

The Indications of Politics, Economics, and Fundamental Rights Instabilities in Sri Lanka: A Critical View-Based on The Galle-Face People's Struggle of Sri Lanka in 2022

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ABSTRACT

Freedom and democracy are often thought interchangeable but the two are certainly not similar. Democracy is the institutionalization of freedom and the constitution is the safeguard of democracy. Now to a more important question, what is the constitution? The answer is a set of fundamental rights or established precedents according to which an organization is governed making a clear demarcation of the responsibilities assigned to each individual responsible for running the organization. The well-known statement by U.S. President Abraham Lincoln on November 19, 1863 “these dead shall not have died in vain– that this nation, under God, shall have a new birth of freedom and that government of the people, by the people, for the people” said. From this perspective, this research would answer the following questions; As a government elected by the Sri Lankan people, what are the risks faced in managing the economy smoothly and in looking after the welfare needs of the people? What are the reasons for a country, which appeared to be a country with economic stability and reliability after the 1980s, gradually started turning into a country full of corruption and fraud? why did Middle-class people, farmers, and fishermen were affected due to a shortage of fuel and gas? why did Urban people stand in long queues for cooking gas? In this case, how did spontaneous protests without leadership develop? Did fundamental rights are the rights of an individual to live his life safely and securely? In a democratic country, are all people's fundamental rights constitutionally guaranteed and enforced by law? This research paper analyzes the root causes and background of the Galle-Face protest and the violation of fundamental rights that occurred. The qualitative analysis method has been used for this study. That is to say, events have been explained and studied through things related to human activities and characteristics such as thoughts, ideas, words, and terms. In this way qualitative data was collected for this review and analyzed using the deductive method, and conclusions and recommendations drawn thus are presented in this paper.

Keywords: Sri Lanka, Economic Crisis, Human Rights, Inflation, and Protest,

BACKGROUND OF THE STUDY

The international community has learned lessons from Sri Lanka on how to carry forward a non-violent struggle. The Galle-Face is a sea-facing promenade in Sri Lanka's business capital of Colombo, that had been the base of many large-scale protests since 1953, (Devaka Gunawardena, 2022) including nationwide hartals. Beginning in April 2022, thousands of anti-government protesters began gathering in front of the president's house and his office in Galle Face to demand a solution for the 10-13 hours of power cuts, fuel crisis, domestic gas shortages, and the rise in the cost of living. This struggle continued for over 100 days (Business-standard, 2022). Sri Lanka, a country with 22 million people, was under the grip of an unusual economic crisis, the worst in seven decades, leaving millions of people struggling to purchase food, medicine, fuel, and other essentials. Schools were suspended and fuel had been limited to essential services. Patients were unable to travel to hospitals due to the fuel shortage and food prices were skyrocketing. Trains

which are one of the common transports in Sri Lanka were reduced to a minimum number, forcing travelers to travel packing themselves into overcrowded compartments with some passengers even traveling by sitting on the top of the compartments. In several major cities, including Colombo, hundreds were forced to stand in line for hours to purchase fuel. Sometimes this resulted in disputes and conflicts with the police and the military while people were waiting for fuel and their essential needs. The country was affected by an acute foreign currency crisis that resulted in foreign debt and bankruptcy. The government of the country announced in April that it will be suspending nearly USD 7 billion of foreign debt repayment due that year. Sri Lanka's total foreign debt stands at USD 51 billion from which USD 25 billion is due in 2026 (Outlook, 2022). The struggle of the people had the following goals (i) removing Mahinda Rajapaksa from the post of Prime Minister, (ii) pressuring Gotabaya Rajapaksa to resign, (iii) appointing a new cabinet, (iv) and getting Basil Rajapaksa to resign from the National List of Parliament (**Laksiri Fernando**, 2022). As a result of the repression, 'Gota Go Gama' (Gama is a Sinhala word, which is meaning village) was founded in Galle Face in Colombo, which demanded Gotabaya to go home in numerous cities across the country, and small-scale protest sites were launched in every district. Finally, it was seen as a nationwide protest campaign. The struggle was identified as a democratic movement for several reasons. It was not a gathering of people for money, alcohol, and food, which are usually offered by political parties to attract supporters during the election period. Instead, it was largely a youth-led movement. The movement was able to put forward all problems and issues faced by Sri Lankans regardless of ethnic, religious, and class divisions. These activists used art and cultural events as a means of struggle in creative ways which were not seen before in Sri Lankan politics. The struggle of Sri Lanka's people became a hot topic in the media all over the world. Prolonged political tensions culminated in a popular uprising on 9th July. Eventually, the protesters who blockaded the president's house entered the president's official residence and secretariat and took control of it. While some critics called it a mob action, others described it as a broader peaceful democratic struggle.

LITERATURE REVIEW

Academic studies of the 2022 Sri Lankan struggle in Galle Face are enriching for Sri Lanka's contemporary political economy. And related analysis and documentation is essential for future researchers. However, the lack of extensive academic research in this regard can be seen from the following literature review.

