

*Sixteenth Amendment to the Constitution*

[Certified on 17th December, 1988]

L. D.—O. 85/88

**AN ACT TO AMEND THE CONSTITUTION OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF SRI LANKA**

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Sixteenth Amendment to the Constitution.

Short  
title.

2. Article 20 of the Constitution of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as the Constitution) is hereby amended as follows:—

Amendment  
to Article  
20 of  
the Consti-  
tution.

(1) by the substitution, for the words "or a member of a local authority", of the words "or a member of a Provincial Council or a local authority"; and

(2) by the substitution, for the words "or in such local authority", of the words "or in such Provincial Council or local authority".

3. Articles 22 and 23 of the Constitution are hereby repealed and the following Articles substituted therefor:—

Replacement  
of Articles  
22 and 23  
of the  
Constitution.

"Languages  
of Adminis-  
tration.

22.(1) Sinhala and Tamil shall be the languages of administration through out Sri Lanka and Sinhala shall be the language of administration and be used for the maintenance of public records and the transaction of all business by public institutions of all the provinces of Sri Lanka other than the Northern and Eastern Provinces where Tamil shall be so used:

Provided that the President may, having regard to the proportion which the Sinhala or Tamil linguistic minority population in any unit comprising a division of an Assistant Government Agent, bears to the total of population of that area, direct that both Sinhala and Tamil or a language other than the language used as the language of administration in the province in which such area may be situate, be used as the language of administration for such area.

*Sixteenth Amendment to the Constitution*

(2) in any area where Sinhala is used as the language of administration a person other than an official acting in his official capacity, shall be entitled—

(a) to receive communications from and to communicate and transact business with, any official in his official capacity, in either Tamil or English ;

(b) if the law recognizes his right to inspect or to obtain copies of or extracts from any official register, record, publication or other document, to obtain a copy of, or an extract from such register, record, publication or other document, or a translation thereof, as the case may be, in either Tamil or English ;

(c) where a document is executed by any official for the purpose of being issued to him, to obtain such document or a translation thereof, in either Tamil or English.

(3) In any area where Tamil is used as the language of administration, a person other than an official acting in his official capacity, shall be entitled to exercise the rights and to obtain the services, referred to in subparagraphs (a), (b) and (c) of paragraph (2) of this Article, in Sinhala or English.

(4) A Provincial Council or a local authority which conducts its business in Sinhala shall be entitled to receive communications from and to communicate and transact business with, any official in his official capacity, in Sinhala, and a Provincial Council or a local authority which conducts its business in Tamil shall be entitled to receive communications from and to communicate and transact business with, any official in his official capacity, in Tamil :

Provided, however, that a Provincial Council, local authority, public institution or any official receiving communications from or transacting business with any other

Provincial Council, local authority, public institution or an official functioning in an area in which a different language is used as the language of administration shall be entitled to receive communications from and to communicate and transact business in English.

(5) A person shall be entitled to be examined through the medium of either Sinhala or Tamil or a language of his choice at any examination for the admission of persons to the Public Service, Judicial Service, Provincial Public Service, Local Government Service or any public institution, subject to the condition that he may be required to acquire a sufficient knowledge of Tamil or Sinhala, as the case may be, within a reasonable time after admission to such service or public institution where such knowledge is reasonably necessary for the discharge of his duties :

Provided that a person may be required to have a sufficient knowledge of Sinhala or Tamil, as a condition for admission to any such service or public institution where no function of the office or employment for which he is recruited can be discharged otherwise than with a sufficient knowledge of such language.

" (6) In this Article—

"official" means the President, any Minister, Deputy Minister, Governor, Chief Minister or Minister of the Board of Ministers of a Province, or any officer of a public institution, local authority or Provincial Council ; and

"public institution" means a department or institution of the Government, a public corporation or statutory institution.

Language  
of  
Legislation.

23. (1) All laws and subordinate legislation shall be enacted or made and published in Sinhala and Tamil, together with a translation thereof in English :

## Sixteenth Amendment to the Constitution

Provided that Parliament shall, at the stage of enactment of any law determine which text shall prevail in the event of any inconsistency between texts ;

Provided further that in respect of all other written laws the text in which such written laws were enacted or adopted or made, shall prevail in the event of any inconsistency between such texts.

(2) All Orders, Proclamations, rules, by-laws, regulations and notifications made or issued under any written law other than by a Provincial Council or a local authority, and the Gazette shall be published in Sinhala and Tamil together with a translation thereof in English.

(3) All Orders, Proclamations, rules, by-laws, regulations and notifications made or issued under any written law by any Provincial Council or local authority, and all documents, including circulars and forms issued or used by such body or any public institution shall be published in the language used in the administration in the respective areas in which they function, together with a translation thereof in English.

(4) All laws and subordinate legislation in force immediately prior to the commencement of the Constitution, shall be published in the Gazette in the Sinhala and Tamil languages as expeditiously as possible.

Amendment  
of Article 24  
of the  
Constitu-  
tion.

4. Article 24 of the Constitution is hereby amended as follows :—

(1) by the repeal of paragraph (1) of that Article, and the substitution of the following paragraph therefor :—

“ (1) Sinhala and Tamil shall be the languages of the courts throughout Sri Lanka and Sinhala shall be used as the language of the court situated in all the areas of Sri Lanka except those in any area where Tamil is the language of administration. The record and proceedings shall be in the language of the court. In the event of an appeal from any

court records shall also be prepared in the language of the court hearing the appeal, if the language of such court is other than the language used by the court from which the appeal is preferred:

Provided that the Minister in charge of the subject of Justice may, with the concurrence of the Cabinet of Ministers direct that the record of any court shall also be maintained and the proceedings conducted in a language other than the language of the court.”;

(2) in paragraph (2) of that Article by the substitution for the words “in either of the National Languages”, of the words “in either Sinhala or Tamil”:

(3) in paragraph (3) of that Article—

(a) by the substitution, for the words “the appropriate National Language”, of the words “Sinhala or Tamil”, and

(b) by the substitution, for the words “either of the National Languages”, of the words “such language”;

(4) in paragraph (4) of that Article by the substitution for the words “the use of a language other than a National Language”, of the words “the use of English”.

5. The following Article is hereby inserted immediately after Article 25, and shall have effect as Article 25A of the Constitution--

Insertion  
of Article  
25A in the  
Constitution

“Provision  
of any law  
inconsistent  
with this  
Chapter  
deemed to  
be repealed.

25A. In the event of any inconsistency between the provisions of any law and the provisions of this Chapter, the provisions of this Chapter shall prevail.”.