Keywords: Burial, Cremation, COVID-19, Culture, and Funeral

I. INTRODUCTION

COVID-19 pandemic had been causing massive casualties globally since the end of 2019. Although in the

beginning, COVID-19 pandemic deaths were relatively low in Sri Lanka, the death rate began to increase in mid-2020. In terms of last rites to the dead body, globally, two methods are followed, such as cremating or burying the bodies of those who die of the COVID-19 pandemic. However, in Sri Lanka, which is a multi-cultural country, those who died from the COVID-19 pandemic were forcibly cremated. Such activity violated the fundamental religious, and cultural rights, which are mentioned in the constitution of the Democratic Socialist Republic of Sri Lanka in Chapter 3, article 10, sub-article 14 (1) (e) and (f), of the people who are living in Sri Lanka. Even though Sri Lanka, a developing country, has been, politically, socially, and economically, following the international system, the forcible cremation of the dead body during the COVID-19 pandemic violates the global system and human rights. In particular, the World Health Organization (WHO) report and the definition of the COVID-19 epidemiology Committee of Sri Lanka have made recommendations to bury the remains of Muslims (Bodies) without funeral rituals. Still, the Government of Sri Lanka (GoSL) rejected the above ethical decision to bury the bodies, last year. It relates to polarized political behavior and activity. The Muslim community expected the GoSL to allow the funeral rituals to fulfill at least the funeral prayer and the burials, in line with the health regulation followed throughout the world. Following the GoSL's denial to listen to the fundamental rights of Sri Lankan Muslims, national and international human rights activists and parliamentarians put pressure on the government. Thereafter, the burial was allowed since March 2021. After a lengthy discussion, protest, and pressure asserting, that burying dead bodies due to the COVID-19 pandemic disease would not spread any diseases, Muslims' dead bodies were allowed for burial. More than two hundred Muslims' dead bodies had been burnt without respect for the cultural rights of Muslims. Lastly, the Muslim people won the struggle for their cultural rights and being treated equally in Sri Lanka. The WHO issued guidelines on safely handling the dead bodies of those who died from the COVID-19 pandemic. There is no universally accepted scientific evidence yet that dead bodies should be burned to prevent the spread of the COVID-19 pandemic outbreak. At the same time, there is no scientific evidence yet for water contamination stemming from the burial of the remains of the COVID-19 pandemic

victims. In Sri Lanka alone, the dead bodies of the COVID-19 pandemic were forcibly burned in this situation. Therefore, burning off the dead bodies due to the coronavirus pandemic culturally polarized victimized people from the nation-state system and violated the cultural rights of the People in Sri Lanka. Based on the problem of statement this research article will raise the following questions for finding the answer: - (i) Will the pandemic spread by burying the bodies of the COVID - 19 dead? (ii) What procedures are followed by the world regarding the dead bodies' burial of those who died in the COVID-19 pandemic? (iii) Is there any political motive behind the burning of the dead bodies die from the COVID-19 pandemic in Sri Lanka? (iv) Why did GoSL allow to bury the dead bodies later? (v) What is the proclamation of Sri Lanka's Constitution regarding cultural rights? (vi) Is the burning of dead bodies a violation of the cultural rights of people?

II. NATURE, PRECAUTION AND PREVENTION OF COVID-19 PANDEMIC

The COVID-19 pandemic outbreak in the Wuhan city in China, in December 2019, then its impacts were felt globally as the new Coronavirus causing acute respiratory illness, including pneumonia (Hansa.D, Bhargav. M.D, 2021). It is an acute respiratory coronavirus-2 (SARS-CoV-2). Experts say SARS-CoV-2, in particular, appeared in bats. SARS-CoV-2 spread to humans in the open-air wet market in Wuhan, China (Hansa.D, Bhargav. M.D, 2021). It has spread inside and outside in China, affecting those who have no direct contact with animals. The virus is spread from one person to another person and has become an infectious disease worldwide. It is known as coronavirus infection (COVID-19) as a result of causing infection (Subhash Unhale.S, Bilal. Q, Sanap.S, Thakhre.S, 2020). COVID-19 pandemic virus is primarily transmitted through the cough, sneeze, and saliva of a person with COVID-19 pandemic virus disease (Idroos. N, 2021). In addition, the virus can be transmitted from person to person by touching or shaking hands with an infected person. And it is also said that the spread of the virus is possible by touching a surface or object and then the nose, eyes, or mouth (Unhale. S.S, Ansar. Q.B, Sanap.S, Thakhre.S, Wadtkar.S, Bairagi. R, Sargule.S, Biyani. K.R,2020).

