



GOOD GOVERNANCE IN A BURDENED DEMOCRACY: THE CASE OF POST WAR SRI LANKA

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Abstract

This paper provides an assessment of political burdens confronting Sri Lanka as a post-colonial state that faced several anti-systemic and violent militant struggles since independence from the British in 1948. This is a country with a prolonged transition from its traditional moral order rooted in autocracy, to one that is governed by democratic benchmarks. Such benchmarks are rooted in fundamental freedoms enshrined in the Universal Declaration of human rights (UDHR). They often come into conflict with the ethos of Sinhala Buddhist sectarian politics that evoke supremacy feelings in the majority over the rest of the population. Preservation of this status was a priority for constitution makers in 1970, 1977, and to the present day. The preoccupation of politicians had been to protect majority power at whatever cost, consciously re-engineering the political processes for their partisan gain. Furthermore, there had been a systematic erosion of credible standards of professionalism in governance, often making the political regimes interpret concepts of democracy according to their whims and fancies. Contextually, this paper portrays the constraints faced by Sri Lankan people in sustaining functional democracy in the absence of a democratically inspired socialization process at micro and at macro organizational levels.

Key Terms: Good Governance, Democracy, Post-colonial state, Executive Presidency, Political culture, Ethno-religious Politics, Institutional accountability, Post-war governance, Professionalism in Politics

Introduction.

The discourse on good governance has acquired increasing global attention in the post-Cold War era, where democratic values are often measured against international benchmarks of accountability, transparency, and respect for human rights. The Universal Declaration of Human Rights (UDHR), along with associated international instruments, provides a normative framework for political orders across the world. Yet, the

transferability of these ideals into post-colonial societies remains deeply contested. Nowhere is this tension more visible than in Sri Lanka, a country that emerged from nearly three decades of civil war only to confront renewed challenges to democratic consolidation.

As a post-colonial state, Sri Lanka's democratic institutions have been persistently undermined by political practices rooted in pre-modern traditions of hierarchy, patronage, and ethno-religious majoritarianism (Hensman, R, 2010). The political elite, while rhetorically affirming democracy, have often instrumentalized it to consolidate personal and partisan power. In this process, formal institutions such as Parliament, the judiciary, and independent commissions have frequently been subordinated to executive dominance. The 1978 Constitution, which entrenched the executive presidency, illustrates how institutional arrangements themselves were re-engineered to privilege power concentration rather than power-sharing (Wilson, J. 1980).

In the aftermath of the military defeat of the Liberation Tigers of Tamil Eelam (LTTE) in 2009, Sri Lanka was presented with what many observers described as a "post-war opportunity" to reset the terms of governance through reconciliation, democratization, and respect for pluralism. Instead, the period following the war witnessed intensified centralization of authority, erosion of civil liberties, and deepening politicization of state institutions. The discourse of national security and patriotic loyalty became dominant, crowding out space for dissent and civic participation.

This paper argues that Sri Lanka's difficulties in embedding good governance are not merely institutional deficiencies but are linked to the deeper moral order of its political culture. Governance in Sri Lanka is shaped by a legacy of feudal traditions, Sinhala-Buddhist majoritarianism, and an enduring suspicion of liberal-democratic values. These elements collectively foster a political environment where democratic norms are perceived as alien, professional standards are undermined, and political accountability is routinely evaded.

By combining documentary analysis, ethnographic interviews with legislators, and case study examination of key national crises, this paper critically interrogates the systemic barriers to good governance in Sri Lanka. In doing so, it contributes to the broader debate on democracy and governance in volatile post-colonial societies, highlighting the contradictions between international democratic ideals and local cultural-political realities.

Literature Review

Why Democratic Good Governance is Perceived as an Alien Concept?

One could say that the post independent Sri Lankan political culture had been often disjointed as well as 'dysfunctional' (Jayasuriya, 2012) with a declining commitment to democratic and pluralistic values. As to why Sri Lanka opted to be in such a pathway is not easy to answer, but one could state that we have for a long time used democratic freedoms to destroy democracy the democratic values are not part of the traditional moral order (Kunicova J. and Rose-Ackerman, Susan, 2001, Habte, A. 1983, Fotopoulos, T. 1997, Chaudhary, A, 1983). This also means that the people as well as the governments do not feel deeply for the spirit of democracy.