Hovan, et al., (2022), in their writing, this economic crisis which started three years ago has now created various problems and has emerged as a major challenge for the government. Rising inflation in particular sparked protests across the country. The Sri Lankan government has appealed to Sri Lankans living abroad to send foreign currencies directly to local banks. Many people in Sri Lanka have fallen into poverty due to this economic crisis. The crisis has also resulted in fuel shortages, cancellations of surgeries in hospitals, suspension of essential services, power outages and lack of emergency sanitation. The impact was greater than the Covid-19 pandemic. This is why analysts call it a humanitarian crisis rather than an economic one. They say that India should play a major role in helping it recover from this economic crisis.

Hemachandra, (2012), in his writings states that Sri Lanka should follow other countries in dealing with financial crisis, balance of payments crisis, capital flows, over indebtedness, modernization changes and monetary policy. Monetary policy is influenced by interest rates, inflation and credit. He states that national and international economic policies are essential for sustainable development of a country.

Devapriya, (2022), in his writings testifies that various factors influenced this crisis. In particular, political and economic factors are predominant in this crisis. Politics and economics are interdependent. As a result, he notes that political action cannot be separated from economic factors.

Deepak, et al, (2022), in their writings state that economic factors, in particular, the country's monetary policies and reduced taxation since the beginning of 2019 were the main reasons for the crisis. This had a

long-term impact on Sri Lanka's economy, industrialization and manufacturing sectors. As a result of dwindling foreign reserves, Sri Lanka fell into a severe economic crisis. This resulted in shortage of food, fuel, medicine, cement and other essential commodities. The war between Russia and Ukraine forced Sri Lanka to develop a new geopolitical strategy. Sri Lanka changed its national policies according to this international political situation. As a result, the economic crisis in Sri Lanka gradually increased and the economy collapsed.

Soumya Bhowmick, (2022), in her writings states that although Sri Lanka was a low-income country in the 1970s, it gradually improved its economy. Sri Lanka's economy has been permanently crippled by mismanagement of Sri Lanka's economy. This is the cause of the current economic crisis. He also says that the Covid-19 pandemic, the Ukraine-Russia war, Sri Lanka's reduced tax system in 2019, a sudden shift towards organic farming, a drop in tourism after the Easter attacks in 2019, and rising external debt have further contributed to Sri Lanka's economic crisis.

RESEARCH GAP

While reviewing the above-mentioned literature, it was observed that there is a scarcity of studies examining the basic causes and background of the protest, the effectiveness of the protest, the violations of fundamental rights that occurred during and after the protest, and the international norms followed in the people's protest against the government. In this way, an article is written for this study to analyze these answers. As the research related to the Gall Face struggle in 2022 is new to the research field, there is a further need for related studies. Therefore, this research paper attempts to bridge the meaningful knowledge gap in the research literature.

SIGNIFICANCE OF THE STUDY

This research paper will help stimulate a broader discussion on the economic crisis in Sri Lanka's current situation. The Sri Lankan government, business activists, the media, and all interested individuals need to engage them in such a way that they cannot turn away from this conversation. This article can help fuel the debate on whether Sri Lanka should be restructured or normalized. And this research will be useful to approach the debate about who is responsible for the current chaos with neutrality beyond the political agenda.

This analysis helps us to understand the basic factors of this struggle as a new experience of a recent revolution in Sri Lanka, that had been successful through many achievements. Although history has studied the many struggles of the working class and other revolutionary movements at the national level, recalling some of these in the Gall Face struggle will help this study to appreciate the significance of contemporary events. In further, this analysis provides a balanced outlook on the struggle by providing a critical commentary on the vandalizations and arson that took place towards the end of the struggle.

RESEARCH PROBLEM & OBJECTIVES

In a developing country, a government elected by the people must properly manage the economy and provide welfare for the people. It is said that these obligations have not been fulfilled in Sri Lanka. And, several decades ago, Sri Lanka was seen as a country with economic stability and credibility in the international arena. Then gradually expanded corruption and fraud turned the nation into a corrupt country. All these are said to be directly and indirectly responsible for the violation of human rights. Recently, the Gotabaya government banned farmers from importing and using chemical fertilizers without any prior preparation and planning. Farmers, fishermen, bus owners, school service buses, and private company transportation were affected by the shortage of fuel. Hotels, outdoor catering, restaurants, and dependent

workers and people who use gas for cooking at home were affected by the shortage of gas. People stood in long queues for cooking gas and fuel. Spontaneous protests broke out when people had to queue up to get gas and fuel. The reasons for this struggle and its consequences are to be analyzed in this research.

Based on these problem statements, this research would answer the following questions: As a government elected by the people, what are the risks faced in managing the economy smoothly and in looking after the welfare needs of the people? What are the reasons for a country, which appeared to be a country with economic stability and reliability after the 1980s, gradually started turning into a country full of corruption and fraud? Middle-class people, farmers, and fishermen were affected due to a shortage of fuel and gas. Urban people stood in long queues for cooking gas. In this case, how did spontaneous protests without leadership develop?