There are two internationally accepted methods of safe burial or cremation of the body of a person who has died of the COVID-19 pandemic following sanitary procedures (WHO, 2020). Thus, more than 182 countries follow both of these systems (Hilmy. H, 2020). Be aware of the serious public health challenges caused by the epidemic. At the same time, COVID-19 pandemic activities should protect the dignity of the deceased, their culture and religious traditions, or other beliefs and family members with respect and security (UNHR, 2021).

According to the Indian Department of Health and Prevention, the bodies of those who die from coronavirus infection are allowed to be buried or cremated only after making the necessary safety measures. This means that the dead bodies are carefully placed in a secure plastic bag after being sprayed

with disinfectant and covered tightly with the required disinfectant on the outside as well. When the covered body is buried or cremated, it does not cause any infection to those in the area. The Indian people do not need to be afraid about burying or cremating the bodies of those who died of the corona.

Singapore did not insist on a forced cremation to dispose of the dead by the COVID-19 pandemic. National Environment Agency (NEA) has issued guidelines for the cremation or burial of victims. It says, "less than 250 people will be able to attend the funeral" (Dawood.S, Deen. K.I, Haniffa. R, Hizbullah. H, Marsoof.S, Naser. K, Noordeen. F, Sheriff. R, Sherifdeen.A. H, Wazeer. Z, 2020).

Two things are followed in the funeral of the corona victims in the United States. One is to pay homage to the body of the deceased. During this time, family members get together for the funeral. The second is the burial or cremation of the dead. The burial of the dead can cost anywhere from \$ 1000 to \$ 7000, depending on the coffin and the nature of the land.

In Malaysia, on the advice of officials from the Perlis Islamic Religious and Malay Customs Council (MAIPC), it has been suggested that washing and covering the bodies of those who have died of COVID-19 infection should be done in the hospital or in any premises permitted by the authorities. In addition, further guidelines have also been issued (Dawood.S, Deen. K.I, Haniffa. R, Hizbullah. H, Marsoof.S, Naser. K, Noordeen. F, Sheriff. R, Sherifdeen. A.H, Wazeer. Z, 2020). Stating that those who carry out these operations should handle dead bodies with caution to not endanger their lives.

According to Malik Peiris, who is Head of the Department of Infectious Diseases at the world-renowned University of Hong Kong, "Viruses need cells to survive, and when a person dies, his cells die. Therefore, the virus will die" (BBC, 2020). Therefore, it is unscientific to predict that the Coronavirus will spread by burying the bodies of those who have died (BBC, 2020).

The WHO released scientific results on September 04, 2020, on how to treat the dead bodies and health methods of the funeral by COVID-19 Pandemic. "Burial of the bodies of those who died of the COVID-19 virus will prevent further spread of the disease," the WHO said. COVID-19 pandemic guideline of the WHO, recommends, that "the dead be buried or cremated and safely carried the body in a polyethylene bag or coffin. In addition to that, family members and religious burial assistants can attend funerals or cremations for those who have died of an infection" (WHO, 2020). It means, the deceased's family members or religious leaders may prepare the body for burial. They should wear gloves and a mask or medical mask. Also, the funeral should be attended by a small number of people. The medical mask and gloves should be worn during the funeral and a one-meter social distance should be maintained according to the health guidelines. And those with poor health should not participate. In particular,

family members and friends should not be allowed to kiss dead bodies (WHO, 2020).