Also, despite rhetoric in praise of democratic virtues, Sri Lankan leaders have been uneasy about civil liberties that undermine their authority. This is because, in power, nothing mattered to them than maximization of power, being inspired by the pre-independent feudalistic political order sans democratic checks and balances. This was made evident through self-serving constitutional amendments to the 1978 Constitution, such as (a) enabling parliamentarians to cross over to the opposition or to the government once elected (Second Amendment), (b) to enable the President to seek re-election after 4 years from the first term (3rd Amendment), removing limitations to the number of terms to be served by President after the second term (18th Amendment).

Making Sense of Professional Attributes in Legislative Work

Influenced by the old feudal culture of governance, it is significant that Sri Lankan legislators have shown a pathetic reluctance to abide by the culture of the Westminster Model of Parliamentary democracy that the British introduced. This has been demonstrated by them in numerous ways in recent times and particularly through their poor sense of decorum and dignity in parliamentary conduct.

Professionalism in legislative work depends on traits of those opting for such work and they have been defined by Lord Nolan Committee of 1995 in the United Kingdom, as follows:

- (a) **Selflessness** – They should act solely in terms of the public interest. They should not gain financial or other benefits for themselves, their family or their friends through such office.
- (b) **Integrity** – They should not place themselves under any financial or other obligation to outside individuals or organizations that might seek to influence them in the performance of their official duties.
- (c) **Objectivity** – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- (d) **Accountability** - They are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny that is appropriate to their office.
- (e) **Openness** – They should be as open as possible about the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interests demand.
- (f) **Honesty** – They have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- (g) **Leadership** – They should promote and support these principles by leadership and example.

Although these attributes are significant with Sri Lanka gaining inspiration from the British Westminster Model, they are greatly constrained in implementation as there is hardly any institutional mechanism to socialize legislators to such attributes. Interviews that were conducted with them revealed several misconceptions relating to what they perceive, being influenced by a local ethos.

Methodology

This paper is informed by a qualitative and interpretive methodological approach designed to uncover the cultural, political, and institutional constraints on democratic governance in post-war Sri Lanka. The methodological framework draws on the following components:

Documentary and Constitutional Analysis

Examination of key legal frameworks, including the 1972 and 1978 Constitutions and subsequent constitutional amendments (e.g., 18th and 19th Amendments).

Analysis of parliamentary debates, presidential speeches, and legislative reports to assess how formal institutions have been reshaped to consolidate majority and executive power.

Ethnographic Interviews

Semi-structured interviews were conducted with parliamentarians, provincial-level politicians, bureaucrats, and members of civil society organizations between 2018–2020.

Respondents were purposively sampled to reflect a diversity of political affiliations and geographical representation, with special attention to Southern and Central Sri Lanka, where sectarian political traditions are strongly embedded.

Interviews were analyzed thematically, focusing on perceptions of key democratic attributes such as *selflessness*, *integrity*, *objectivity*, *accountability*, *openness*, *honesty*, and *leadership*.

Secondary Data and Critical Literature Review

Scholarly work on democracy, governance, and public communication in South Asia (Jayasuriya, 2012; Curran, 1996; Habermas, 1989; Altschull, 1995, Bell, L, Nathan, A. and Peleg, I. 2001), provided theoretical grounding.

Reports by the Centre for Monitoring Election Violence (CMEV) and international organizations enriched the empirical base.

Analytical Framework

The study employed a critical-political economy of governance approach, highlighting the interaction between culture, power, and institutions.

Thematic coding was guided by *Lord Nolan's Seven Principles of Public Life (1995)*, adapted to Sri Lankan political realities. The analysis was interpretive, seeking not only to document failures but also to reveal the deeper cultural ethos sustaining anti-democratic practices. This methodological design ensured triangulation

across legal texts, ethnographic accounts, and secondary scholarship, producing a holistic understanding of the systemic challenges facing governance in Sri Lanka's volatile democracy.