This research is designed to accomplish the following objectives: To discover the reasons why the government has lost the drive to move the country forward, find the dialectical relationship allowing people to enjoy the freedom of assembly during the struggle to remove the Rajapaksa family from government and denying those rights after they stepped down, discover the cause of human rights violations in Sri Lankan political culture by arresting and detaining protesters, and to find out the freedom of speech, freedom of expression and freedom of publication, and independent activity of media in the Galle Face protest.

METHODOLOGY

It is designed as a desk study. The qualitative analysis method has been used for this study. That is to say, events have been explained and studied through things related to human activities and characteristics such as thoughts, ideas, words, and terms. For this, the Constitution of the Democratic Socialist Republic has been used as primary data. As secondary data, the data obtained from research books, research articles, national journals, and websites have been analyzed through the deductive analysis method and the results have been obtained.

RESEARCH FINDINGS

A leaderless independent people's force was an uprising against the Rajapaksa family, which had bankrupted the country's economy and challenged the right to life of Sri Lankans. Little by little the nationwide anti-government campaign began. Subsequently, the Galle face protest turned into a mass movement protest. This struggle emerged for the following reasons.

Economic Disaster

Gotabaya Rajapaksa won the presidential election held on November 16, 2019, with the strength of Sinhalese votes. Subsequently, the Sri Lanka *Podujana Peramuna* (SLPP), the president's party, won 145 seats in the Parliamentary General Election held on August 05, 2020. After this, the social, economic, and political environments of Sri Lanka underwent various changes. Especially due to the nationwide suicide bomb attacks on Easter Sunday in April 2019 and the subsequent Covid-19 pandemic crisis, Sri Lanka's main economic resource, tourism, unexpectedly collapsed. Tourism plays a major role in generating foreign exchange earnings in Sri Lanka. The tourism sector experienced a continuous decline from the beginning of 2019. As a result, Sri Lanka gradually began to lose foreign exchange reserves for import trade. Furthermore, the government's mismanagement of finances has contributed to the depletion of treasury reserves, and the increase in the cost of living and has also created a situation where Sri Lankans have to face various economic crises.

Currency Depreciation and Economic Collapse

Foreign exchange reserves are the international currency held by a country. A country saves international currency in many ways like international bank bonds, debentures, deposit funds, etc. This is also protected by the central bank. Generally, a country's central bank determines the circulation of international currency. In the event of a country's currency depreciation or an economic crisis, international currency reserves in the treasury can protect the country's economy from collapse. International currency reserves are mostly maintained in US Dollars.

According to the statistics of the State Administration of Foreign Exchange (SAFE) in China, by the end of October 2022, China's foreign exchange reserves were at USD 3.0524 trillion, up by US\$ 23.5 billion, or 0.77%, from the end of September (State Administration of Foreign Exchange, 2022). The stock situation of external resources was reduced primarily due to the falloff in gross official reserves to US dollars 5.7 billion at end of 2020 from US dollars 7.6 billion at end of 2019. (Annual Report, 2020). With no other permanent industrial sector to generate foreign exchange, Sri Lanka's economy began to decline. As a result, the foreign exchange reserve deficit started to occur gradually.

The three main pillars of Sri Lanka's economy are tourism, garments, and the plantation sector. Sri Lanka's economy has historically depended on three income sources, namely (i) tourism and foreign remittances, (ii) textile industries, and (iii) commodity exports including tea. Its GDP is estimated to be USD 84.52 billion (Devepriya,2022). These have been completely affected by the impact of the Covid-19 pandemic. For example, the number of tourists visiting Sri Lanka in 2018 was 2.3 million. It fell in 2019, by two million, and tourism earned more than USD 4 billion in foreign exchange (Devepriya,2022). By 2020, the number had fallen to 173,000. And the tourism income in 2021 has decreased to 2.8 billion USD (Hovan, et al, 2022).

In the year 2020, remittances by workers, in particular poor workers who are working in the Middle East, sent in USD 7.1 billion (Annual Report, 2020), and in the same year, exports earned another USD 20 billion (Devepriya,2022). As a result, the foreign exchange deficit continued to decline. International currency inflows fell, especially as tourism suffered. On average, Sri Lanka's annual export earnings were recorded at USD 10,047 million in 2020 (Annual Report,2020). It suffered a massive setback during this period.

Tax Reduction and Shifting to Natural Fertilizer

The tax reduction policy followed by President Gotabaya Rajapaksa greatly affected the country's economy. Gotabaya Rajapaksa took tax reduction measures to fulfill his election manifesto promises. As a result, in 2019, total revenue as a percentage of GDP declined due to the reduction in both tax and non-tax revenue. Accordingly, total government revenue declined to 12.6 % of GDP in 2019 from 13.4% of GDP in 2018. Tax revenue declined to 11.6 % of GDP in 2019 from 11.9 % of GDP in 2018. Also, the contribution of Value Added Tax (VAT) revenue to total revenue declined marginally to 23.5 per cent in 2019 from 24% in 2018. VAT revenue as a percentage of total tax revenue falloff to 25.6 % in the year 2019 from 27 % in 2018. Accordingly, the contribution of VAT revenue to total revenue declined marginally to 23.5 % in 2019 from 24 % in 2018.and Corporate Income Tax (CIT) was reduced from 28% to 24% (Annual Report, 2019).

