



CPA Challenges the Online Safety Bill (SC/SD 89/2023)

The Centre for Policy Alternatives (CPA) and its Executive Director, Dr. Paikiasothy Saravanamuttu, filed a Petition in the Supreme Court on the 11th of October 2023 challenging the Constitutionality of the Bill titled “Online Safety”. The Bill was [Gazetted](#) on the 15th of September 2023, and tabled in Parliament [the first reading of the Bill] on the 3rd of October 2023. CPA has previously [commented](#) on this Bill, and urged that the Government withdraws the Bill which is fundamentally flawed and riddled with potential for abuse.

In its Petition CPA argues that the Bill as a whole violates several articles of the Constitution including entrenched provisions and would thus be required to approved by the people at a referendum in addition to being passed by two thirds of the Members’ of Parliament voting in favour of the Bill. CPA argues that the vague and over broad offences contained in the Bill and the broad powers of the so called “Online Safety Commission” will have a chilling effect on the exercise of Fundamental Rights by the citizens of Sri Lanka.

The Petition also challenges various individual aspects of the Online Safety Bill which violate Articles of the Constitution including but not limited to;

Firstly, the several vague objectives of the Bill including the power of the Online Safety Commission to “protect” people against the damage caused by “alarming or distressing statements”.

Secondly, the over broad and unconstitutional nature of the listed “prohibited statements” within the Online Safety Bill.

Thirdly, the arbitrary and unreasonable powers granted to the Online Safety Commission, including the exercise of judicial power which is inconsistent with the Constitution.

Fourthly, the arbitrary powers granted to the Minister to appoint private individuals as “experts”, who are then given extensive powers, which impact the liberties of citizens and with no accountability.

CPA also challenges the Online Safety Commission’s ability to make rules and the Minister’s ability to make regulations on ‘Online Safety’ because the Clauses within the Online Safety Bill regarding these abilities lack precision and sufficient criteria.

As such CPA and its Executive Director argue that the Online Safety Bill is inconsistent with Articles 3, 4(c), 10, 12, 14(1)(a),(b),(c),(e),(f), and (g) and 14A(2) of the 1978 Constitution of Sri Lanka and thus cannot be enacted into law, unless it is approved by the People at a Referendum in addition to a two-thirds vote of the whole number of the Members of Parliament.