Selflessness and Integrity as Perceived by Legislators

The question was raised as to how they perceived the two attitudinal attributes mentioned in the context of the work they do, and the respondents stated that the system does not provide scope for politics to be considered in such utopian terms. Qualifying this idea further, a legislator from Southern Sri Lanka stated as follows:

“From the most junior to the senior most politicians and bureaucrats, the truth is that people have formidable self-interests compelling partisan treatment. What matters is political patronage to sort out any matter. Also politicians at electoral level have made the system ungovernable with dependencies. The government then and now cannot afford to propagate what is right since that will jeopardise career prospects of politicians. This is in an environment where there is competition for political favors including employment”. [Legislator from Southern Sri Lanka].

Furthermore, it was said that selflessness and integrity are values that need to be propagated at an early stage in life as pre-requisites for a democratic society that values rights and obligations. Members blamed the education system which has little room for propagating philosophical concepts. They admitted that there is enormous ignorance on the part of electors, representatives and the bureaucracy on what it means to serve the people selflessly with integrity.

Objectivity and Accountability in Governance

A major constraint to democratic rule in Third World States is the inability of stakeholders to look at policies and issues objectively. A case in point was the 2019 Easter Sunday Bombings in Sri Lanka and the way those in accountable positions avoided taking responsibility for what had happened. To quote the Deputy Minister of Defense in Sri Lanka, Mr. Ruwan Wijewardene, as reported in the Island of 24th April 2019:

"It is with deep regret and shame that I state that there was a massive lapse in the security set up, leading to the Easter Sunday attacks. It is evident that the intelligence services had prior knowledge of an impending attack on churches and informed the relevant officials. However, this information was shared only among a few officials. I must categorically state that both the Prime Minister and I as the State Minister of Defense did not receive any information of these intelligence reports.

This provides evidence that the Sri Lankan system functions on subjectively and that politicians are indifferent to procedural expectations even about national security. That it is not through established procedures and administrative norms that officials behave, but according to their whims and fancies and subjective judgments based on personal loyalties to individuals. Although the Prime Minister and the

President are vital organizational actors of one government, their personal disputes and political conflicts prevented any convergence of interests in defense of national security.

How Members Perceive Honesty and Leadership in an Open Society

The culture of governance as it prevails has much to do with denial of information to people and keeping public matters 'private' as there is tremendous distrust about what is happening. As stated by Auden,

“The failure of humans to acquire the habits that an open society demands, if it is to function properly, is leading an increasing number of people to the conclusion that an open society is impossible, and that, therefore, the only escape from economic and spiritual disaster is to return as quickly as possible to a closed type of society. But social evolution, fortunately or unfortunately, is irreversible. A mechanized and differentiated closed society is a self-contradiction. We have in fact no choice at all; we have to adapt ourselves to an open society or perish”.

In Sri Lankan organizations what is often seen in the context of the public sector is the pessimism that goes beyond power holders to the ordinary citizens. Openness becomes overwhelming as there is rampant corruption, and acceptance of openness means that they have respected transparency, which would reveal the inside status of any administration.

As stated by a Parliamentarian of the Central Province, “Openness is creating a problem as far as its implementation is concerned since the people do not use discernment on what is needed by way of information”. There is a habitual practice ever since Right to Information legislation was brought, to undermine the authorities and to make life difficult.

For the people to respect an open society, the social system should evolve with greater clarity. Then the maturity will enable people to think differently about their needs. However, what we witness at present is a deliberate move, on the part of the people as well as the power holders to weaken what 'Openness' stands for, since they have much to gain by concealing and twisting information at the expense of the people.

Post War Culture of Governance with Subservience to President as Supreme Saviour of the Nation

It is ironic that the military victory over the Liberation Tigers instilled in politicians a high level of confidence to undermine Western concepts of political power that go against the traditional culture of politics. The traditional culture carries the notion that the Head of State knows best as to what type of behavior is in the interest of the State.

Accordingly, they opposed the idea of a questioning citizenry that the British propagated as that was like a symbolic reinstatement of the Colonial Raj (Nair, 1980). Hence, parochial attitudes of an anti-democratic nature compelled social institutions to subordinate the public cause to expectations of political masters. This resulted in politicization of major social institutions with loyalists of the ruling party dictating terms on how institutions like the police and the judiciary should work.