III. IMPACT OF COVID-19 IN SRI LANKA

Although the number of deaths due to corona disease in Sri Lanka is relatively low, its number increases day by day. A 44-year-old Chinese woman from Hubei, China, was admitted to the infectious disease Hospital in *Angoda*, Sri Lanka. It was identified as the first incident of the COVID-19 pandemic virus outbreak in Sri Lanka, which was confirmed on 27 January 2020.

The first confirmed death from the COVID-19 virus pandemic was recorded in Sri Lanka on 28 March Year. A 60-year-old patient from *Marawila* in Sri Lanka had a kidney transplant, and he was a diabetes and high blood pressure patient. His dead body was cremated within 15 hours after the death was confirmed. The second death from the COVID-19 virus pandemic, a 60-year-old man from Negombo, was reported on 30 March. It was reported to WHO that from 3 January 2020 to 7 January 2022, there have been 590,063 confirmed patients of COVID-19 pandemic virus with 15,083 deaths in Sri Lanka (WHO, Country report, 2022).

The GoSL said that burying people who died of COVID-19 pandemic complications may “pollute groundwater.” But WHO guidelines said that burial is safe. Simultaneously, increased resistance from United Nations experts, and medical professionals, and religious leaders of all major faiths in Sri Lanka for the burying dead body died of COVID-19 pandemic virus. Particularly, Dr. Baba Palihawatana, Deputy Director-General of Public Health Services, Ministry of Health, who oversee all infectious disease control programs in Sri Lanka, has confirmed that the COVID-19 pandemic will not spread through groundwater pollution (Hilmy. H, 2020).

IV. CONTROVERSY OVER THE CREMATION OF DEAD BODIES OF MUSLIMS

On March 30, 2020, the first Muslim died of a COVID-19 pandemic infection (Hilmy. H, 2020). According to the COVID-19 pandemic dead bodies funeral regulation of the GoSL, when Muslims died of the COVID-19 pandemic virus in Sri Lanka, the dead bodies also were cremated. The argument was presented that 'the burning of the bodies of Muslims who died of the COVID-19 pandemic virus without the consent of their relatives is a violation of cultural rights. During this period, the Sri Lankan government had issued guidelines requiring the burial of the dead by the COVID-19 pandemic. It said that groundwater would be polluted by burying the dead bodies of COVID-19; therefore, the Burial of the dead body was banned because it would increase the spread of COVID-19 pandemic disease (ALJAZEERA, 2021). The Muslim community demanded that the rituals ban to be lifted, saying there was no scientific evidence to support the government's decision. The GoSL's condition to cremate anyone who dies of the COVID-19 pandemic virus goes against public health guidance and discriminates against the

Muslim community, Human Rights Watch said. The argument was tabled that the GoSL's arguments that burial following Islamic ritual poses a public health danger, it shames, oppresses, and causes huge pain to a vulnerable minority. However, the request has not been met for about a year. The dead body burial took place from March 2020 to March 2021.

For example, M.S.M. Bahim's 20-day-old baby from Colombo-15 was admitted to the hospital due to illness. At this time, it was known that there was no COVID-19 pandemic infection. The next day the child died of a disease. The child was cremated on December 8, 2020, citing the COVID-19 pandemic in a PCR (Polymerase Chain Reaction) report taken after the baby's death (BBC, 2021). How did the child become infected with the COVID-19 pandemic when the child's parents, relatives, or neighbors did not have COVID-19 pandemic infection? was it a medical miracle, a question was arisen?? The baby's body was cremated without the consent of the child's parents. Thus, more than three hundred dead bodies were cremated by the COVID-19 pandemic. There recorded, that these proceedings violate fundamental rights such as Chapter 3, Rule 14 (1) (e), and 14 (1) (f) of the constitution of Sri Lanka (The Constitution of The Democratic Socialist Republic of Sri Lanka, As amended up to 29th October 2020) Revised Edition – 2021).

