

**IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA**

In the matter of an application under  
and in terms of Article 17 and 126 of  
the Constitution of the Democratic  
Socialist Republic of Sri Lanka.

**S.C. (F.R.) Application Nos:  
119/2015, 120/2015, 121/2015 and  
122/2015**

1. Manimandre Arachilage Suneetha Kalyani  
de Silva,  
206T, Balummahara,  
Imbulgoda.
2. Jayatunga Arachchige Dona Mala  
Malkanthi,  
354/B, Kosinna,  
Ganemulla.
3. Ratnam Antony Niruja,  
249/D, Galahitiyawa,  
Ganemulla.
4. Tisuri Ama Liyanage,  
114/CC/2, Ranmutu Uyana,  
Parakandeniya, Imbulgoda.

**Petitioners**

**Vs.**

1. S.J.B. Suwaris,  
Officer-in-Charge, Police Station,  
Walasmulla.
2. D. Chandrika Mabarana,  
Grama Sevaka, Waldegaha-mula (Area  
No. 553), Office of the Grama Sevaka.

3. N. K. Illangakoon,  
Inspector General of Police,  
Police Headquarters,  
Colombo 01.
- 3(a). Pujitha Jayasundera,  
Inspector General of Police,  
Police Headquarters,  
Colombo 01.
4. Hon. Attorney General,  
Attorney General's Department,  
Colombo 12.

**Respondents**

**Before:** Hon. E. A. G. R. Amarasekera, J.

Hon. K. K. Wickremasinghe, J.

Hon. Janak De Silva, J.

**Counsel:**

Saliya Pieris, P.C. with Pulasthi Hewamanna for the Petitioners

Ganga Wakishta Arachchi D.S.G. for the Respondents

**Written Submissions:**

10.03.2021 and 20.12.2021 by the Petitioners

30.07.2021 by the Respondents

**Argued on:** 06.12.2021

**Decided on:** 21.05.2025

**Janak De Silva, J.**

The 1<sup>st</sup> to 4<sup>th</sup> Petitioners (“Petitioners”) are the Petitioners in S. C. (F. R.) Application Nos. 119/2015, 120/2015, 121/2015 and 122/2015 respectively. They are interrelated cases and were consolidated with the agreement of parties and taken up for joint consideration.

All four Petitioners are females and avowedly affiliated with the Christian Congregation of *Jehovah’s Witnesses* based in Kadawatha. The Petitioner in S. C. (F. R.) Application No. 119/2015 (“1<sup>st</sup> Petitioner”) is 59 years old and has been a Jehovah’s Witness for over 21 years at the time of instituting this application. Similarly, Petitioner in S. C. (F. R.) Application No. 120/2015 (“2<sup>nd</sup> Petitioner”) is 49 years old and has been a Jehovah’s Witness for over 4 years. Petitioner in S. C. (F. R.) Application No. 121/2015 (“3<sup>rd</sup> Petitioner”) is 20 years old and has been a Jehovah’s Witness for over 10 years, and Petitioner in S. C. (F. R.) Application No. 122/2015 (“4<sup>th</sup> Petitioner”) is a 16-year-old minor girl who claims to have been a *Jehovah’s Witness* for over 14½ years at the time this application was instituted.

**Version of the Petitioners**

*Jehovah’s Witnesses* are a recognized traditional religion followed by a considerable community of Sri Lankans. They engage in public as well as in private to manifest their religion and observe, practice and teach such religion, similar to other main religions in Sri Lanka. They have been present in Sri Lanka since about 1910. They have always exercised their rights peacefully in terms of Article 10 read with Article 14(1)(e) of the Constitution.

One aspect of worship of *Jehovah’s Witnesses* is ‘preaching and declaring the good news of the Kingdom of God’ (i.e., informing individuals of the basic tenants of their faith) as reflected in the Bible, *Matthew 24:14* and *Luke 8:1*. To that end, *Jehovah’s Witnesses* world over engages in such religious community service, visiting people in their homes, and providing the opportunity to any individual to learn more about the

Bible message. They habitually carry several publications/literatures when engaging in such community service.

On 29.10.2014, the Petitioners travelled by public omnibus to Kirama near Walasmulla in the Southern Province to engage in religious community service. Petitioners travelled in pairs, meeting with interested individuals in the neighbourhood providing religious literature upon request.

At around 12 noon, the Petitioners rejoined and walked along Walpitiya Road to the bus halt near the Waldehigaha junction at which point a Buddhist monk had approached the Petitioners. The monk had come in a three-wheeler and asked if the Petitioners were “distributing leaflets”. The Petitioners explained that they were providing literature to interested persons who requested it. The Buddhist monk had stepped out of the three-wheeler and proceeded to berate the Petitioners for distributing religious leaflets.

The situation had escalated as approximately 25 villagers gathered around the Petitioners, some demanding to confiscate their identity cards, prompting fear of imminent physical assault. Soon thereafter, a civilian woman, later identified as the Grama Sevaka of the area ("2<sup>nd</sup> Respondent"), demanded the Petitioners' identity cards, which they initially refused. This had angered the 2<sup>nd</sup> Respondent and she abused the Petitioners in derogatory language. The 2<sup>nd</sup> Respondent then continued to berate the Petitioners and acted in a threatening and intimidatory manner towards the Petitioners. The 2<sup>nd</sup> Respondent expressed that only Sinhala Buddhists were welcome in the area. Feeling threatened, the Petitioners contacted the 119 police emergency hotline for assistance.

At around 1.00 p.m., a Police jeep had arrived on the scene with two uniformed male officers. To the utter surprise and dismay of the Petitioners, the Police Officers had joined the mob in abusing the Petitioners instead of protecting them from the mob. Thereafter, the Petitioners were directed to hand over any identification, with which they all had complied.

Following the arrival of the two male police officers, another police jeep had arrived with the Officer-in-Charge (OIC), Inspector of Police S. J. B. Suwaris (“1<sup>st</sup> Respondent”), a uniformed male officer, a uniformed Woman Police Constable and two individuals in civilian clothing. The 1<sup>st</sup> Respondent had also berated the Petitioners for coming to the Kirama area to allegedly ‘spread’ the Petitioners’ religion for ‘financial gain’. The Petitioners immediately realised that the 1<sup>st</sup> Respondent was under a misapprehension of the true facts, and all attempts by the Petitioners to explain their position failed.

