

Expanding Right to Life Through Legislative Interventions: A Study of A Fishing Community in Sri Lanka

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After the Universal Declaration of Human Rights, the international community had become more sensitive towards human rights. Right to life is an important right among all other rights. The right to life, in its textual meaning, is the right of man to exist as a human person. This literal thinking has expanded today to reach the widest meaning including all other rights i.e. right to livelihood. Although it is not recognized directly by the Constitution, the judiciary in several occasions included the right to life into the fundamental rights jurisprudence. Due to uniqueness of Sri Lanka as an island, fishing industry became one of the ancient forms of livelihood in the country. It has been a mainstay of the country's economy since the early centuries and continues to provide significant income to the nation. Sri Lanka and India being two neighboring States, share the resources of Indian Ocean. The objective of this research is to examine, the extent Sri Lanka attempts to protect the right to livelihood of her fishing community through legislative interventions. It is proposed here to discuss the legally binding international mechanism regarding sustainability of the fishing industry in both countries while focusing on illegal, unreported and unregulated fishing activities. It also raises the question as to what extent it amounts to violate the right to livelihood of a fishing community. This study also discussed the legislative interventions to protect the right of the fishing community, major lacunas in the existing mechanisms and the way ahead on the part of the State. The researcher having relied on doctrinal method of research, examined the current international legal framework on human rights and fishing industry, constitutional and legislative provisions of Sri Lanka and India, while relying on journal articles, textbooks, case law of jurisprudence.

Keywords: Right to life, right to livelihood, legislations, fishing communities, state obligations