Internationally two mechanisms have been employed to bury/cremate dead bodies by COVID-19 Pandemic. Although the international practice of cremation or burial of the bodies of the deceased by the COVID-19 pandemic was followed, if discuss the experience of the burial of dead bodies, during the early period of the epidemic, that experience reflected an ethnocentric political culture in Sri Lanka. The opinion has created that the GoSL used this as a dividend policy to establish polarization politics. The thirty-year domestic war was a determining factor in Sri Lankan power politics. After the victory of domestic war, it employed to continuously utilize as a determining factor for the power struggle in Sri Lanka. Subsequently, the Easter Sunday attacks in 2019 targeting Christians, including Tamils, Sinhalese and foreign tourists, carried out by Islamic terrorists further emboldened the hardline Sinhala Buddhist political parties and allowed them to wield it as yet another political weapon against the minority Muslims. In this scenario, the ruling government was constructed with the support of the majority Sinhalese people. There was a political requirement for the ruling government, to exhibit to the majority community, that was an anti-minority.

Sri Lanka is a multi-cultural country. Christians and Muslims have a tradition of burying dead bodies. Buddhists and Hindus have a tradition of cremating dead bodies. These have been respected as their basic religious and cultural rights. In such an environment, the burning of the bodies that died of the COVID-19 virus greatly violated the cultural rights of Muslims who are living in Sri Lanka. Yet why did Sri Lanka deny the rites of burial? What is the politics behind it? Did the government do so to satisfy the Sinhalese people?

One of the Muslim men respondents commented that "Burning a dead body is a Muslim's cultural violation. My cousin, aunt, and uncle died of the COVID-19 infection. Their bodies were cremated. Muslims will treat the dead body very carefully and meticulously until it is buried. But my uncle's body was badly treated and cremated. Thus, we were agitated by this incident. The burning of the dead body is an inappropriate activity and against Islamic law. It is a sinful and unjust activity committed against Muslims" (Interview, Asan Veve.S, December, 2021).

One of the Muslim women respondents commented that "My mother and father died of COVID-19 pandemic. Mother's body was buried in *Majma* village, which is located at Valachenai in the Batticaloa District in Sri Lanka, but my father's body was forcibly cremated without our signature and permission. Although we filed a human rights violation case, we did not receive the relevant report, so we had great difficulty obtaining the death certificate, which was later obtained with the registrar's help, and the human rights case was eventually dismissed. It was injustice done to us and violated our cultural rights. Those responsible must answer to God" (Interview, Farina S, December, 2021).

In this circumstance, one of the Muslim men respondents commented that "The Sri Lankan government has resorted to burning the bodies of Muslims to satisfy the majority Sinhalese population and to gain the vote bank of Sinhala Buddhist nationalists. There are two methods worldwide, cremation or burial. But the Sri Lankan *Podujana Peramuna* (SLPP) government, which came to power with the support of the Sinhalese people, has declared to the Sinhalese people that they are anti-Muslim in the matter of burying the dead bodies of Muslims" (Interview, Mubeen, December 2021).

One of the Muslim women respondents commented that "The Sri Lankan government has realized the need to satisfy the Sinhala and Muslim communities. But, the government, which came to power with a Sinhala majority vote, imposed legal restrictions on the burial of dead bodies to make it clear to the Sinhalese people that they were not pro-Muslim. On the other hand, the Sri Lankan government has consistently delayed fulfilling its legitimate demand for the burial of Muslim dead bodies. In this context, the expert panel had to ensure that the burial of those who died of the COVID-19 epidemic would not affect the legitimate demand of the Muslims. However, the government has delayed announcing a constructive decision on the burial" (Interview, Salma Hamza, December, 2021).

One of the Muslim men respondents commented that "Political stability came after the end of the civil war in 2009. After that there has been a system of governance created that puts Muslims in political crisis. Subsequently, Sinhala-Buddhist nationalist politicians have used the political climate after the Easter attacks to create a crisis for Muslims. At present, the government is pursuing a strategy of burning the dead bodies of Muslims and giving crisis to Muslims. That is why the bodies of Muslims who died of the COVID-19

epidemic were cremated" (Interview, Sajahan. F, 2021). Also, a Muslim man and a Tamil woman expressed the same opinion during the interview (Interview, Ramzani.T, Krishnaveni, December, 2021).