For instance, at the end of parliamentary elections conducted during the past three decades, public officials have been arbitrarily transferred due to subjective reasons such as political loyalties and insubordination. There were many who were victimized and denied legitimate promotions as political revenge. For instance, the victims at the end of the parliamentary elections in 2010 included several senior military and police personnel, while the former Army Commander who was the Presidential Candidate, was virtually kept under house arrest while the votes were counted. Similarly, hecklers, opportunists and back-benchers from opposition joined the ruling party bandwagon before and after the elections. They were rewarded with ministerial posts by the President, as if political dishonesty is what is held in high esteem.

Accelerated Backtracking on Democratic Media Values

It is also ironic that Sri Lanka has a media culture that vastly undermines the democratic process with least possible evidence of inspiration from a democratic ethos. What is alarming to see is the way they have glorified individuals who had no sense of decorum in public life. Those who were politically frivolous have been described as 'national minded men and women', as they extended their support to the President when he needed it most for reasons best known to himself.

As once proclaimed by President Mahinda Rajapakse in his 2005 address to the parliament to mark the end of the war, Sri Lankans could best be categorized as 'Traitors' and 'Patriots', inferring that the people are either with the government or against the government. They also pontificated that the government knows best as to who should be at the helm of social institutions i.e., With a majority of Diplomatic postings dedicated to relatives and friends and with powerful Ministries given to the family members. That was with indifference to nationwide criticism from concerned citizens as to what the country's Chief Executive had done¹, with commitment towards nepotism and cronyisms at the expense of the people. What was greatly valued within this political culture had been unquestioning obedience and loyalty to power holders.

New Frontiers of Good Governance Reform:

While there are many post-colonial societies that yearn for 'stability' and 'order' with conscious adherence to fundamentals of nation building such as decorum and dignity in public office and social discipline, Sri Lanka ironically proves that she is fast losing any sense of such priorities. The leaders who failed in this endeavor to uphold the rule of law continued to appease the majority Sinhalese² with populist and short-sighted measures

such as harassment of minorities; creating the conditions that become ripe for forms of violence; structural, cultural and moral³, further eroding the stability of the State.

At present, the Sri Lankan institutions of governance are often marked by a confrontational culture of communication that undermines the dignity of individuals and institutions in almost all sectors of life. This is the status quo, whether it be the judiciary and the rule of law, police, public administration, and the mass media with contempt towards globally valid instruments like the Universal Declaration of Human Rights⁴ (UDHR).

The Public Sphere as a Disputed and Contested Space belonging to the Governing Regime

The public sphere (Habermas, 1962/1989) as a concept deals with the independent space between the people and their rulers⁵. It sheds light on the capacity of people in both free and relatively free societies to influence power at the macro social level (Dahlgren, 1994; Curran, 1996 & Althusser, L. 1971, Curran, J. and Seaton, H. (1997)). Ironically in countries like Sri Lanka, the public sphere cannot be defined as distinctively as in the West, due to regular intervention by their governments to eliminate contrarian views that jeopardize political prospects of the governing regime. Historically, we also see that in these societies open exchange of views (independent of dominant institutions of power) has not been a part of the traditional moral order.

Hence, the question is how viable this space is for vibrant action in the context of Sri Lanka with peculiar ideas on democracy harboring autocracy? For instance, in the aftermath of the civil war that ended, it had been asked as to what extent the people of the North and East of Sri Lanka would be able to deliberate concerning their own future, and the manner in which their areas should be developed and governed.

Mass Communicators as Lap Dogs

Dahlgren (1994) articulates that the public sphere in the context of today's society points to the issues of how and to what extent one could help citizens learn about the world, debate their responses to it and reach informed decisions about courses of action to adopt. This runs parallel to the traditional thesis of the 'fourth-estate' with unhindered right to information. Also as Altschull (1995) makes clear, the press in new nations has become the piper and the piper's tune is composed by those who pay the piper. Such dependence is further aggravated by the absence of professional attributes⁶ among those who engage in communications. As to what is of paramount importance is how well one could undermine and destroy the other.

