

IN THE SUPREME COURT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF SRI LANKA

SC (ref) 67/16

Supreme Court No: 67/16

In the matter of an application under  
Articles 17 and 126 of the Constitution of  
the Republic

1. Vithanage Sanjeewa Sudath Perera  
568, Tissa Mawatha, Galborella,  
Kelaniya.
2. M. Pradeep Asiri Soysa,  
155/20, Parakrama Mawatha,  
Peliyagoda.
3. Godawaththa Arachchige Don  
Premarathna, Pattiya Junction,  
Kandy Road, Kelaniya.

Petitioners

Vs

01. His Excellency Maithreepala  
Sirisena  
President of the Republic of Sri  
Lanka  
Presidential Secretariat  
Colombo 1

02. The Hon. The Attorney –  
General,  
Attorney-General's  
Department,  
Hultsdroph Street,  
Colombo 12.

Respondents

This 26<sup>th</sup> day of February 2016

To: HIS LORDSHIP THE CHIEF JUSTICE AND THE OTHER HONOURABLE  
JUDGES OF THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST  
REPUBLIC OF SRI LANKA

The petition of the petitioners above named appearing by Miss. K.N.M Dilrukshi  
their Attorney – at- Law states as follows

1. The petitioners are citizens of Sri Lanka.
2. The issue as to whether the National Anthem of Sri Lanka should be sung only in the Sinhala Language and/ or in the Sinhala words contained in the Third Schedule to the Constitution of the Republic, arose in view of the fact that the National Anthem was sung in the Tamil language at the Independence Day official celebration held on 4<sup>th</sup> February 2016. Since the petitioners are unaware as to which authority/ official organized the said celebration the petitioners have made His Excellency The President, the 1<sup>st</sup> respondent, a party to this application as His Excellency The President as Head of the Government was the chief participant at the said celebration. His Excellency The President is also the Head of the Executive in terms of the Constitution and the Executive organized all activities in the said celebration including the singing of the National Anthem in the Tamil language.
3. The 2<sup>nd</sup> respondent has been made a party to this application in terms of the Rules.
4. The petitioners became aware that the National Anthem was sung in the Tamil language at the said celebration from news reports appearing in "Rivira" and "Maubima" Newspapers dated 7<sup>th</sup> February 2016. True copies of the front pages of the respective newspapers are annexed hereto marked P1 and P2 respectively.
5. On further inquiries made, the petitioners were able to download from the Internet a song "Sri Lanka Thaye" sung in the Tamil language, the melody of which is identical to the melody of the National Anthem entrenched in the Constitution in terms of Article 7 of the Constitution of the Republic read with Article 83. The petitioners state that it was the said song in the Tamil

language which was sung as the National Anthem in the Tamil language at the said celebration.

**The compact disc (CD) of the said song is annexed hereto mark P3 the words of which appear in annexure P3A . Annexure P3B contain the Tamil words in document P3A in Sinhala letters**

6. The petitioners state that they have made inquires and have become aware that the said song in P3 is the song sung as the National Anthem in the Tamil language at the said celebration held on 4<sup>th</sup> February 2016.
7. The petitioners state that the said song in P3 is a gross violation of Article 7 of the Constitution of the Republic in as much as,
  - i. the National Anthem of the Republic in Sri Lanka is entrenched in the Constitution of the Republic of Sri Lanka
  - ii. in terms of Article 7 of the Constitution the lyrics of the National Anthem are contained in the Third Schedule to the Constitution commencing from the Sinhala words “ ඉ ලංකා මාතා”
  - iii. the melody as contained in the Third Schedule can only be used for the Sinhala lyrics as contained in the Third Schedule.
8. The petitioners respectfully state that the singing of the National Anthem in the Tamil language as contained in annexures P3 and P3A are arbitrary and capricious and a gross violation of the equality principle enshrined in Article 12(1) of the Constitution and as such a violation of the fundamental right of the petitioners, and as well of the other citizens of Sri Lanka.
9. The petitioners state that in as much as the National Anthem can only be sung in the Sinhala Language in term of Article 7 of the Constitution, the decision to sing the National Anthem in the Tamil Language is discriminatory and violative of Article 12(2) of the Constitution.
10. The petitioners state that commencing words of the National Anthem were originally “Namo Namo Matha” which was composed by the well- known musician Ananda Samarakon. The said National Anthem composed in the hand writing of said composer appears in the book ‘Ananda Samarakon Adyanaya”



authored by Prof. Sunil Ariyaratna, the relevant pages of which are annexed hereto marked P4.

11. The petitioner state that thereafter the "Gana pihiteema" (arranging of letters/sounds to bring forth good or fortunate result as against evil result) of the said composition was checked and due to much agitation from the public the commencing words 'Namo Namo Matha' were substituted with the words "Sri Lanka Matha". In the circumstance the words in the National Anthem have been arranged according to a linguistic technique known as "gana pihiteema" which is accepted and honored in Sri Lanka.
12. The petitioners state that in view of the aforesaid facts and circumstances the singing of the National Anthem in the Tamil language is violative of the fundamental right of the petitioners as well as of the other citizens enshrined in Article 12(1) and 12(2) of the Constitution.
13. The petitioners have not previously, invoked the jurisdiction of Your Lordships' Court in the matter

**Wherefore the petitioners pray that Your Lordship's Court be pleased to**

- a) grant leave to proceed with this application
- b) declare that the petitioners' fundamental rights enshrined in Articles 12(1) and 12(2) of the Constitution have been violated
- c) declare that the National Anthem as contained in the Third Schedule in the Constitution should be sung only in the Sinhala Language and/or in the Sinhala words contained in Third Schedule to the Constitution
- d) grant costs and
- e) grant such other and further relief as deem fit to Your Lordships' Court.



**Attorney -at-Law for the petitioners**

SUNIL DELRUPA  
B.L.S. P. No.  
Sri Lanka Law Society - Public  
Sri Lanka Law Society  
4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000