One of the public health officers commented that "As a public health officer I can only enforce government law. Conversely, I cannot be done arbitrarily or illegally beyond the law anything. Dead bodies were cremated in the early days of the COVID-19 pandemic. During this time the dead body of a Muslim was legally cremated within my jurisdiction. During this time Muslim people expressed their pain and anxiety. After some time, a law was passed that allowed the burial of those who died of the COVID-19 pandemic, after which the dead bodies of Muslims were buried. I do not know the politics behind this and as a government officer, I cannot discuss this. I should obey the law of the country" (Interview, a PHI at Batticaloa, December, 2021).

The 57-member Islamic Cooperation Council (GCC) in Geneva has condemned the policy of forcible cremation in Sri Lanka. Michelle Bachelet, Head of the Office of the High Commissioner for Human Rights (OHCHR), said: "The policy of forcible cremation of COVID-19 victims has caused pain and suffering to the Muslim and the Christian community" (Al Jazeera, 2020). We condemn the neglect of such public health decisions and racist practices such as discrimination and aggressive nationalism that persecute Muslims and other minorities in the country. Such hostility towards minorities perpetuates misconceptions, tensions, and hatred between races (UNHR, 2021). That is why both cremation and burial mechanisms are being used internationally to dispose of the bodies of those who died of the Covid-19 Pandemic.

V. CONSENT TO BURY MUSLIMS DEAD BODIES

In this context, NGOs, and minority groups in Sri Lanka filed several petitions in the Supreme Court seeking an injunction against the cremation of Muslim dead bodies. But all such petitions were dismissed by the court without any interpretation (ASIA, 2021). The world Muslim community has strongly condemned the issue of burning dead bodies in Sri Lanka. The GoSL has always needed the diplomatic and other assistance and backing of Muslim countries. In this situation, the Muslim countries of the world addressed the issue diplomatically.

Human Rights Watch has also condemned the Sri Lankan government's position that the bodies of Muslims who died of the corona should be cremated, contrary to world public health guidelines and discriminating against the Muslim community. In particular, "The forcible cremation of the bodies of those who died of COVID-19 pandemic Infection in Sri Lanka is a violation of human rights, and some of the bodies were cremated before the final report on COVID-19 pandemic could be examined by relatives. The Sri Lankan government should immediately stop such activities and cremation of COVID-19 pandemic bodies" (UNHR, 2021). The only way to deal with infected bodies or suspected bodies

is to cremate them, which is tantamount to a human rights violation. Experts say there is no medical or scientific evidence in Sri Lanka or elsewhere that burying dead bodies increases the risk of transmitting the COVID-19 pandemic infection (UNHR, 2021).

One of the Muslim men respondents commented that "As Sri Lanka continues to burn the COVID-19 pandemic dead bodies of Muslims. Muslim countries decided to vote against Sri Lanka in the Geneva human rights issue. But the Sri Lankan government required the votes of Muslim countries. Confronted with such international pressure, Sri Lanka, realizing that cremation was dangerous to itself, permitted the burial" (Interview, Mubeen U, December 2021).

One of the Muslim men respondents commented that "The non-violent struggle of Muslims against cremation was won through press conferences, parliamentary speeches, and foreign pressures. Tamil and Sinhala Christian people and Hindu Tamils also supported this non-violent struggle. In the past, the Tamil people were threatened by many human rights violations. They also gave voice to the fact that cremation was a violation of the religious rituals of a minority like themselves" (Interview, Sajahan. F, December, 2021).

As a Consequence of criticism of the government's decision to cremate all those who died of the coronavirus, Prime Minister Mahinda Rajapaksa has promised in Parliament that Sri Lanka will allow the burial of Muslims who died of the COVID-19 epidemic. Accordingly, the bodies of Muslims, who died COVID-19, since March 2021 have been begun to be buried.

Regarding the consent of the Government, One of the Muslim men respondents commented that "The government falsely claimed that the virus could have spread to the land even if the COVID-19 pandemic corpses were buried too deep. However, the GoSL agreed to maintain a dead body burial due to opposition to Mahinda Rajapakse's government at the United Nations" (Interview, Asan Veve.S, December ,2021).