The manner in which the 2<sup>nd</sup> Respondent Grama Sevaka and the officers of the Walasmulla Police Station abused the Petitioners in such profane language created fear and anguish in the minds of the Petitioners.

At around 1.30 p.m., the Petitioners were taken to the Walasmulla Police Station in a police jeep. The Petitioners had not been informed of any reasons as to why they had to accompany the Police to the Police Station but were only asked to surrender their mobile phones, which they did.

The Petitioners were taken to the office of the 1<sup>st</sup> Respondent, who questioned the Petitioners as to why they had come to Kirama and what they were doing in that area. The Petitioners explained that they were *Jehovah’s Witnesses*, and in accordance with their religious beliefs, had come to the area to visit people at their homes. The 1<sup>st</sup> Respondent confiscated all the religious literature that was in their possession.

At around 3.30 p.m., a statement was recorded from the Petitioners, which none of them were permitted to read, but nevertheless signed, fearing repercussions if they did not. At around 4.30 p.m., the Petitioners were informed by the officers of the Walasmulla Police Station that they would be produced before a Magistrate. The Petitioners were not informed of the reasons for such action nor the alleged charges against any of them.

The Petitioners were later made aware that members of their congregation had attempted to speak with the 1<sup>st</sup> Respondent through telephone to ascertain the

charges and to arrange for legal representation for the Petitioners. The 1<sup>st</sup> Respondent had misled their congregation members stating that the Petitioners would be released after recording their statements.

At around 4.45 p.m., the Petitioners were taken to the nearby Walasmulla Magistrate's Court. At around 5.00 p.m., after the Police had acted in a misleading manner that prevented the Petitioners from obtaining legal assistance, the Police Officers who escorted the Petitioners to the Magistrate's Court, had informed the Petitioners to retain an Attorney-at-Law who was at the Court complex at the time. However, due to the lateness of the hour, the Petitioners were not granted sufficient time to adequately instruct such Attorney-at-Law before being produced before the learned Magistrate in chambers. On being produced before the learned Magistrate, the Petitioners were not questioned nor were they permitted to speak.

The Petitioners are now aware that they were granted bail, but due to the actions of the Police in misleading the members of their congregation, they were unable to furnish bail of Rs. 100,000/- each.

At or around 6.00 p.m., to the Petitioners' utter surprise and dismay, they were forced to walk along the public road flanked by Police Officers who had carried four sets of handcuffs. The Petitioners were forced to travel by public omnibus (for which they were required to purchase tickets) to Tangalle Prison where they were detained for one night. Being paraded around in public in such a manner as if they were criminals created a deep sense of shame and humiliation.

On 30.10.2014 at around 11.15 a.m., the Petitioners were taken from Tangalle Prison to the Walasmulla Magistrate's Court. The Petitioners later became aware that members of their congregation had made representations to the Walasmulla Magistrate Court and the Petitioners were released on furnishing bail (P5).

On 17.11.2014, the Petitioners were required to attend Court, at which point they were discharged from the case (P3).

On 25.11.2014, the Petitioners submitted a complaint to the Human Rights Commission regarding the treatment suffered by them at the hands of the Respondents.

### **Version of the 1<sup>st</sup> Respondent**

He received a telephone call around 12 noon on 29.10.2014 that four suspicious looking women had come to the “Waldehigaha” junction and that they were trying to distribute leaflets going from house to house in the village and that they were talking in a manner that condescends Buddhism.

Based on this information, the 1<sup>st</sup> Respondent left the Police Station at about 12.15 p.m. with PC 32883, PC 9575 and WPC 5462 Dammika in Police jeep bearing number WPKO 8924 driven by PC Dharmadasa to investigate this matter.

They arrived at the place of incident at about 12.25 p.m. and noticed that there were about 100 persons including the 2<sup>nd</sup> Respondent and some Buddhist monks. These persons were agitated and the situation was disturbing the peace in the area. The Petitioners and the 2<sup>nd</sup> Respondent were surrounded by these people. The 2<sup>nd</sup> Respondent was doing her best to prevent the villagers from harming the Petitioners and to keep peace.

As soon as the 1<sup>st</sup> Respondent arrived at the scene, the angry villagers informed him that the Petitioners who were not from the area were speaking in a manner degrading Buddhism and stating that it is a useless religion. They had further told the villagers to come to God.

The angry mob further informed the 1<sup>st</sup> Respondent that the Petitioners were very suspicious and that they might have come to the area to commit an offence in the guise of trying to spread a foreign religion. They also informed that the Petitioners were refusing to disclose their identity even after the questioning by the 2<sup>nd</sup> Respondent and that they have behaved in a manner that caused alarm to the villagers which led to a breach of peace in the area.

Upon being questioned by the 1<sup>st</sup> Respondent, the Petitioners reluctantly disclosed their identity and that they were believers of *Jehovah's Witnesses* faith and that they had come to the area to spread their religion.

Due to the conduct of the Petitioners, there was an imminent threat of breach of peace. Therefore the 1<sup>st</sup> Respondent got WPC 5462 Dammika to arrest the Petitioners at 13.30 on suspicion.

The 1<sup>st</sup> Respondent took immediate steps to remove the Petitioners from the place and took them to Walasmulla Police Station as they were in eminent danger of physical harm by the villagers.

The documents that were with the Petitioners were taken into custody for investigation and entered under production register number 818/14.

A Buddhist monk came to the Police station and informed the 1<sup>st</sup> Respondent that suspicious looking women are degrading Buddhism and their conduct is highly suspicious. A statement from the Buddhist monk was recorded.

The statements of the Petitioners were recorded around 13.40. Their statements revealed that they were residents of Gampaha district. The 1<sup>st</sup> Respondent made inquiries from the police stations in Gampaha district to verify if they are persons involved in any criminal case.

The Petitioners had gone to "Waldehigaha" and "Batagasa" areas which are very remote areas of the Walasmulla Police jurisdiction where the crime rate is high. They appear to have gone to these areas to spread a religion, which was foreign to the villagers causing alarm which was likely to result in breach of peace leading to a commotion and/or riot causing injury to persons and damage to property. Therefore, the 1<sup>st</sup> Respondent decided to report facts to the Walasmulla Magistrate and produce the Petitioners before the Magistrate. They were produced at 15.35 on the same day.