The post independent communication practices as stated by Quebral (1975) produced a new philosophy of communication that justified the arbitrary use of information channels by power holders. What emerged was considered as favourable to national development. This prevented journalists as well as others from engaging in rational questioning of policies, thus making them agents of political masters, reinforcing their wishes

(Fotopoulos, 1997). What is hindered in the process is the capacity to establish an independent space between the people and their rulers being manipulated by the political leadership at the national level.

Within this status quo, Altschull (1995) prescribes that new nations should correct a number of deficiencies within the established order as follows: (1) distaste for open criticism of authority, (2) the fear of upsetting the unity of the community, and (3) the knowledge that any violation of the community's rules of propriety will lead to ostracism. These are not only constraints that limit the appeal of open exchange of views and Western journalistic practices, but at best, a brand of democracy closer to authoritarianism. Hence the need is to explore how the culture of democracy could be molded by reforms inspired by the Radical Democratic Approach⁷ in extending the parameters of democratic governance in Sri Lanka.

A major deficiency within the prevailing culture of governance is the system that socializes people from primary to tertiary education levels to pay homage and reverence to power holders. Within this system what teachers and others in authority expect from their students is unquestioning obedience to what they demand and command. The culture that is propagated is to fall in line with the dominant ideology and to have contempt for competing ideas/ideologies. Not to be so, is to be an anti-establishment personality, who in their view is a subversive.

Overwhelming Executive Power

A fundamental criticism leveled against the Sri Lankan political system is that the 1978 Constitution has created an executive presidency which has power to make a mockery of all other branches of government with overwhelming powers over the legislature as well as the judiciary. This also means that the people have lost vital checks and balances needed for governance with executive power used in an idiosyncratic manner, very often to undermine good governance¹. What we see in concrete terms is the desire to supersede others with the executive will imposed on the people. Further examples are the powers given by the constitution to the executive to dissolve a duly elected parliament after one year as happened in the year 2004, and the action taken to intimidate the Presidential Candidate General Sarath Fonseka at the 2010 Presidential Election and confine him to a room in a Colombo Five Star Hotel surrounded by hundreds of troops, alleging that he has planned to overthrow the government through extra constitutional means.

Culturally Rooted Justifications to Strengthen Executive Power:

Even before the inception of the 1978 Constitution, there has been a perception that the rule by an executive mandated directly would help accelerate national development since one is directly responsible to the people unlike in the Westminster Model with time consuming deliberation on policy. This could be dismissed as a simplistic

assumption in the absence of a democratically educated and conscious citizenry ignorant of dangers of autocratic rule with potential to be ruthless against dissent.

To the dismay of those who are concerned about transparency and accountability in political and administrative decision making, the position that the country needs a strong executive more than adherence to principles of democratic good governance is an acute problem in Sri Lankan political culture. This is because efficiency sans standards of accountability and responsibility is similar to building a "sand-castle" in the name of development. The idea that the means is irrelevant since what matters is the end seems to be strong in the minds of the people due to past indifference of governments to democratic aspirations of the people.

The elected governments should also ensure that they would be a greater example to the very people who elected them as respect for the due process of law is a logical outcome of an executive presidency that is disciplined. One could say that the quality of governance in today's context is a matter for which the executive presidency should be held responsible in Sri Lanka, since evidence proves that it has been instrumental in undermining the very constitution of the country as well as the general rule of law. In October 2019, the President sacked the legitimate Prime Minister who enjoys a majority in the legislature and appointed the Leader of the Opposition as the new Prime Minister. This however was overruled by the Supreme Court of Sri Lanka.

Reforms to preserve the Independence of the Judiciary

The Supreme Court of Sri Lanka was created on 18 April 1801 with a Royal Charter of Justice by King George III, who controlled the island as a Crown Colony. This creation was repealed by another Charter of 1833 and in 1972 the country adopted a new Republican Constitution. At present the powers of the Supreme Court are enshrined in the Second Republican Constitution of 1978.