Pakistani Prime Minister Imran Khan visited Sri Lanka during this period. At the request of the Sri Lankan Muslim community, he discussed with the Sri Lankan government the issue of burying the bodies of Muslims dying of the COVID-19 pandemic.

After the GoSL granted consent to bury the dead bodies of Muslims, Imran Khan said on his Twitter page, "I welcome the official statement of the GoSL that there is an opportunity of burying those who died of the COVID-19 epidemic" (@ImranKhanPTI, 2021. Feb 26).

Following the change of temperament of the GoSL, religious rituals were accomplished on the dead bodies of the Muslims. One of the Muslim men respondents described that "My Son died on June 16, 2021, by COVID-19 pandemic. But he had no sign of COVID-19 pandemic infection. His funeral rituals were fulfilled and buried in *Majma* village at Valachchenai town in Sri Lanka. An average of six hundred dead bodies were buried at that time in the *Majma* area. Now, more than a

thousand dead bodies buried including non-Muslim, Sinhalese, and Christians in the *Majma* area" (Interview, Asan Veve.S, December, 2021).

It is unfortunate that the persecution of Muslims and minorities in Sri Lanka, the implementation of public health decisions based on discrimination, aggressive nationalism, and racism. Such hostility towards minorities will only exacerbate existing prejudices, inter-ethnic tensions, and religious intolerance. And incites hatred and violence while at the same time causing fear and distrust. Such a policy prevents the poor and most vulnerable from accessing public health due to fears of discrimination against them. This will further adversely affect the measures taken by the public health department to control the epidemic.

VI. THE ROLE OF POLITICAL LEADERS

In more than 182 countries, burying the bodies of those who died of the COVID-19 epidemic has been allowed. In this context, the question of what Muslim political leaders did against the cremation of the bodies of Muslims who died of the COVID-19 epidemic could be observed in the community. According to the WHO's decision, Muslim political and religious leaders requested the government to change its 'policy of cremating' of the COVID-19 virus pandemic dead. However, their activities in this regard have not been admired the attention of the Muslim population.

The Muslim political leaders in Sri Lanka have made very little contribution to preventing the government's action of cremating the dead bodies of Muslims. These are not acts of glory. Thus, they have failed to protect the cultural rights of Muslims. If Muslim political leaders had made a political contribution in this regard, violations of the cultural rights of Muslims would have been prevented.

One of the respondents of the Muslim women described the activities of Muslim political parties as follows; "The role of Muslim leaders in the cremation of Muslims who died from the COVID-19 epidemic was not enough. The government was not prepared to recognize the pressure of Muslim leaders. Because, the government had to appease the Sinhalese people" (Salma Hamza, 2021). In this way One of the respondents of the Muslim men described the activities of Muslim political parties as follows; "Muslim leaders were kept closing their eyes when the dead bodies were burned (Asan Veve.S, December, 2021).

It is noteworthy, that Tamil political leaders spoke in Parliament against the burning of the dead bodies of Muslims. It was seen as the voice of the minority of Tamil community against the injustice done to the Muslim minority community. One of the respondents of the Muslim men describes the activities of Muslim political parties as follows; "The cremation of Muslims who died of the COVID-19 epidemic is a very inappropriate act that Muslim political leaders have failed to point out for their chair and position. However, some Tamil political leaders argued in Parliament that the burning

of Muslim bodies was wrong and a violation of the cultural rights of Muslims "(Nishab. NM, December,2021).