The learned Magistrate granted bail for the four suspects after hearing Police who submitted that the situation was now under control. The 1<sup>st</sup> Respondent got to know on 30.10.2014 that the Petitioners were able to furnish bail conditions and were released. On 17.11.2014 after concluding investigations and considering the prevailing situation, the prosecution requested the Court to discharge the four suspects.

#### **Version of the 2<sup>nd</sup> Respondent**

On 29.10.2014 she proceeded to the Divisional Secretariat at Walasmulla in her uniform as part of her official duty. She returned to her jurisdiction by public transport. When she got down from the bus at Waldehigaha junction, which is within her division, she observed that a large crowd of about 100 people including a Buddhist monk were gathered near the junction.

As she was the Grama Niladhari of the area, she proceeded to the place. The villagers informed her that four unidentified women had come to the village and gone from house to house telling the villagers to stop worshipping statues made out of clay and to convert to Christianity. They further informed her that the four women had spoken in a degrading manner towards Buddhism.

The villagers were very disturbed due to the utterances made by the four persons who she later came to identify as the four Petitioners. The villagers were further disturbed because the Petitioners had refused to produce any identification when they had visited their houses.

She requested the Petitioners to produce their national identity cards which they refused. Then the large crowd which consisted mostly of men got very agitated and the situation became chaotic. There was an imminent threat of breach of peace. She tried her best to protect the Petitioners from any physical harm when the Police arrived at the scene. She denies having used any profane language on the Petitioners. She made a statement to the Walasmulla Police on the same day at 12.30 p.m.

Leave to proceed has been granted under Articles 10, 12 (1), 12 (2), 13 (1), 14 (1) (a) and 14 (1) (e) of the Constitution.

I will examine the alleged infringements of the fundamental rights guaranteed under Articles 10, 13(1), 12(1) and 12(2), 14(1)(e) and 14(1)(a) in that order. Before proceeding to do so, it is important to characterize the activity the Petitioners were engaged in on the day of the incident.

### **Characterization**

It is interesting to note that although the Petitioners claim that their fundamental rights guaranteed by Articles 10, 12(1) and 12(2), 14(1)(a) and 14(1)(e) have been infringed, they have refrained from characterizing their actions on the day of the incident. They do not specifically claim to have been teaching, propagating or practicing Christianity. The closest they come to characterising their actions into one or more of the rights in Chapter III of the Constitution is the claim to have been engaged in religious community service.

The Petitioners claim to have been visiting people in their homes, and providing an opportunity to any individual to learn more about the Bible message. According to the Petitioners one aspect of worship of *Jehovah's Witnesses* is 'preaching and declaring the good news of the Kingdom of God'. They travelled in pairs, meeting with interested individuals in the neighbourhood providing religious literature upon request.

I am not convinced that their interactions were limited to meeting with interested individuals and providing religious literature upon request. It is inconceivable that such actions alone could lead to around 100 people surrounding the Petitioners and acting in an agitated manner. It is more probable that the Petitioners did approach people even without any request and sought to distribute religious literature and indulge in a conversation about their faith. Admittedly, this included visiting people at their homes without any invitation.

In *Karuwalagaswewa Vidanelage Swarna Manjula and Another v. Pushpakumara O.I.C. Kekirawa Police Station and Others* [S.C. (F.R.) No. 241/2014, S.C.M. 18.07.2018], it was necessary to characterise the activities of *Jehovah's Witnesses*. After a comprehensive analysis, Prasanna Jayawardena P.C., J. considered [pages 35-36]<sup>1</sup> the door-to-door ministry by *Jehovah's Witnesses* in that case amounted to propagation. Propagation in the context of religion was held to mean the spreading of religion.

I have closely compared the factual features of these four applications with that in *Karuwalagaswewa Vidanelage Swarna Manjula and Another* (supra). I see no reason to conclude that the four Petitioners in this application were acting in a manner contrary to the conduct of the Petitioner in that case. All of them were members of *Jehovah's Witnesses* and were engaged in door-to-door ministry. That is propagation.

#### **Article 10**

The issue for determination is whether the act of propagation of their religion by the Petitioners amount to the exercise of the fundamental rights guaranteed to them by Article 10. In the event the answer is in the affirmative, I must proceed to determine whether the acts or inactions of any one or more of the Respondents have infringed such fundamental rights of the Petitioners.

Article 10 guarantees to every person the freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice. This is a freedom guaranteed to every person rather than a citizen.

As Chaudhuri points out [Law of Writs and Fundamental Rights (Law Book Co., 1958), 320]: "*Conscience means the **internal** knowledge or judgment of right or wrong. Freedom of conscience means that every man is free to think his own thoughts and to have own opinions about religion and morality.*" (emphasis added)

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<sup>1</sup> "It is evident to me that, the character of a programme of house-to-house visits carried out as part of a public ministry of Jehovah's Witnesses [which was identified earlier], falls squarely within the description of an act of 'propagation'."

Moreover, in *Ratilal Panachand Gandhi v. State of Bombay* [(1954) SC 388, (1954) AIR 388] it was held that freedom of conscience connotes a person's right to entertain beliefs and doctrines concerning matters which are regarded by him to be conducive to his spiritual well-being.

A closer examination of this fundamental right makes it clear that it recognises each person's right to embrace a faith of his or her choice without any interference by an extraneous factor. In **Provincial of the Teaching Sisters of the Holy Cross of the Third Order of Saint Francis in Menzingeren of Sri Lanka (Incorporation) Bill (2003) [Decisions of the Supreme Court on Parliamentary Bills (1991-2003), Vol. VII, page 409 at 413-414]** it was held that Article 10 postulates the right to adopt a religion or belief of a person's choice.

Freedom of thought, conscience and religion are cornerstones of democratic societies. These fundamental freedoms have found recognition in many domestic and international legal documents in diverse formulations.

The Universal Declaration of Human Rights in Article 18 states that "[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance".

Article 18 (1) of the International Covenant on Civil and Political Rights states that "[e]veryone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching".