Due to insufficient USD, importing chemical fertilizers used in agricultural production became difficult. In this situation, the government requested the farmers to revert to the use of organic fertilizers to protect agricultural production. Also, to justify this, the government called it a 'Poison-free Food Production Plan' and announced that it would stop the import and use of chemical fertilizers. The Gotabaya Rajapaksa government did not formulate national plans related to the use of organic fertilizer, and the change of agriculture from the use of chemical fertilizers to the use of organic fertilizer caused the complete collapse

of the agriculture sector. The statistics show that domestic paddy production fell by -19.38% in the year 2021 (Index Mundi, 2022), and Tea production in 2019 declined by 1.3 percent to 300.1 million kilograms (Annual Report, 2019). Production of high, medium and low-grown tea contributed respectively 22% and 17%, and it contributed 61% of the total production. it declined respectively by 1.3 %, 0.9 %, and 10.5% in the year 2020 (Annual Report, 2020). Rubber production continued to drop in 2021 Accordingly, production dropped by 1.7% to 76.9 million kilograms in 2021 from 78.2 million kilograms produced in 2020 (Annual Report, 2020). This is enough to show that there is a shortage of rice, the staple food of Sri Lankans. There was a need to import rice which created a shortage of foreign exchange. Due to this, the price of rice rose sharply in the domestic market. Moreover, the government's lack of food for the Sri Lankan people has created a situation whereby it has to look to international countries for food relief.

International Debts

Fundamentally, the economic crisis has to do with Sri Lanka's international debt, which is more than USD 55 billion. Its debt-to-GDP ratio, which was at 87% in 2019, has enlarged to almost 120 percent now. Sri Lanka has debt burdens of USD 6 billion in 2022, against a petty USD 1.9 billion in foreign reserves, of which USD 1.5 billion is from China in the form of a trade arrangement, which cannot be used for dollar loan payments. The increase in the gap between the country's international debt, and the country's dollar hold property has completely crippled Sri Lanka's economy (Devepriya, 2022). In this case, the government started printing rupees to cover budget deficits and uncontrolled government spending. Spending on various political activities and development programs caused a waste of money for the government. For example, Sri Lanka has printed 1.2 trillion rupees in 2021 most of which has flowed out of the country as a balance of payments deficit official data shows on top of 505 billion rupees printed in 2019 mostly to keep interest rates down (Economynext,2022). This led to an increase in inflation. Governments that have come to power in Sri Lanka have re-acquired international loans from countries like China and India to repay the international loans and interest they had received in the past. Re-borrowing to cover international debts and related interest, and printing of currency to cover government expenditure caused a massive economic crisis in the financial markets. In fact, despite relations with other countries, Sri Lanka has failed to resolve its balance of payment crisis. This is the first time in history that Sri Lanka has not repaid its debt.

Export-import imbalance

Earnings from exports fell to USD 10,047 million in 2020, a 15.9 % decline compared to 2019. As a percentage of GDP, export earnings in 2020 declined to 12.4 % from 14.2% in 2019 (Annual Report, Central Bank of Sri Lanka, 2020). According to the Central Bank's annual report for 2019, exports were seen at 11,940 million USD and total imports at 19,937 million USD. For the year 2020, exports were seen at 10,047 million USD, and total imports were at 16,055 million USD. As a result, import expenditure increased more than export income, resulting in a trade balance deficit. This trade balance deficit was respectively -7997 million, and -6,008 million USD (Annual Report,2020). This laid the Sri Lankan economy in crisis. Sri Lanka's economy collapsed due to improper economic management. This economic crisis had a great impact on the social, economic, and livelihood activities of Sri Lankans.

Politico-Economic Failure and its Consequences

Economic mismanagement has hindered Sri Lankans from getting their basic needs. The country's main power plants run on diesel and coal. Imports were reduced or stopped due to a lack of foreign exchange. As a result, the power plants were unable to produce the electricity required by the country. This enforcement led to a maximum of 10-13 hours of power cuts nationwide per day (Al Jazeera,2022). Due to this, the manufacturing and service sectors were affected and the daily life of Sri Lankans was also affected. Due to the economic and financial crisis, imports of all essential commodities including rice, sugar, palm oil, cooking gas, and fuel were restricted. As a result, the demand for all goods increased, and simultaneously

the price increased manifold. Many restaurants and hotels were closed and prices of food also increased.

This economic crisis affected the fundamental right of school and university students on their education. On 28 March 2022, the school term examinations which were to be held nationwide were temporarily suspended. Also, the examination for the scholarship holders for the grade five year students and all the academic programs, the General Certificate of Education Ordinary Level examination (G.C.E – O/L) and General Certificate of Examination Advanced Level (G.C.E – A/L) examination were suspended, and the respective dates were re-arranged. As a result, 4.5 million school students could not appear for their exams on time (The Guardian News and Media, 2022). Public transport and cargo vehicles were not operated due to fuel shortages. As a result, all essential services were affected. Pharmaceutical services and health care services were affected especially as hospital staff could not go to work. Also, there was a shortage or scarcity of medicines (Uditha Jayasinghe, 2022). Sri Lanka relies on imports for about 85% of its pharmaceutical needs and about 80% of its medical supplies. The country imported USD 815 million in medicine in 2021, but by May had only about USD 25 million in foreign reserves to pay for imports of any kind (Paul, 2022). The health of children, the elderly, pregnant women, lactating mothers, and patients who depended on milk powder for nutrition was affected. Due to this, the rights that Sri Lankans have enjoyed for so long were restricted in terms of medical services, public health, and physical and mental health.

