

Sri Lanka's new “anti-terror laws” foreshadow sweeping attacks on democratic rights

W.A. Sunil
20 January 2026

Sri Lanka's Ministry of Justice and National Integration has released a draft of its Protection of the State from Terrorism Act (PSTA) for public consultation. The proposed law is intended to replace the current Prevention of Terrorism Act (PTA), which has been in force since 1979.

The Janatha Vimukthi Peramuna/National People's Power (JVP/NPP) government is presenting the PSTA as a “democratic reform” in response to decades of national and international criticism of the draconian PTA.

The newly-proposed law, however, reproduces the essential features of the PTA and constitutes a sweeping assault on democratic rights, preparing the ground for class war against the working class.

Facing mounting criticism of the proposed bill, Justice Minister Harshana Nanayakkara has claimed that it is only a “draft” and will be “revised following public consultation.” Such assurances are aimed at hoodwinking the population.

President J. R. Jayewardene's United National Party (UNP) government rammed through the PTA in 1979 to suppress Tamil militant organisations. During the 26-year communal war against the separatist Liberation Tigers of Tamil Eelam, which began in 1983, the law was ruthlessly used against the Tamil minority across the island, as well as for the bloody suppression of anti-government uprisings of rural youth led by the JVP in 1988–1990, and against political opponents more broadly.

Since 1994, Sri Lankan capitalist parties have repeatedly claimed they would abolish the PTA in a cynical attempt to exploit mass opposition to the repressive laws, only to abandon these promises and continue to ruthlessly use the measures once in power.

In its presidential election manifesto, the JVP/NPP pledged that, upon coming to power, it would abolish “all oppressive acts, including the PTA, and ensure civil rights of people in all parts of the country” (*A Thriving Nation, A Beautiful Life*, page 129). Like all its other promises—including alleviating social and living conditions by “renegotiating” the International Monetary Fund's (IMF) austerity measures—this pledge has been consigned to the dustbin.

Current President Anura Kumara Disanayake and other JVP/NPP leaders criticised the draft Anti-Terrorism Act of the previous president Ranil Wickremesinghe. However, many of the clauses in the PSTA closely resemble that bill.

The name of the law—Protection of the State from Terrorism—is makes clear that it is aimed at protecting the capitalist state. The PSTA defines terrorism in broad and vague terms that can be easily interpreted and used to suppress the fundamental democratic rights of the masses.

Section 3 of the draft bill defines terrorist acts as those that “provoke a state of terror,” “intimidate the public or any section of the public,” or “compel the Government of Sri Lanka, any other government, or an international organisation to do or abstain from doing any act.”

Such provisions could be used to criminalise strikes and protests by workers, youth and the oppressed masses opposing IMF austerity, attacks on social and democratic rights, imperialist wars and the genocide in Gaza. For example, protests demanding an end to privatisation of state-owned entities or action against essential services regulations could be characterised as “terrorism.”

As a transparent deception, a subsection of the draft states that participation in protests, dissent, strikes or industrial action is “not by itself” sufficient to infer a terrorist offence. This is a fraud. Actions opposing state policies can still be arbitrarily interpreted as terrorism whenever the ruling class deems it necessary.

Sections such as 9 and 10 criminalise speech, publications and the distribution or possession of material alleged to encourage or induce acts of terrorism. The next section extends these provisions to the internet, electronic media and all other forms of public dissemination.

Powers of search and seizure are extended from the police to members of the armed forces and coast guard officers, who are authorised to detain individuals for up to 24 hours before handing them over to the police. This represents a further militarisation of law enforcement.

Another section refers to investigations involving “confidential information,” allowing authorities to obtain “any secret code, word, password or encryption detail relating to national security.” This language potentially criminalises encrypted communications, enabling authorities to treat encryption keys as “confidential information.”

The government is already using the Wickremesinghe government's Online Safety Bill to suppress social media criticism, foreshadowing how the PSTA will be employed.