In these international legal texts, it appears that the freedom of thought, conscience and religion is sometimes intertwined with its manifestation. Nevertheless, the freedom of thought, conscience and religion as well as all other fundamental rights

guaranteed by our Constitution must be understood bearing in mind the basic structure of the Constitution. Here I am not referring to the basic structure doctrine as understood in Indian constitutional jurisprudence which was developed by the Supreme Court of India in a series of cases culminating in ***Kesavananda Bharati v. State of Kerala*** [AIR 1973 Supreme Court 1461, 1973 4 SCC 225].

I am referring to the basic structure of the fundamental rights chapter in our Constitution. While it guarantees several fundamental rights, the exercise and enjoyment of some of such fundamental rights are restricted while some fundamental rights are not subject to any restrictions.

For example, the fundamental right to the freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice guaranteed by Article 10 and the fundamental right to be free from torture or cruel, inhuman or degrading treatment or punishment enshrined in Article 11 are not subject to any restrictions. They are in that sense absolute rights.

On the contrary, the fundamental right to equality guaranteed by Article 12, fundamental right to freedom from arbitrary arrest, detention and punishment and prohibition of retrospective penal legislation guaranteed by Article 13 and fundamental rights of freedom of speech, assembly, association, occupation, movement guaranteed by Article 14 and the fundamental right of right to access of information guaranteed by Article 14A are subject to several restrictions in the interests of national security, racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offence, national economy, territorial integrity or public safety or other specified concerns.

Accordingly, there is a clear interface by design between the fundamental rights guaranteed by Articles 10 and 11 on one hand and the other fundamental rights guaranteed by the Constitution. Any interpretation of Chapter III of the Constitution must be done within this context. A contrary approach permits the fundamental rights guaranteed in Articles 10 and 11, which are absolute in the sense described above, to

be made subject to restrictions on the basis of those fundamental rights also falling within another fundamental right which is subject to restrictions. Conversely it is possible to claim that a fundamental right which is subject to restrictions is absolute as that fundamental right also falls within a fundamental right which is absolute.

The fundamental rights guaranteed by Article 10 are dealing with internal manifestation of thought, conscience and religion. A thought however dangerous cannot cause any harm until and unless it is sought to be manifested externally. That is one reason why Article 10 is not subject to any restrictions.

In ***West Virginia State Board of Education v. Barnette* [319 U.S. 624 (1943)]**, the US Supreme Court struck down a law that forced public schoolchildren to salute the flag, holding that the government may not prescribe “what shall be orthodox in...other matters of opinion.” This decision established that the State cannot penetrate the mind to dictate beliefs, even by compelling symbolic acts.

However, the external manifestation of thought, conscience and religion can impinge on individual rights and thus can be regulated in wider interest.

Thus ***Reynolds v. United States* [98 U.S. 145 (1878)]** affirmed that belief is absolutely protected, whereas action motivated by belief may be regulated when it conflicts with valid secular interests.

Again in ***Cantwell v. Connecticut* [310 U.S. 296 (1940)]**, it was held that the constitutional inhibition of legislation on the subject of religion has a double aspect. On the one hand, it forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship. Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law. On the other hand, it safeguards the free exercise of the chosen form of religion. Thus, the First Amendment embraces two concepts -- freedom to believe and freedom to act. The first is absolute, but, in the nature of things, the second cannot be. Conduct remains subject to regulation for the protection of society.

Hence although Article 10 goes on to state that the freedom of thought, conscience and religion *includes* the freedom to have or to adopt a religion or belief of one's choice, the other constituents of this freedom does not include external manifestation of one's thought, conscience or religion.

There are some domestic constituent documents where the internal and external manifestations are intertwined. Article 25(1) of the Indian Constitution states that, subject to public order, morality and health and to the other provisions of that Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion. There we see a blend of the internal element of the freedom of conscience with its external manifestation, namely the right to profess, practice and propagate religion.

Chaudhuri [supra. page 321] states that:

*"Freedom of conscience would be meaningless unless it were implemented by the freedom of unhampered expression of spiritual conviction in word and action. Freedom to profess means the right of the believer to state his creed in public, whereas freedom to practice implies his right to give its expression in forms of private and public worship."*

During the hearing, we pointedly sought the response of the learned President's Counsel for the Petitioners on where belief ends and manifestation begins.

He invited Court to consider the approach of the UNHRC [**Boodoo v. Trinidad and Tobago (721/1996)**, ICCPR, A/57/40, Vol.; 11 (2 April, 2002), at para 6.6], where in harmony with Article 18 of the ICCPR, the Committee reaffirmed:

*"[t]he freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts and (that) the concept of worship extends to ritual and ceremonial acts giving expression to belief as well as various practices integral to such acts."*

However, in our Constitution, the internal and external constituents of the freedom of religion are dealt in two different provisions, namely Articles 10 and 14(1)(e) of the Constitution. They are independent constitutional rights with separate identities. Their violations must be independently established. A contrary interpretation is inconsistent with the basic structure of Chapter III and makes the restrictions on the fundamental rights guaranteed by Article 14(1)(e) redundant.

The fundamental right recognized by Article 10 does not empower a person to state freely what one's thoughts are, including proclaiming his belief. Should external manifestation of the fundamental rights guaranteed by Article 10 form part of such right, it is illogical to recognize only the proclamation of one's belief. Manifestation of all thought, conscience and religion must also be recognized. Such recognition of an absolute fundamental right will have far reaching consequences on the dignity and reputation of other persons as well as leading to public disquiet when such right is exercised on religious matters.

The external manifestation of the freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice must fall within Articles 14(1)(a) or 14(1)(e) as the case may be. I shall advert to this aspect later in detail when considering the alleged violations of those fundamental rights.

On the day of the incident, the Petitioners were propagating their religion. It is an external manifestation of one's belief or religion. That does not form part of the fundamental rights guaranteed by Article 10.

For the foregoing reasons, I hold that there has been no violation of the Petitioner's fundamental rights guaranteed under Article 10 of the Constitution.

### **Article 13(1)**

Article 13 (1) of the Constitution states that:

*"13. (1) No person shall be arrested except according to procedure established by law. Any person arrested shall be informed of the reason for his arrest."*



This provision has two parts. The first prescribes that an arrest must be done according to lawful procedure, while the second requires that the reasons for the arrest must be informed.