People had to wait in long queues to get essential goods. So far, the number of deaths in fuel queues in Sri Lanka is 20 as of 24th July 2022 (Lanka Express, 2022) and Sri Lankans also faced livelihood problems. They had difficulty getting food which is one of their basic needs. Famine, hunger, and starvation became common. According to World Bank data, the poverty rate based on a daily income of USD 3.20 increased to 11.7% in 2020, up from 9.2% the previous year in Sri Lanka (Deepak et al., 2022). The inflation of retail goods was at 15.1% in February 2022, while the inflation of food was at 25.7%. It was very high compared to last decade's inflation rate in Sri Lanka. This has resulted in serious food deficiency, and as of October 2021, the price of a cup of milk tea price increased from Rs. 25 to Rs.100 (Deepak et al., 2022). The debt-to-GDP ratio in 2019 was seen at 87%. It has increased by 120% in 2022 (Devepriya, 2022). This restricted the right of Sri Lankans to get food which is one of their basic needs.

The government of President Gotabaya Rajapaksa, who came to office with a Sinhalese majority, faced a massive financial crisis in two years. As a result, Sri Lankans were unable to meet their basic needs. Sri Lankans gradually began to lose faith in the government. The economic crisis and failure of the Sri Lankan Government denied the basic needs and rights of Sri Lankans. Sri Lankans rallied in Galle Face green and demanded the resignation of the incumbent president and his cabinet to restore their lost fundamental rights.

Galle Face struggle against Dynastic rule

Even after the end of the civil war in 2009, unfortunately, the rule of law and respect for fundamental rights are not practiced in Sri Lanka. Instead, discriminatory policies and political institutions were created to implement them. Through this, an attempt was made to create Sri Lanka with an ethnic and religious political culture. The ideology of pluralism was rejected and the fundamental rights of the minority people were violated. Politically, ethnic and religious concepts and their practices became an extension of the political culture. It is the extension of this that the Rajapaksa family used to seize power in the 2019 presidential election and win the parliamentary elections in 2020. More than two hundred Christians gave their lives for this and Muslims were portrayed as terrorists (Hafeel Farisz & Joanna Slater, 2019). The Rajapaksa family ascended the throne challenging the minorities and their basic rights. It was seen as an extension of the apartheid and racial politics created and left behind by the colonialists. The Galle Face struggle showed the consequences of the Rajapaksa family ruling without respecting the fundamental rights of the minority people and ruling without respecting the fundamental rights of the Sri Lankans. Sri Lankans rallied to highlight their fundamental right on accessing gas and fuel and to raise their voices or fight against the non-availability of basic needs. Lawyers and activists provided moral support to this struggle for basic

needs. Despite being the commander of three armed forces, President Gotabaya Rajapaksa's lack of action to resolve the fundamental rights issue of Sri Lankans shows his lofty thoughts about democracy and fundamental rights

The brutal attack by thugs (prisoners) on the protesters when he was leaving Temple Trees showed that Prime Minister Mahinda Rajapaksa, who was in power at the time, did not have this lofty idea about fundamental rights (Meera Srinivasan, 2022). The thug attacks on the protesters in front of Temple Trees contradicted the democratic 'struggle of the people for rights'. National and international human rights organizations, countries, and organizations that respect human rights raised their voice against this and Sri Lankans have insisted that the 'prohibition by the rulers on taking them to the streets to fight for their democratic rights' is a violation of their fundamental rights.

Galle Face protesters, various groups, and organizations came together and tried to bring about 'structural change' in Sri Lanka's political culture. The movement also focused on issues related to human rights, and economic and social injustice in long-vulnerable Sri Lanka. The Galle Face protest movement, as stated earlier, lacks consensus, coordination, and leadership. Many groups such as student associations, political party groups, trade unions, civil society activists, artists, and independent youth mobilized independently in the Galle Face protest, which caused the protest to take shape. However, through this struggle, Sri Lankans came together to demand justice for many rights violations that had not been resolved for a long time. Thus, the Galle Face protest turned into a popular protest.

They demanded that the government formed by President Gotabaya Rajapaksa, Prime Minister Mahinda Rajapaksa, Basil Rajapaksa, and their associates step down and hand over the country to the younger generation. It could be observed that they had the belief that they could create structural change through this.

Human rights violations during the struggle

The fundamental rights of Sri Lankans were violated and challenged by the Galle Face protests. Fundamental rights violated in this way can be classified as follows.

