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1st Session 1960-61



Language of the Courts Act, No. 3 of 1961

Date of Assent : January 10, 1961

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Language of the Courts Act, No. 3 of 1961

L. D.—O. 68/57.

AN ACT TO PROVIDE FOR THE USE OF THE SINHALA LANGUAGE FOR RECORDING THE PROCEEDINGS, AND FOR PLEADINGS FILED OF RECORD, IN COURTS OF JUSTICE, AND TO AMEND CERTAIN PROVISIONS OF WRITTEN LAW RELATING TO THE LANGUAGE OF THE COURTS.

(Date of Assent: January 10, 1961)

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Language of the Courts Act, No. 3 of 1961.

Short title.

2. (1) Where the Minister of Justice is satisfied that any court is provided with the necessary staff and equipment for recording in Sinhala the proceedings in that court and that it is practicable so to do, he may, in consultation with the Prime Minister, by Order published in the *Gazette* direct that Sinhala shall be used for pleadings filed of record, and for recording the proceedings, in that court.

Minister of Justice to determine the courts in which Sinhala shall be used for purposes of pleadings and record.

(2) An Order made and published under subsection (1) shall have the force of law and shall prevail over any other law.

3. (1) Where a Judge of a court to which an Order under section 2 applies is unable to read and understand any pleadings in Sinhala which are filed of record, or the record in Sinhala of any proceedings, in that court, he may cause the interpreter of that court or of any other court or a Government sworn translator to provide him with an English translation of such pleadings or record.

Translation of pleadings or records from Sinhala into English.

(2) In sub-section (1), "Judge" means a Judge of the Supreme Court, a Commissioner of Assize, a District Judge, a Commissioner of Requests, a Magistrate, or a President of a Rural Court.

(3) Where a Judge of the Supreme Court is unable to read and understand any pleadings or record in Sinhala in any case which is before him in appeal, revision or otherwise, he may cause the interpreter of that Court or of any other court or a Government sworn translator to provide him with an English translation of such pleadings or record.

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(4) Where the Judge of a District Court is unable to read and understand any pleadings or record in Sinhala in any such case determined by a Rural Court as is before him in appeal, he may cause the interpreter of that District Court or of any other court or a Government sworn translator to provide him with an English translation of such pleadings or record.

How certain provisions of written law shall have effect in their application to courts to which an Order under section 2 applies.

4. (1) Where an Order under section 2 applies to the Supreme Court,—

(a) every judgment, decree, order or direction of that court shall be written in Sinhala or English and, if written in English, shall be accompanied by a Sinhala translation thereof and, if a Judge pronounces it in English, he shall read or cause to be read the Sinhala translation thereof; and

(b) section 758 (1) of the Civil Procedure Code shall have effect as if, for the word “English”, there were substituted the word “Sinhala”.

(2) Where an Order under section 2 applies to any District Court or Magistrate’s Court,—

(a) section 298 (1) of the Criminal Procedure Code shall, in its application to that Court, have effect as if, for the word “English”, there were substituted the word “Sinhala”; and

(b) section 299 of the Criminal Procedure Code shall, in its application to that Court, have effect as if, for sub-section (3) of that section, there were substituted the following sub-section:—

“(3) If the evidence of a witness is not given in Sinhala and he does not understand Sinhala, that evidence as recorded in Sinhala shall be interpreted to him in the language in which it was given.”.

(3) Where an Order under section 2 applies to any District Court or Court of Requests,—

(a) section 40 of the Civil Procedure Code shall, in its application to that Court, have effect as if, for the word “English”, there were substituted the word “Sinhala”;

(b) section 75 of the Civil Procedure Code shall, in its application to that Court, have effect as if, for the word "English", there were substituted the word "Sinhala";

(c) section 169 of the Civil Procedure Code, as amended by Ordinance No. 39 of 1945, shall, in its application to that Court, have effect as if, for the word "English", there were substituted the word "Sinhala";

(d) section 186 of the Civil Procedure Code shall, in its application to that Court, have effect as if,—

(i) for the words "shall be written in English," there were substituted the words "shall be written in Sinhala or English and, if written in English, shall be accompanied by a Sinhala translation thereof,";

(ii) for the words "pronouncing it," there were substituted the words "pronouncing it, and the Judge shall, if the judgment is written in English, pronounce it in English and read or cause to be read a Sinhala translation thereof."; and

(iii) for the word "English" occurring in the marginal note to that section, there were substituted the words "Sinhala or English"; and

(e) section 374 of the Civil Procedure Code shall, in its application to that Court, have effect as if, for the word "English", there were substituted the word "Sinhala".

(4) Where an Order under section 2 applies to any Rural Court, section 20 of the Rural Courts Ordinance, No. 12 of 1945, as amended by Ordinance No. 13 of 1945, shall, in its application to that Court, have effect as if, for all the words from "in such language" to the end of that section, there were substituted the words "in Sinhala and the record thereof shall be kept in Sinhala."

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Power of Minister of Justice to make such amendments and modifications of written law as are consequential, and such provisions as are supplementary, to an Order under section 2.

Amendment of section 301 of the Criminal Procedure Code.

Amendment of section 57 of the Evidence Ordinance.

Validation of judgments, decrees, orders and directions of any court, of pleadings filed of record and proceedings recorded in English between 1st January, 1961, and the date of commencement of this Act.

5. (1) The Minister of Justice may, by Order published in the *Gazette*, make such amendments or modifications of any written law as may be consequential, or such provisions as may be necessary to give full force and effect, to an Order under section 2.

(2) An Order made and published under subsection (1) shall have the force of law and shall prevail over any other law.

6. Section 301 of the Criminal Procedure Code is hereby amended by the repeal of sub-section (2) of that section and the substitution therefor of the following sub-section:—

“(2) Where any document is in a language other than Sinhala, there shall be filed with it a Sinhala translation or, if the language of the document is not English, an English translation thereof or of so much thereof as is material, according as the language used for recording the proceedings in the court in which that document is produced is Sinhala or English.”.

7. Section 57 of the Evidence Ordinance is hereby amended, in paragraph (9) of that section, by the substitution, for the word “English”, of the words “Sinhala or English”.

8. No judgment pronounced by any court and no decree, order or direction made or given, no pleadings filed of record and no proceedings recorded in English between the first day of January, 1961, and the date of commencement of this Act shall be or be deemed to be invalid by reason of the fact that the said judgment, decree, order or direction of the court has been pronounced made or given or the pleadings have been filed of record or the proceedings thereof have been recorded in English in contravention of any other law.