In the assessment of any violation under Article 13 (1), the questions that arise are 1) if there was an arrest, if so, 2) whether the arrest was made according to the procedure established by law, and 3) if the reasons for the arrest were informed to the Petitioners at the time of arrest.

It is considered that a person has been arrested when he is required or directed by a police officer to go to a Police Station and he is, thereby, compelled, by the nature of that requirement or direction, to go to the Police Station against his wishes. **[*Namasivayam v. Gunawardena* (1989) 1 Sri.L.R. 394; *Piyasiri v. Fernando* (1988) 1 Sri L.R. 173]**. Given the circumstances where the Petitioners were escorted to the Walasmulla Police station, detained, their religious publications confiscated, and their mobile phones seized, followed by them been produced before the Walasmulla Magistrate, it is unequivocal that the Petitioners were arrested.

The question then is whether the proper procedure was followed in making the arrest.

In the ***Channa Peiris v. Attorney General* [(1994) 1 Sri L.R. 1 at 27]** it was held that:

*“The procedure generally established by law for arresting a person without a warrant are set out in Chapter IV B (Sections 32-43) of the Code of Criminal Procedure. Where a person is arrested without a warrant otherwise than in accordance with these provisions, Article 13(1) of the Constitution will be violated.”*

Petitioners submitted that they were arrested and detained in jail overnight on suspicion of having committed offences which were not based on any reasonable suspicion or credible complaint. They further allege of been subject to abuse and religious criticism while in custody which was malicious discrimination in violation of their fundamental rights.

The 1<sup>st</sup> Respondent claims that he received information that the Petitioners were talking in a manner that degrades and condescends Buddhism and that it is a useless religion. Due to the conduct of the Petitioners, there was an imminent threat of breach of peace in the area and as a consequence, he had instructed WPC Dammika to take the Petitioners to the Walasmulla Police station as there was an imminent threat of physical harm by the villagers.

The Petitioners countered that the statements recorded by the Walasmulla Police station were contradictory as the arresting officers had acted under dictation, the arrest was tainted with malice, was arbitrary and contrary to law, there was no reasonable suspicion or credible information of the committal of a cognizable offence by the Petitioners, and the purported arrest and detention were made prior to any reasonable investigation.

The Petitioners were produced by the report (P3) which is referable to a report filed under Section 115(1) of the Code of Criminal Procedure No. 15 of 1979 as amended (Code).

Section 115(1) of the Code reads as follows:

*“Whenever an investigation under this Chapter cannot be completed within the period of twenty-four hours fixed by section 37, and there are grounds for believing that further investigation is necessary the officer in charge of the police station or the inquirer shall forthwith forward the suspect to the Magistrate having jurisdiction in the case and shall at the same time transmit to such Magistrate a report of the case, together with a summary of the statements, if any made by each of the witnesses examined in the course of such investigation relating to the case.”*

In ***Mohamed Razik Mohamed Ramzy v. Senaratne and Others*** [S.C.F.R. Application No. 135/2020, S.C.M. 14.11.2023] my learned brother Kodagoda, P.C., J. held (at page 47) as follows:

*“To enable the Magistrate to determine whether criminal proceedings against the suspect should be initiated and whether it would be expedient to detain the suspect in remand custody, **the Report submitted under section 115(1) should contain one or more specific allegations that the suspect being produced has committed one or more offences, and the report along with the summary of statements must contain material based upon which the Magistrate can determine whether it is expedient to detain the suspect. If the officer in charge of the police station on whom the statutory duty is cast to submit the report along with the summary of statements is to move the Magistrate to consider placing the suspect in remand custody, he must place before the Magistrate sufficient material to substantiate the allegation contained in the report that the suspect has committed one or more offences.**”* (emphasis added)

The report P3 names the four Petitioners as suspects and was signed by the 1<sup>st</sup> Respondent. However, it does not refer to any provision in the Penal Code or any penal provision in any other law. If the Petitioners did degrade and condescend Buddhism as alleged, those acts will fall within one of the offences set out in Chapter XV of the Penal Code. The failure on the part of the 1<sup>st</sup> Respondent to specify such an offence in P3 impinges on spontaneity and his version must be rejected.

Moreover, the Police confiscated the leaflets that were in the custody of the Petitioners. However, none of them were tendered to Court along with the affidavit of the 1<sup>st</sup> Respondent. There was no impediment to do so, given that they were not productions before the Magistrate.

In the circumstances, I am inclined to make an adverse inference against the 1<sup>st</sup> Respondent for failing to produce important evidence that is relevant in ascertaining whether the Petitioners did degrade and condescend Buddhism.

In any event, the Petitioners were discharged on the very next date 17.11.2014 on the application of the Police after completion of investigations. That could not have happened had the Petitioners actually did degrade and condescend Buddhism.

There is also no material to conclude of an imminent threat of breach of peace which justified the arrest of the Petitioners as asserted by the 1<sup>st</sup> Respondent. No such statement is made in P3. In fact, Police had informed the Magistrate on the same day the incident took place i.e. 29.10.2014 that there is no evidence of any breach of peace.

In the report P3, the 1<sup>st</sup> Respondent has given two further reasons for the arrest of the four Petitioners. They are:

- (1) Propagation of Christianity by using force.
- (2) Investigate whether they were involved in the commission of any offence.

In **Christian Sahanaye Doratuwa Prayer Centre (Incorporation) (Private Member's Bill) (2001) [Decisions of the Supreme Court on Parliamentary Bills (1991-2003), Vol. VII, page 239 at 243]**, it was held that our Constitution does not guarantee a fundamental right to "*propagate*" religion as in Article 25(1) of the Indian Constitution. Here *propagate* was used in the sense of the right to convert any person to one's own religion. The justification rested on Article 10 itself which guarantees to every person that the basic choice he makes with regard to his religion or belief would be taken with complete freedom without being exposed to any undue influence, allurements or fraud.

This rationale was quoted with approval in **New Wine Harvest Ministries (Incorporation) Bill (2003)[Decisions of the Supreme Court on Parliamentary Bills (1991-2003), Vol. VII, page 363]**.

In *Karuwalagaswewa Vidanelage Swarna Manjula* [supra. at pages 36-37], Prasanna Jayawardena, P.C., J. after an exhaustive analysis held that our Constitution does not confer the right to “propagate” religion. He used to “propagate” in the sense of spreading one’s religion.