Right to express the opinion

The government used thugs to attack protesters and journalists to suppress the anti-government protests. Protesters were arbitrarily arrested and tortured. It restricted the freedom of expression of Sri Lankans. And social media was shut down on 3rd April 2022. Thus, the freedom of expression of Sri Lankans was completely restricted. Freedom of expression as stipulated in Chapter 03, Article 14 Sub-section (a) of the Democratic Socialist Republic of Sri Lanka has been deliberately violated by the GoSL.

Right of Assembly

On several occasions, the security forces used water cannons and tear gas shells to disperse the gathered protesters. Fundamental right Chapter 3 Article 14 (a) deals with freedom of peaceful assembly (The Constitution of Democratic Socialist Republic of Sri Lanka, 2021). The government's use of force against the protesters was recorded as a violation of the fundamental rights of the public to peaceful assembly. And on 1st April 2022, the government declared a state of emergency. Following this, a nationwide curfew was enforced. As a result, people's right to free movement and peaceful assembly were restricted. In addition, the security forces blocked the streets and blocked the freedom of movement of the public to prevent students from joining the protest organized by the Inter-University Students' Federation on April 24. By this, the GoSL has violated the Fundamental Rights Chapter 3, Article 14 Sub-section (h) (The Constitution of Democratic Socialist Republic of Sri Lanka, 2021).

Political violence

On the 19th of April 2022, an attempt by the police to defuse the tension at a petrol station in the *Rambukkana* area failed and turned into a clash. A civilian who came to fill fuel at the petrol station was killed in the firing by the police. Over 20 people were injured. In this incident, a boy who was standing there was lost in the firing and got seriously injured (The Constitution of Democratic Socialist Republic of Sri Lanka, 2021). It was registered as an attempt by the government to control the movement of people through political violence and also as a violation of Fundamental Rights Chapter 03, Article 10 (The Constitution of Democratic Socialist Republic of Sri Lanka, 2021).

Ranil Wickremesinghe's view of the Galle Face protesters changed after he became the president. He tried to portray the protesters as terrorists. Ranil Wickremesinghe's traditional house where he had his collected books was burned down by the rioters. Regarding this Ranil Wickremesinghe said that "I had no other houses in Sri Lanka or abroad. That house has been burnt down. My greatest wealth was the library, it had 2500 books, some are 300, and 200 years old, and some were signed by famous people like Kissinger. There were no plans on holding on to the books forever, he and his wife had decided to donate the books to Royal College, Colombo 07, the University of Peradeniya, and to an international relations institution" (Colombo Page News Desk, Sri Lanka, 2022). Rioters barged into the Presidential Secretariat and damaged the property and the belongings of Ranil Wickremesinghe. At this juncture, Ranil Wickremesinghe described the protesters as terrorists (Business Standard, 2022). After that, Ministers and ruling party parliamentarians employed the language of "terror" in parliamentary debate, and accused the "Tamil diaspora" of backing the uprising witnessed mostly in the Sinhala-majority of Sri Lanka.

As a result, the Gota Go Gama tents erected by the Galle Face protesters and their belongings were destroyed by the police with the help of the army. Major areas of the city of Colombo were placed under a night curfew to prevent the protesters from reacting against the Government (Saroj Pathirana, 2022). Around 50 people, including journalists and protesters, were arrested by the police for violating the curfew. Over 150 people have been notified injured and at least five dead in various incidents, including the attack on Galle Face, and the government imposed a nationwide curfew. The Human Rights Commission of Sri Lanka and the Bar Association, as well as foreign diplomats, criticized the attack on protesters and called for an impartial investigation.

Wijeyadasa Rajapakshe, Minister of Justice, mentioned that "the police were arresting only those linked with criminal activity and that the government had no issue with peaceful protesters and even supported them. But when they engage in killing, injuring others, and damaging public property, the rule of law must be maintained. Further, he said that feel some political groups with violence in the past guided these protests, alluding to the leftist Janatha Vimukthi Peramuna (JVP), which led to two armed insurrections in the early 1970s and late 1980s (Meera Srinivasan, 2022). One of the protesters who led the protest regarding this political violence of the government was criticized as follows. "There is no people's mandate for this government. Ranil Wickremesinghe understands that very well and the government will expect to bring some hard economic decisions, too. Therefore, he is making the background for outright intimidation. But we wouldn't stop our protest. We will oppose until we make a new country until set a new system in place. Ranil will declare violence on us and use dictatorial methods. We are ready to face any pressure. We aren't scared of any pressure" (Saroj Pathirana, 2022).

Many international human rights organizations, including the United Nations, condemned the political violence that occurred under President Ranil Wickremesinghe's command. One of the leaders involved in the protest entered Sri Lanka Rupavahini TV station and conducted spoke live. He later was arrested by the police inside a flight that was onboarding passengers to fly to Dubai from the Bandaranaike International Airport, Katunayake (Colombo Telegraph, 2022). Prominent social media activist Pathum Kerner was called

to the criminal investigation division (CID). Then, the Colombo Magistrate's Court ordered him to be remanded until the 4th of August 2022. And also, the police obtained a court order against other activist leaders preventing them from going abroad (Colombo Telegraph,2022). All this has contributed to a sense of tension and hesitation among the protesters such as civil society organizations, artists, media personnel, and leaders of the opposition parties. It was observed that the government tried to delegitimize the protest by declaring an emergency law and creating fear among the people of the country. So, it can be said that the Emergency Act was used to stop the Galle Face protest. The president had given police and security forces additional powers to detain protesters under emergency law.