VII. CONCLUSION

Human rights entail the cultural rights and freedoms of every human being in the world from birth to death. Man is entitled to these rights beyond questions irrespective of where you come from, what you believe in, or how you want to live your life. These rights can never be taken away. However, these rights can sometimes be restricted. Restricting these rights, for example, violates the law or interests of national security. These cultural rights are based on dignity, justice, equality, respect, and freedom. These fundamental rights are defined and protected by the constitution of each country. There are twenty-five (25) International Human Rights Organizations worldwide to preserve and promote such human rights. For example, various international organizations are found, such as the International Human Rights Commission (IHRC), United Nations Human Rights Council (UNHRC), and United Nations Commission on Human Rights (UNCHR), Human Rights Watch, and Amnesty International. The United Nations Article 55 (v) of its Charter states that "All nations must exercise their responsibility to protect human rights within their borders." Sri Lanka has been a member of the United Nations since 1955 and is bound by these provisions. Mechanisms for the protection of human rights exist internationally and regionally. That is to say, the human rights protection mechanism of the SAARC Conference. A regional human rights protection mechanism binds Sri Lanka as a member state. Despite such international and regional human rights mechanisms, the government and People should implement them. Only then will these be possible. Without this obligation, these would be useless. Thus, the Democratic Socialist Republic Constitution of 1978 explained the Sri Lankans' cultural rights.

The GoSL has refused to accept the WHO's decision that burying or cremating bodies infected with the virus will not cause any outbreak in the face of international outbreaks of COVID-19 pandemic. Muslims and non-Muslims alike had been protesting locally and internationally against the issue of dead bodies' burial in Sri Lanka. It is highly critical to ignore the decisions of the superpowers only in burying the bodies in Sri Lanka. This developing country follows the political, socio-economic, technological, and scientific aspects of the developed powers. They also show that the government agrees with the violation of the fundamental rights of Muslims. The Sri Lanka Health and Infectious Diseases Division do not have conclusive evidence or study results for the spread of the disease due to the burial of COVID-19 pandemic bodies. An expert committee has been appointed in Sri Lanka to investigate the spread of the disease, primarily by bodies infected with the COVID-19 pandemic. The committee report said that burying the dead bodies of those who died of the COVID-19 pandemic, would not spread the disease. The burning of Muslim dead bodies' following the report's release to the Sri Lankan government is a gross violation of cultural

and fundamental rights. The report said that the team decided to bury the bodies of those who died of COVID-19 pandemic disease. The forcible burning of Muslim dead bodies' following the release of the report by the Sri Lankan government is a grave violation of the cultural and fundamental and religious rights of Muslims. The Government's support for violations of the cultural rights of Muslims violates Articles 3, Article 10, Rule 14 (1) (e), and 14 (1) (f) of the Constitution of Sri Lanka. It was criticized as a social injustice.

Chapter 3 of the Constitution of 1978 in Sri Lanka deals with fundamental rights. Articles 10 to 17, in particular, have a variety of sub-articles. Article 10 says that "Every person is entitled to freedom of thought, conscience, and religion, including the freedom to have or to adopt a religion or belief of his choice". Article 12 (3) says that "No person shall, on the grounds of race, religion, language, caste, sex or any one of such grounds, be subject to any disability, liability, restriction or condition concerning access to shops, public restaurants, hotels, places of public entertainment and places of public worship of his religion". Article 14 (1) (e) says that "The freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice, and teaching". Article 14 (1) (f) says that "The freedom by himself or in association with others to enjoy and promote his own culture and to use his language" (The Constitution of The Democratic Socialist Republic of Sri Lanka, as amended up to 29th October 2020) Revised Edition – 2021).

Finally, the Sri Lankan Muslim community expected the government to allow them to fulfill at least two of the final duties, such as funeral rituals and burial, following the regulations of health, as is the practice worldwide. Although the Sri Lankan government has consistently refused to listen to violations of the fundamental rights of Sri Lankan Muslims, it has allowed the burial of bodies after March 2021. However, the government has cremated the bodies of more than three hundred Muslim loved ones. By doing so, the government is violating the cultural and fundamental rights of Muslims. It has broken their minds and hurt and upset them.