I am in respectful agreement with this reasoning and conclusion. In fact, the recognition of the right to choose a religion of one’s choice without any external influence is found in Article 18(2) of the International Covenant on Civil and Political Rights which states that “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice”.

Nevertheless, propagation in the sense of the right to convert any person to one’s own religion or in the sense of spreading one’s religion is not an offence as the law stands now.

I am mindful that the Report of the Presidential Commission on Buddha Sasana (2002) dealt with unethical conversions in Chapter 9 of its report. It identifies the background of a long-standing problem of unethical conversions and recommendation No. 12.83 recommended enacting legislation to prohibit unethical conversions and to criminalise such conversions.

There was an attempt in 2004 to provide for the prohibition of conversion from one religion to another by use of force or allurement or by fraudulent means and to make such acts penal offences. For this purpose, a Bill titled “Prohibition of Forcible Conversion of Religion Bill” was tabled in Parliament in July 2004. The constitutionality of the Bill was challenged. In **Prohibition of Forcible Conversion of Religion Bill (2004) [Decisions of the Supreme Court on Parliamentary Bills (2004-2006), Vol. VIII, page 16]**, Court found that certain clauses of the Bill violate Articles 10 and 12(1) of the Constitution. Several recommendations were made to make the Bill constitutional. After the Second reading in Parliament, the Bill was referred to the legislative Standing Committee on 06.05.2005. The Report of this Committee was made available on 06.01.2009. The Bill was not proceeded with.

Accordingly, even assuming without conceding that the Petitioners did attempt to forcibly convert people to Christianity as alleged by the 1<sup>st</sup> Respondent, it is not an offence as the law stands now. Therefore, it cannot form the basis for any lawful arrest of the Petitioners.

Let me consider the other ground relied on by the 1<sup>st</sup> Respondent to justify the arrest of the Petitioners, namely to investigate whether they were involved in the commission of any offence.

Section 32 of the Code specifies several instances where any Police Officer may without an order from a Magistrate and without a warrant arrest any person. None of these sub-sections empowers a Police Officer to arrest a person hoping to find evidence of the commission of any offence through a subsequent investigation. Even if the 1<sup>st</sup> Respondent had found such evidence through a subsequent investigation, the arrest is illegal.

In *Piyasiri and Others v. Nimal Fernando and Others* [(1988) 1 Sri L.R. 173 at 184] it was held that:

***“No Police Officer has the right to arrest a person on a vague and general suspicion, not knowing the precise crime suspected but hoping to obtain evidence of the commission of some crime for which they have the power to arrest. Even if such evidence comes to light the arrest will be illegal because there will have been no proper communication of the reason for the: arrest to the accused at the time of the arrest”. (emphasis added)***

These observations resonate with the facts of the present case. In P3 the 1<sup>st</sup> Respondent, in requesting that the Petitioners be detained in custody until it was clarified if the Petitioners were involved in any offence or not, stated to Court:

“අත් අඩංගුවට ගන්නා ලද සැකකාරියන් හතර දෙනා යම් අපරාධයකට සම්බන්ධ දැයි පරීක්ෂා කර අධිකරණය වෙත වාර්තා කරන තෙක් සැකකාරියන් හතර දෙනා

2014.11.03 වන දින දක්වා රක්ෂිත බන්ධනාගාර ගත කර එදිනට සැකකාරියන් හතර දෙනා වලස්මුල්ල ගරු අධිකරණය වෙත ඉදිරිපත් කිරීම සඳහා තංගල්ල බන්ධනාගාර අධිකාරි වෙත නියෝගයක් නිකුත් කරන මෙන් ගරු අධිකරණයෙන් ගෞරවයෙන් ඉල්ලා සිටිමි.”

There is no such procedure in law. No one can be deprived of the right to liberty pending an investigation into whether they have committed an offence.

It is clear that the real reason for the arrest of the Petitioners was their door-to-door ministry and the allegations of degrading Buddhism and concern over house robberies and thefts is an afterthought. In all the statements received by the Police, the focal point has been on the Petitioners ministry. The document 1R4, which contains an uncannily consistent series of complaints made by the villagers, indicates that the villagers were upset of the Petitioners door-to-door visits. None of the statements show, other than that the Petitioners were unknown to the villagers, that there was a reason to believe that the Petitioners could have committed the offences of robbery or theft.

For all the foregoing reasons, I hold that the Petitioners’ fundamental rights guaranteed by Article 13 (1) of the Constitution has been infringed by the actions of the 1<sup>st</sup> Respondent.

#### **Articles 12 (1) and 12 (2)**

Petitioners submitted that the Respondents had a duty to protect them during the commotion. It was stated that the Respondents failed in their duty to disperse the mob which arose from the discriminatory actions on the part of the Respondents resulting in the violation of Art. 12 (1) and 12 (2) of the Constitution.

The Petitioners allege that the 2<sup>nd</sup> Respondent *Grama Niladhari* acted in a malicious manner and berated them for having visited Kirama in their ministry work. She had allegedly stated that only Buddhists were welcome in the region.

However, I am not convinced that the Petitioners have established any infringement by the 2<sup>nd</sup> Respondent of the fundamental rights guaranteed by Articles 12(1) and 12(2) of the Constitution.

According to Section 2 of the Code, both Police officers and *Grama Niladharis* are considered to be a “Peace officers” appointed to perform police duties. Police duties are stipulated in Section 56 of the Police Ordinance, which includes the duty;

- “(a) to use his best endeavours and ability to prevent all crimes, offences, and public nuisances;*
- (b) to preserve the peace;*
- (c) to apprehend disorderly and suspicious characters;*
- (d) to detect and bring offenders to justice;*
- (e) to collect and communicate intelligence affecting the public peace; and*
- (f) promptly to obey and execute all orders and warrants lawfully issued and directed to him by any competent authority.”*

It is clear that in the colour of office, the 2<sup>nd</sup> Respondent was required to prevent offences, ensure that peace is maintained, apprehend persons who act in a disorderly and suspicious manner and bring offenders to justice.