The current status of the Supreme Court needs to be assessed in the light of the overall political culture that we explained before. In Sri Lanka, the judiciary is heavily influenced by the mind of the strong executive deriving from the French tradition. Accordingly, what we saw for the last thirty-five years of the 1978 Constitution was a recipe that made a mockery of the democratic process. For instance, the pre- 2015 political regime of President Mahinda Rajapaksa sacked the Chief Justice, Dr. Shirani Bandaranaike with the legislature becoming the judiciary for this purpose. This happened since the executive could always influence and even coerce the legislature and the judiciary to get any law passed according to one's whims and fancies.

In this costly experiment, the First Executive President elected in Sri Lanka, Mr. J.R Jayawardene called upon all the members of the ruling party from 1978-1989 to hand over signed but undated letters of resignation so that his will would always remain supreme concerning their political destiny. Thus, the "fatal flaw" in the Sri Lankan Constitution as stated by Weerasekera (2012) is the absence of checks and balances between the three branches of government, with the executive overriding the legislature and the judiciary in times of conflict.

Culture of Governance

Any student of politics interested in reforming the country's political system in line with the highest concepts and traditions of democracy ought to know that once elected by the **people** its representatives are obligated to do things with a high sense of social responsibility. In the words of John F. Kennedy, "Democracy is the superior form of government, because it is based on respect for man as a reasonable being". This means that order in such a system cannot leave room for forms of anomie and anarchy, with powerful governments trying to belittle the people and their capacity to think with unprecedented forms of violence directed towards those who spoke for strict adherence to the Rule of Law.

As made clear by Justice Weeramantry, a former Judge of the Supreme Court of Sri Lanka who was also a Judge of the International Court of Justice, "Democratic form of government depends heavily on the principle of separation of powers which gives each of the three organs of government a province of its own, with authority to be exercised without fear or favour. It is a prerequisite to the rule of law that each of the three organs of government - Executive, Legislature and judiciary - must act according to the rules and principles set out for the purpose.

When we look at the case of Sri Lanka with adequate critical insight, the words of one of the greatest Elder Statesmen of the world, Lee Kuan Yew, acts as an eye opener in the context of our beloved country. In Lee's words,

"We have got to live with the consequences of our actions and we are responsible for our own people and we take the right decisions for them. You look at the old Philippines, the old Ceylon, the old East Pakistan and several others. I have been to these countries and places. When I went to Colombo for the first time in 1956 it was a better city than Singapore because Singapore had three and a half years of Japanese occupation and Colombo was the centre or HQ of Mountbatten's South-east Asia command". And they had sterling reserves. They had two Universities. Before the war, a thick layer of educated talent. So, if you believe what American liberals or British liberals used to say, then it ought to have flourished. But it didn't.

One-man, one-vote led to the domination of the Sinhalese majority over the minority Tamils who were the active and intelligent fellows who worked hard and got themselves penalized. And English was out. They were educated in English. Sinhalese was in. They (Tamils) got quotas in two universities and now they have become fanatical Tigers. And the country will never be put together again.

Somebody should have told them - change the system, loosen up, or break off. They failed because they had weak or wrong leaders."

CONCLUDING OBSERVATIONS

Late Singaporean Prime Minister Lee Kuan Yew was a reputed statesman who had enormous respect for the dignity of multi-ethnic Singaporean people, having gained inspiration from Sri Lanka in the immediate aftermath of political independence from the British in 1948. He respected Sri Lanka due to the level of dignity that government could boast about being a model state. Today what we have lost is that very same dignity that the system had by way of democratic attributes with a high sense of Rule of Law.

This does not mean however that Sri Lanka cannot be reformed. But the collective resolution on the part of the people, irrespective of who they are, should be to reform and restructure the State and its form of government with a radical difference, morally, culturally and structurally. The Structural change, however, cannot be brought about without sincere willingness with humility to accept that we are fundamentally wrong. It is then we could learn from countries like Singapore that could put right equally complex challenges with respect for human dignity.

Here I have argued the case of reforming Sri Lanka according to precepts of democracy, and not to hoodwink our own selves with democratic terminology with autocracy in mind. This is also the lesson for any other countries that wish to pursue with structural changes to build the best form of government for themselves.

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