REFERENCES:

- [1] ALJAZEERA, (2021), Sri Lanka finally lifts ban on the burial of COVID victims, Available at: <https://www.aljazeera.com/news/2021/2/26/sri-lanka-finally-lifts-ban-on-burial-of-covid-victims> Al-Quran, (3:184)
- [2] ASIA, (2021), Sri Lanka ends ban on Covid-19 Victims burial, Available at: <https://www.aa.com.tr/en/asia-pacific/sri-lanka-ends-ban-on-covid-19-victims-burial/2158037>
- [3] BBC, (2020), Covid-19: Sri Lanka Forcibly cremates Muslim Baby sparking anger, Available at: <https://www.bbc.com/news/world-asia-55359285>
- [4] BBC, (2021), Covid-19: Sri Lanka chooses remote island for covid burials, Available at: <https://www.bbc.com/news/world-asia-56249805>
- [5] CAFOD, (2021), How Coronavirus is affecting Sri Lanka, available at: <https://cafod.org.uk/News/International-news/Coronavirus-Sri-Lanka>

- [6] Carukshi. A Nuwan. D.W, Surandi. J, Sumudu. A.H, Ananda. W, Nalika. G, Sapumal.D, Shamini. P, (2021), Sri Lanka's early success in the containment of covid-19 through its rapid response: clinical & epidemiological evidence from the initial case cries, available at: <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0255394>
- [7] Dilanthi. A Nishara. F, Richard. H, Naduni. J, (2020), The covid-19 outbreak in Sri Lanka: A Synoptic analysis focusing on trends, impacts risks and science- Policy interaction processes, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7836425/>
- [8] Dawood.S, Deen. K.I, Haniffa. R, Hizbullah. H, Marsoof.S, Naser. K, Noordeen. F, Sheriff. R, Sheriffdeen.A. H, Wazeer. Z, (2020), Memorandum on the Disposal of Bodies of COVID19 victims, Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3739723
- [9] Hansa.D, Bhargava.M.D, (2021), Coronavirus History, Availabe at: <https://www.webmd.com/lung/coronavirus-history>
- [10] Hilmy. A, (2020), Covid Racism-Another Sri Lanka's 1st, Available at: <https://www.colombotelegraph.com/index.php/covid-racism-another-sri-lankas-1st/>
- [11] Marsoof.S, (2021), A Brief Note on Disposal of bodies of covid-19 victims: A Sri Lankan Perspective. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3904837
- [12] Muslim inspire, Muslim Death & Burial Practical Guide, Available at: <https://musliminspire.com/muslim-death-burial-practical-guide/>
- [13] NPR, (2020), Coronavirus is changing the Rituals of Death for many Religions, available at: <https://www.npr.org/sections/goatsandsoda/2020/04/07/828317535/coronavirus-is-changing-the-rituals-of-death-for-many-religions>
- [14] SCM, (2017), A Practical Guide for Bereaved Muslims Fulfilling both Governmental and Islamic requirements for North Lincolnshire, Available at: <https://www.nlg.nhs.uk/content/uploads/2017/06/Muslim-funeral-guide-1.pdf>
- [15] Subhash Unhale.S, Bilal. Q, Sanap.S, Thakhre.S, (2020), A Review on Coronavirus (Covid-19), Available at: https://www.researchgate.net/publication/340362876_A_REVIEW_ON_CORONA_VIRUS_COVID-19
- [16] *The Constitution of The Democratic Socialist Republic of Sri Lanka* As amended up to 29th October 2020) Revised Edition – 2021 URL Available on <https://www.parliament.lk/files/pdf/constitution.pdf>
- [17] UNHR, Sri Lanka: Compulsory cremation of Covid-19 bodies cannot continue, say U.N. experts, Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26686&LangID=E>
- [18] World Health Organization, (2020), Infection prevention and control for the safe management of a dead body in the context of COVID-19, Available at, <https://www.who.int/publications-detail-redirect/WHO-EVD-Guidance-Burials-14.2> @ImranKhanPTI, (2021. Feb.26), Available at https://twitter.com/ImranKhanPTI/status/1365172240686456834?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1365172240686456834%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.aljazeera.com%2Fnews%2F2021%2F2%2F26%2Fsri-lanka-finally-lifts-ban-on-burial-of-covid-victims <https://icmanaesthesiacovid-19.org/background>
- [19] WHO Health Emergency Dashboard, (2022) WHO (COVID-19) Homepage, Available at <https://covid19.who.int/region/searo/country/lk>