In her affidavit dated 01.07.2016, the 2<sup>nd</sup> Respondent claims that she saw a large gathering near Waldehigaha junction and that she attempted to identify the Petitioners by requesting their national identity cards. The 2<sup>nd</sup> Respondent was acting well within her powers in making this request. The Petitioners admit that the 2<sup>nd</sup> Respondent had identified herself as the Grama Niladhari of the area. They should have complied with her request. The refusal by the Petitioners to comply was unlawful and contributed to the escalation of the situation. Admittedly they produced their national identity cards only after the arrival of the 1<sup>st</sup> Respondent.



I am also of the view that the version of the incident presented by the Petitioners in the pleadings appears to have been at times deliberately altered to cast the events in a more favourable light, seemingly with the intention of impressing the Court. Such modifications suggest a calculated effort to influence the Court's perception, rather than provide a wholly accurate and transparent account of what transpired.

For example, it is claimed that the 1<sup>st</sup> Respondent had berated the Petitioners for coming to the Kirama area to allegedly 'spread' the Petitioners' religion for 'financial gain'. However, according to the affidavit tendered by the 1<sup>st</sup> Respondent, he himself is avowedly a Christian. It is inconceivable that he would resort to the impugned acts.

I hold that the Petitioners have failed to establish any infringement by the 2<sup>nd</sup> Respondent of their fundamental rights guaranteed by Articles 12(1) or 12(2).

As more fully explained above, the arrest of the Petitioners by the 1<sup>st</sup> Respondent was not made in accordance with law. One of the fundamental principles enshrined in Article 12(1) is that all persons are equal before the law and are entitled to the equal protection of the law. Moreover, it postulates that all actions must be in accordance with the law. The 1<sup>st</sup> Respondent infringed the fundamental rights of the Petitioners guaranteed by Article 12(1) in arresting them contrary to law.

It is also clear to me that the Petitioners were subjected to this discriminatory treatment based on their religious affiliation.

In ***W. P. S. Wijerathna v. Sri Lanka Ports Authority and Others* [S. C. (F. R.) Application No. 265/2017, S. C. M. 11.12.2020 at page 15]** my learned brother Kodagoda, P.C., J. held that:

*"A pre-condition for the maintenance of peaceful co-existence of any plural society, sustainable peace, cohesiveness between different communities, and achieving prosperity, is the conferment of the right to equality to all persons of such society."*

Regardless of what opinions or beliefs people hold, no person should be discriminated on the basis of their race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds. State officials functioning under the colour of their office are especially obligated to take a non-discriminatory approach. This must be a basic requirement expected of all public officials, particularly those within the Police force.

In ***Yick Wo v. Hopkins*** [(1886) 118 U.S. 356 at 373-374] the US Supreme Court held that:

*“[t]hough the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution.”*

For the foregoing reasons, I hold that the 1<sup>st</sup> Respondent has infringed the fundamental rights of the Petitioners guaranteed under Article 12 (2) of the Constitution.

#### **Article 14 (1) (e)**

Article 14 (1) (e) reads as follows:

*“14. (1) Every citizen is entitled to –*

*(e) 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; [...]*” (emphasis added)

It is clear that Article 14 (1)(e) covers the external manifestation of a citizen’s religion or belief. However, it does not extend to every form of manifestation. It secures only the manifestation, in public or private, through “worship”, “observance”, “practice” and “teaching”. The issue for determination is whether propagation of the religion of the Petitioners which they were involved in on the day of the incident falls within one or more of these modes of external manifestation of their religion or belief.

In *Karuwalagaswewa Vidanelage Swarna Manjula* [supra], Prasanna Jayawardena, P.C., J. after a comprehensive analysis of the four modes of manifestation held that propagation of religion does not fall within either “worship”, “observance”, “practice” or “teaching”.

In arriving at this conclusion, his Lordship held (at page 31) that:

*“The meaning of the words “worship” and “observance” in relation to a religion or set of beliefs, are well known. For purposes of completeness, the Shorter Oxford Dictionary [5th ed.] defines “worship” as meaning “Honour or adore as divine or sacred, esp. with religious rites or ceremonies; offer prayer or prayers to (a god)” and defines “observance” as meaning “an act performed in accordance with prescribed usage, esp. one of religious or ceremonial character; a customary rite or ceremony.”.*

As for “practice”, his Lordship concluded (at pages 31-32) that:

*“[...] “practice” which features in Article 14(1)(e), the Shorter Oxford Dictionary defines the word as meaning “The habitual doing or carrying out of something; usual or customary action or performance”. I am inclined to consider that, the fact that the word “practice” is placed in Article 14(1)(e) together with and following from the words “worship” and “observance”, suggests that, the word “practice” is used in Article 14(1)(e) to mean and refer to a customary or traditional ritual, ceremony or act which is performed in the course of or allied to or consequent to acts of “worship” and “observance” of a religion or a set of beliefs. This conclusion is warranted by the maxim noscitur a sociis which postulates that, in matters of statutory interpretation, the coupling of words which have analogous meanings suggests that they should be understood to be used in their cognate sense and that their colour is to be taken from each other - vide: Maxwell’s ‘The Interpretation of Statutes’ [12th ed. at p.289] and Broom’s ‘Legal Maxims’ [10th ed. at p. 396]. As a result, I am of the view that, the word “practice” is used in Article 14(1)(e) to mean and refer to a customary*

*or traditional ritual, ceremony or act which is performed in the course of or allied to or consequent to acts of “worship” and “observance” of a religion or a set of beliefs.”*

In interpreting “teaching”, his Lordship explained (at page 34) that:

*“[t]he act of “teaching” involves a process of the education of a student [or group of students] by a teacher who, by means of instructions, lessons and training, imparts knowledge and skills to the student [or students]. The resulting process of “teaching” is usually consensual since, on the one hand, the teacher voluntarily agrees to perform the duty of teaching and, on the other hand, the student voluntarily seeks the teacher because he wishes to learn from the teacher. The act of “teaching” is usually pre-arranged and entered into with deliberation and for the individual benefit of both the teacher and the student. It usually takes place at a pre-determined place which is known to and convenient to both teacher and student. Usually, the identity of both the teacher and the student are known to each other or their agents, before the act of “teaching” commences. No doubt, there will be instances where the act of “teaching” occurs spontaneously, as for example where an elder teaches a child or a friend teaches another friend. However, in general, it can be fairly said that, the act of “teaching” is usually pre-arranged and consensual. Further, the act of “teaching” usually involves a personal relationship between the teacher and the student.”*

I think it must be added that teaching is fundamentally directed towards educating a person on a particular subject. Spread of a religion involves much more. It involves in convincing a person of the truth and benefits of the religion with a view to convincing him to embrace such religion.