The police and security forces can ignore the country's civil law under emergency law provisions. An accused can be remanded for 24 hours before being brought before a judge. But when emergency law is enforced, detention can be for 72 hours. Emergency laws also give the police power to ban public gatherings. The law allows the police to evict or arrest civilians from public places with the help of the military. It is an offense to act in such a way as to cause displeasure to the Government or to spread rumours (Human Rights Watch,2022). As a result, people's freedom of expression and freedom of assembly were denied by the government based on emergency laws. For example, Janaka Tennakoon, a chartered accountant in Colombo said that "he was threatened with arrest for providing water to the protesters. He said he received a phone call from a police officer who described himself as an officer attached to the presidential investigation unit. The officer told me that my name is on a list of persons to be arrested as I had provided water bottles to the struggle'. Like many others, I did donate water bottles several months ago. What was wrong with it?" (Saroj Pathirana,2022). He had revealed the recording of his phone conversation with the police officer on Al Jazeera TV. Tennakoon confirmed through sources that the caller was a police officer.

Ambika Satkunanathan, a former commissioner of Sri Lanka's Human Rights Commission, has commented on declaring a State of Emergency law; "He is accountable for violence declared against protestors done under cover of the state of emergency (SOE) which he declared & oppressive emergency regulations (ERs), which he issued. Proves, he is as authoritarian, brutal & concentrating on securing power as the Rajapaksa" (Ambika Satkunanathan,2022). The government's violent crackdown on protests by declaring a state of emergency has also deeply affected many local human rights activists. In this regard, human rights activist Ruki Fernando recorded his opinion as follows: "The declaration of an emergency sent a stunning political message. That the parliament confirmed the president's decision on the emergency only shows that both the executive and the legislature are now on a repressive path" (Meera Srinivasan, 2022). President Ranil Wickremesinghe carried out attacks on protesters and civil rights activists and did not collect information about those involved in violence against protesters and take legal action against them. Assembling peacefully, and fighting to protect human rights are not crimes. It is written by the government. But in practice the president engaged in mechanisms to protect the ruling elite who attacked the protesters, ignoring the constitution.

There is a high risk that a person arrested under emergency law may be subjected to inhumane treatment such as torture and forced disappearance. People are entitled to protection against torture and protection of fundamental rights under international human rights law. In this case, various human rights organizations, civil society organizations, and international governmental and non-governmental organizations have condemned the government's political violence.

International Condemnations

The United Nations and international human rights organizations urged President Ranil Wickremesinghe to end the government's use of emergency laws to evict protesters to control the protests. Usually, all Governments use rules, procedures, court orders, and other tactics and methods to prevent peaceful protests and prevent criticism. In this regard, The UN experts stated that "Limitations to the right to freely assemble

must be applied only in exceptional circumstances and strictly according to the law. National security cannot be used as a justification to stop expressions of dissent, and detention purely due to the peaceful exercise of rights is dictatorial. Protesters, including civil society representatives, journalists, and human rights defenders, should be protected in the context of peaceful protests and not face the criminal penalty for their participation” (United Nations Human Rights,2022). The Government to stop its repeated use of emerging acts rather than seek an open and legitimate dialogue with Sri Lankans on political and economic reforms to reduce the impact of the economic crisis (Asian Human Rights Commission, 2022).

New York-based Human Rights Watch (HRW) has published many reports since Ranil Wickremesinghe imposed the emergency law. For example, Meenakshi Ganguly, South Asia director at Human Rights Watch said that “revengeful misuse of emergency powers under the executive presidency to punish those that had criticized the defeats of the Rajapaksa administration- perhaps an act of commitment to the party that supported his appointment” (Hannah Ellis-Petersen,2022). Expressing similar concerns, the International Commission of Jurists, together with 13 organizations including Amnesty International and front-line defenders, issued a statement condemning the increased reprisals against peaceful protesters in Sri Lanka. This statement stated that “As a state party to the International Covenant on Civil and Political Rights (ICCPR), Sri Lanka has the responsibility not merely to respect and protect the rights to freedom of peaceful assembly and expression, but also to actively facilitate and promote their exercise. According to international law, to be lawful, any restrictions on these rights must meet the principles of legality, legitimate aim, necessity, and balance” (Saroj Pathirana, 2022). Similarly, more than 150 scholars from the world’s leading universities in the United States, the United Kingdom, Europe, Asia, and Australia called on the Sri Lankan government to ensure people’s freedom of expression and the right to protest. They released a statement that said that “Wickremesinghe was elected by parliament to take on the presidency, which was vacated due to the non-violent pro-democracy movement against authoritarianism and failed governance. His decision to follow in the footsteps of his predecessors is deeply alarming and does not offer the prospect of Sri Lanka moving beyond the current crisis which it is in” (Saroj Pathirana, 2022). The report also condemned Ranil Wickremesinghe for calling the protesters ‘fascists’. The report added that such name-calling is completely wrong, inappropriate, and damaging.