Under the existing PTA, confessions obtained from suspects can

be used as evidence in judicial proceedings. Sri Lankan police are notorious for extracting such “confessions” through torture. The current draft bill proposes that police officers may bring a suspect before a magistrate to make a statement or “confession.” This modification will do nothing to stop police from subjecting suspects to coercion to extract incriminating statements.

According to Section 64, “restriction orders” can be imposed by a Deputy Inspector General of Police if he has “reasonable grounds” to suspect that a person is “preparing to commit an offence” and that the conduct cannot be investigated without imposing such an order.

These restrictions may include limits on movement outside one’s place of residence; travel within Sri Lanka or overseas; deviation from normal travel routes between residence and employment; and communication or association with specified individuals.

Heavy penalties are proposed for various offences, including life imprisonment for terrorism-related charges. Other offences, including abetment and association, carry penalties of up to 20 years’ imprisonment and fines of up to 20 million rupees (\$US64,600), or 15 years’ imprisonment and fines of up to 15 million rupees.

A person can be remanded for one year and detained for an additional year at the request of the Inspector General of Police (IGP), subject to approval by a magistrate. The president may determine the place of detention on the recommendation of the IGP. The judiciary and the Sri Lankan Human Rights Commission must be informed of the place of detention. Such a caveat does nothing to mitigate the severity of these terror laws.

The PSTA is being introduced amid intensifying popular opposition to the government’s IMF-imposed austerity measures and a deepening economic crisis. The Dissanayake government and the ruling elite are fully aware that they cannot continue to rule through democratic forms.

Against the background of a deepening global crisis, the ruling classes in every country are turning toward fascist and militarised forms of rule. In the United States, the Trump administration is working to consolidate fascist rule, while governments in other countries, including Germany, France, Australia and the UK, are adopting repressive measures.

The political crisis that erupted in Sri Lanka, following the unprecedented economic collapse of the country in 2022 and the subsequent mass antigovernment uprising that ousted President Gotabaya Rajapakse, continues. The disastrous impact of Cyclone Ditwah in late November has further deepened the economic calamity.

Sections of the Sri Lankan ruling elite, haunted by the mass protests that ousted Rajapakse followed by rising opposition against the Wickremesinghe’s administration, supported the election of the JVP/NPP as the means to impose the IMF’s austerity demands and repress popular opposition.

Over the past year, the JVP/NPP government has used the PTA against Muslim youth who expressed opposition to the genocide in Gaza, and against a Tamil journalist who reported on mass graves in the North. Since coming to power, it has arrested and detained 16 individuals under the PTA, later releasing them on bail.

The JVP/NPP government has also invoked essential services orders to suppress protesting electricity workers and unleashed military and police repression against postal workers and student protests.

We warn that the new anti-terror law foreshadows government preparations to intensify its war against the working class.

The opposition Samagi Jana Balawegaya (SJB) made limited criticisms of the government’s proposed bill. In the end, however, the SJB, a majority split from Wickremesinghe’s United National Party, fully backed the PTA. The trade unions are maintaining a treacherous silence on the new laws.

The Revolutionary Communist League, and its successor, the Socialist Equality Party (SEP), opposed the PTA from its inception, demanding its abolition along with all other repressive laws, while fighting to unite Sinhala, Tamil and Muslim workers in a common struggle based on socialist policies.

The struggle against IMF austerity and the defence of democratic rights is inseparably linked. The working class must take urgent steps to mobilise independently of all capitalist parties.

This requires the formation of independent workers’ action committees in every workplace, plantation and neighbourhood, free from all bourgeois parties and the trade union bureaucracy.

The SEP calls for a Democratic and Socialist Congress of Workers and Rural Masses, based on delegates democratically elected from these action committees, to unite the working class and mobilise the rural poor in a common struggle against IMF austerity, state repression and for a socialist program.

We propose that the action committees fight for the following demands:

- No to the PSTA! Abolish all repressive laws, including the PTA, OSB, the Essential Public Services Act and the Public Security Act!
- Release all political prisoners!
- Withdraw the military from the North and East!

The struggle for these demands and other basic democratic rights will not be won through appeals to the ruling class but is bound up with the fight for a workers’ and peasants’ government committed to socialist policies.



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