Subject to this observation, I have closely examined the process of reasoning adopted and find no compelling reason to deviate or disagree with the process or its conclusions. The Petitioners were on the day of the incident engaged in the

propagation of their religion. They did not go to meet any persons or persons on invitation. They sought to randomly indulge in their ministry work. There was no consensual element. The activity of the Petitioners does not fall within does not fall within either “worship”, “observance”, “practice” or “teaching” in Article 14(1)(e).

I hold that the fundamental rights of the Petitioners guaranteed by Article 14(1)(e) has not been infringed.

#### **Article 14 (1) (a)**

Petitioners submit that the Respondents by their actions in arresting the Petitioners and confiscating their religious literature restricted the Petitioners’ freedom of expression beyond any permissible scope prescribed by the Constitution in violation of Article 14 (1) (a).

Article 14 (1) (a) states that:

*“14. (1) Every citizen is entitled to – (a) the freedom of speech and expression including publication; [...]”*

This right is not an absolute one. Article 15 (2) and (7) specifies certain restrictions over the freedom of speech and expression. In the case of **Joseph Perera alias Bruten Perera v. Attorney General and Others [(1992) 1 Sri L.R. 199 at 200-201]**, it was held that:

*“Freedom of speech by Article 14(1)(a) goes to the heart of the natural rights of an organised freedom loving society to impart and acquire information. Of that freedom one may say that it is the matrix, the indispensable condition of nearly every other freedom. This freedom is not absolute. There is no such thing as absolute and unrestricted freedom of speech and expression, wholly free from restraint [...] On similar lines, there are provisions in our Constitution. Article 15(2) provides that the exercise and operation of the right of freedom of speech and expression shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony or in relation*

*to parliamentary privilege, contempt of court, defamation or incitement to an offence. Article 15(7) further provides that "the exercise and operation of all the fundamental rights declared and recognised by Articles 12, 13(1), 13(2) and 14 shall be subject to such restrictions as may be prescribed by law in the interests of national security, public order and the protection of public health or morality or for the purpose of the due recognition and respect of the rights and freedoms of others or of meeting the just requirements of the general welfare of a democratic society."*

Nevertheless, the Petitioners were not exercising their freedom of speech and expression including publication. They were involved in the external manifestation of their religion or belief. While Article 10 recognises the fundamental freedom to have or to adopt a religion or belief of his choice, it is only Article 14(1)(e) which ensures the fundamental freedom for its external manifestation. However, the Constitution recognises only four modes of such external manifestation in Article 14(1)(e) which must be read as containing an exhaustive exposition of the external manifestation of one's religion or belief. What does not fall within Article 14(1)(e) as part of an external manifestation of one's religion or belief cannot be brought within Article 14(1)(a) under the guise of freedom of speech and expression including publication.

For the foregoing reasons, I hold that there has been no infringement of the fundamental rights of the Petitioners guaranteed by Article 14(1)(a) of the Constitution.

To summarise, the 1<sup>st</sup> Respondent has infringed the fundamental rights of the Petitioners guaranteed by Articles 12(1), 12(2) and 13(1) of the Constitution.

The 1<sup>st</sup> Respondent is directed to pay Rs. 50,000/= to each Petitioner. Additionally, the State is directed to pay Rs. 25,000/= to each Petitioner.

Before parting with this judgment, I wish to set out my thoughts on the unfortunate circumstances leading to these applications. Religious tolerance is a cornerstone of harmonious coexistence in diverse societies. It entails respecting and accepting the beliefs, practices, and traditions of individuals and communities, regardless of their faith or religion. By fostering an environment of religious tolerance, we promote understanding, empathy, and peaceful interaction among people of different religious backgrounds. This not only strengthens social cohesion but also upholds the fundamental human right to freedom of religion or belief.

Religion should not be viewed as a divisive force. There are certain common fundamental philosophies that are found in all major religions in the world. Religion can thus be a uniting force in promoting spiritual upliftment and social cohesion and cohabitation based upon common values.

It must be borne in mind that certain features in our national flag symbolises the multifaceted Sri Lankan society. The four bo leaves represent Buddhism's four virtues (Brahmavihara or apramana) of kindness, compassion, joy, and equanimity. These virtues have an important role in creating empathy amongst different ethnic, religious and cultural groups. Otherwise, the national flag will remain a mere symbol than a living symbol of a multi ethnic, multi religious and multi-cultural country.

Embracing religious tolerance enriches our communities, promotes mutual respect, and paves the way for a more inclusive and equitable society where everyone can observe, worship, practice and teach their faith without fear of discrimination or persecution.

In conclusion, I am constrained to refer to the advice given by Lord Buddha to the 60 monks on the Full Moon Poya Day after delivering his first sermon, the Dhammacakkappavattana Sutta (Samyutta Nikaya 56.11), which means "The Setting in Motion of the Wheel of Dharma."

Thereafter Lord Buddha addressed the 60 Arahaths and said:

*"Charatha Bhikkave Charikan, Bahujana Hithaya, Bahujana Sukhaya, Lokanukampaya Attaya Hitaya Sukhaya Devamanussanan Ma Ekena Deva Agamitta Desetha Bhikkave Dhamman Adikalyanam Pariyosana, Kalyanan Satthan Sakyanjanan Kevala Paripunnan Parisuddan Brahamachariyan Pakasetha."*

(Oh! Bhikkus for the Welfare of the many, for the Happiness of the many, through Compassion to the World, Go Ye Forth, and spread the Doctrine of Buddha Dhamma for the benefit of Devas and Human Beings)

Buddhism became a universal religion through the spread of dhamma by its disciples. The world may not have the benefit of the teachings of Lord Buddha had the followers of other religions responded the same way in which the villagers and Police responded to the conduct of the Petitioners.

**JUDGE OF THE SUPREME COURT**

**E. A. G. R. Amarasekera, J.**

I agree.

**JUDGE OF THE SUPREME COURT**

**K. K. Wickremasinghe, J.**

I agree.

**JUDGE OF THE SUPREME COURT**