Clément Nyaletsossi Voule, United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly of the UNHRC at the 50th session of the Council, said Sri Lanka had some way to go concerning Freedom of Assembly. He presented the report in June 2022 (A/HRC/50/23/Add.3) and warned Sri Lanka. In his report that “Sri Lankan police continually appear to react to protests that are disliked for political reasons by arresting their participants, in violation of the right to freedom of peaceful assembly” (Sanja De Silva Jayatilleka, 2022). He recommended the development of clear guidance “to facilitate the organization of assemblies according to law, both by organizers and law enforcement authorities” (Sanja De Silva Jayatilleka, 2022). The Sri Lankan government’s crackdown on dissent appeared to be a misguided and illegal attempt to divert attention from the need to address the country’s urgent economic crisis. The idea that international partners should focus more on working with a government that respects fundamental rights to solve Sri Lanka’s economic crisis is deeply embedded in the minds of Sri Lankans.

THE WAY FORWARD

Fundamental rights are the rights of an individual to live his life safely and securely. In a democratic country, the fundamental rights of all people are constitutionally guaranteed and enforced by law. The covenant on civil and political rights, the UN Human Rights Declaration, and the European Charter are some of the documents that guarantee freedom of expression and freedom of peaceful assembly. However, it should be noted that these freedoms are not absolute but subject to restrictions.

International Covenant on Civil and Political Rights, Article 21 states “the right of peaceful assembly shall

be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others” (General Assembly resolution 2200A (XXI),1966). Under the Fundamental Rights and Peaceful Assemblies Act, forcible entry and occupation of the office of the president under no circumstances shall be considered a peaceful protest. The Presidential Secretariat was essential for the smooth functioning of the State. Therefore, such aggressions are considered to be detrimental to national security and public order. It would also be considered a violation of the rights of government employees and their freedom to perform their duties.

The United States and the United Kingdom have introduced legislation addressing various aspects of these rights, while also having judicial interpretations regarding the scope of exercise of these rights. There are two important judgments in England that the right to peaceful protest must be exercised alongside the rights of others. The Public Order Act 1986 gives the police the right to restrict the right to protest if the peace is disturbed (Public Order Act, 1986). The Police, Crime, Sentencing and Courts Act 2022 in the UK has introduced some measures to deal with the disruption caused by protesters. And the Act allows the police to impose any kind of condition on a public meeting to prevent serious disorder. Protests and demonstrations are also not permitted in the restricted area of the Palace and Westminster Parliament Square (Police, crime sentencing and court Act, 2022). This has been done keeping in mind the importance of the smooth functioning of all the institutions of the government. Preeti Patel clearly stated that “We do not make policy in this country through thugs” when the Home Minister informed the UK government’s position on this. The current trend in the West has given people the right to exercise their freedom of expression, peaceful assembly, and create protest platforms without infringing on the rights of others to move freely and engage in their activities without hindrance.

Article 14 Sub-section (1) of the Constitution of Sri Lanka states that every citizen has (A) freedom of speech and expression including publication, (B) freedom of peaceful assembly, and (C) freedom of association. However, it should be noted that these strategies are subject to the following restrictions. These constraints may be imposed to protect national security, public order, public health, and morals or respect the rights and freedoms of others, protecting their recognition or meeting reasonable needs in the general interest of a democratic society. These laws may be followed under the public safety Act. In this context, Article 15 Sub-section (7) states that Article 15 Sub-section (7) can restrict the exercise of all fundamental rights recognized and declared under Article 12 Sub-section (1), Article 13 Sub-section (2), and Article 14 (The Constitution of Democratic Socialist Republic of Sri Lanka, 2021).

Finally, a petitioner’s fundamental right to protest is unlimited and unrestricted. However, there is no absolute fundamental right that can be exercised without regard to the welfare of the other citizen or the state. In countries where the rule of law prevails, the fundamental right is strictly limited to peaceful protest. Thus, disorder and brutality cannot be allowed to exploit human rights. Human rights cannot be used to create brutality and disorder. Nor should those who obligate violence in the name of human rights be protected.

People should have clarity about how they can get legal action when human rights are violated. People can use democratic mechanisms to express their views on rights violations. On the contrary, when they become violent, the struggle for rights becomes meaningless. They should not damage public places, government, or private property during the struggle for rights. At the same time, the rulers or the government should not be a hindrance to the struggle of the people. Fundamental rights are protected when the rule of law and accountability is enforced by the government.

The young generation should be educated to create a new political culture in Sri Lanka. As how at Galle Face where people come together without distinctions of culture, religion, language, and class, the youth

must be enlightened to shape a pluralistic Sri Lanka. The youth of all communities should be mobilized for this. There should be a national-level discussion on human rights, social harmony, and social cohesion. Through this, institutional democratic activities should be encouraged to be carried out by the youth.

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