



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**SRI LANKA LAND DEVELOPMENT CORPORATION
(AMENDMENT)**

A

BILL

**to amend the Sri Lanka Land Development Corporation
Act, No. 15 of 1968**

*Presented by the Prime Minister and Minister of Finance, Minister of
Buddhasasana, Religious & Cultural Affairs and Minister of
Urban Development & Housing on 08th of April, 2021*

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STATEMENT OF LEGAL EFFECT

Clause 2: This clause amends section 2A of the Sri Lanka Land Development Act, No.15 of 1968 (hereinafter referred to as the “principal enactment”), and the legal effect of the section as amended is to prescribe a fine and a term of imprisonment by a Magistrate in a summary trial where an offence under this section is committed and to set out the procedure to take action in case of any violation of the provisions of this section.

Clause 3 : This clause amends section 2B of the principal enactment and the legal effect of that section as amended is to prescribe a fine and a term of imprisonment by a Magistrate in a summary trial where an offence under this section is committed and to set out the procedure to take action in case of any violation of the provisions of this section.

Clause 4 : This clause amends section 4A of the principal enactment and the legal effect of that section as amended is to prescribe a fine and a term of imprisonment by a Magistrate in a summary trial where an offence under this section is committed and to set out the procedure to take action in case of any violation of the provisions of this section.

Clause 5 : This clause amends section 6 of the principal enactment and the legal effect of that section as amended is to replace two *ex-officio* members of the Corporation.

Clause 6 : This clause amends section 9 of the principal enactment and the legal effect of that section as amended is to enhance the powers of the Corporation.

Clause 7 : This clause amends section 20A of the principal enactment and the legal effect of that section as amended is to set out the procedure for application to obtain a restraining order.

Clause 8 : This clause introduces two sections in order to provide for the procedure to be followed by a police officer and for the offences committed by a body of persons or a partnership.

Clause 9 : This clause amends section 22A of the principal enactment and the legal effect of that section as amended is to provide for the summary trial before a Magistrate where no penalty is provided.

Clause 10 : This clause amends section 28 of the principal enactment in order to provide for new definitions.

Clause 11 : This clause provides for the continuation of the actions etc., under the principal enactment to continue even after the amendment.

*Sri Lanka Land Development Corporation
(Amendment)*

L.D.-O 11/2012

AN ACT TO AMEND THE SRI LANKA LAND DEVELOPMENT
CORPORATION ACT, NO. 15 OF 1968

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

1. This Act may be cited as the Sri Lanka Land Development Corporation (Amendment) Act, No. of 2021. Short title

5 2. Section 2A of the Sri Lanka Land Development Corporation Act, No. 15 of 1968 (hereinafter referred to as the “principal enactment”) is hereby amended as follows: - Amendment
of section 2A
of Act,
No.15 of
1968

10 (1) in subsection (3) of that section, by the substitution for the words “shall be guilty of an offence under this Act.” of the words “commits an offence and be liable on conviction after summary trial before a Magistrate to a fine not less than one hundred thousand rupees and not exceeding five hundred thousand rupees or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.”;

20 (2) in subsection (4) of that section, by the repeal of all the words and figures from “to prevent such person from carrying on the unlawful activity,” to the end of that subsection, and the substitution therefor of the words “to prevent such person from carrying on the unlawful activity.”;

25 (3) in subsection (5) of that section, by the repeal of all the words and figures from “he may make an application” to the end of that subsection, and the substitution therefor of the following: -

“the chief executive officer may –

(a) make an application to the Magistrate’s Court within whose local jurisdiction such extent

of land or any part thereof in which such unlawful activity is being carried on, is situated, for the issue of an order –

- 5

- (i) restraining such person, his agents and servants from acting in contravention of the provisions of subsection (1);

- (ii) granting the chief executive officer, the authority-

- 10

- (aa) to demolish any building or construction which may have been erected whether wholly or partly on such extent of land;

- 15

- (ab) to excavate or unearth and to remove the soil and materials used in the filling or the construction; and

- 20

- (ac) to take into custody any implement, instrument, machinery, vehicle or document used for such filling or construction; and

- (iii) for the recovery of the total cost incurred by the Corporation-

- 25

- (aa) in the demolition of any building or construction;

- (ab) in the excavation or the unearthing and the removal of the soil and materials used in the filling or the construction; and

- 30

- (ac) in the taking of any implement, instrument, machinery, vehicle or document used for such filling or construction into custody; or

5 (b) complain to the officer in charge of the police station of the area where such extent of land or any part thereof in which such unlawful activity is being carried on or wholly or partly carried out, is situated.”.

(4) by the repeal of subsections (6), (7) and (8) of that section and the substitution therefor of the following subsections: –

10 “(6) Where any person to whom approval has been granted under subsection (2) has failed to comply with the terms and conditions subject to which such approval was granted, the Chief Executive Officer of the Corporation or the officer or servant authorised by the Chief Executive Officer
15 shall direct such person to comply with the same within the time specified in such direction and where such person fails to do so, the Chief Executive Officer may –

20 (a) make an application to the Magistrate’s Court within whose local jurisdiction such extent of land or any part thereof in which such unlawful activity is being carried on, is situated, for the issue of an order –

25 (i) restraining such person, his agents and servants from acting in contravention of the terms and conditions imposed under the provisions of subsection (2);

(ii) granting the Chief Executive Officer, the authority-

30 (aa) to demolish any building or construction which may have been erected whether wholly or partly on such extent of land;

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 (Amendment)

- (ab) to excavate or unearth and to remove the soil and materials used in the filling or the construction; and
- 5 (ac) to take into custody any implement, instrument, machinery, vehicle or document used for such filling or construction; and
- 10 (iii) for the recovery of the total cost incurred by the Corporation-
- (aa) in the demolition of any building or construction;
- 15 (ab) in the excavation or the unearthing and the removal of the soil and materials used in the filling or the construction; and
- 20 (ac) in the taking of any implement, instrument, machinery, vehicle or document used for such filling or construction into custody; or
- 25 (b) complain to the officer in charge of the police station of the area where such extent of land or any part thereof in which such unlawful activity is being carried on or wholly or partly carried out, is situated.”.
3. Section 2B of the principal enactment is hereby amended as follows:-
- 30 (1) in subsection (3) of that section, by the substitution for the words “shall be guilty of an offence under this Act.”, of the words “commits an offence and be liable on conviction after summary trial before a Magistrate to a fine not less than one hundred
- Amendment of section 2B of the principal enactment

thousand rupees and not exceeding five hundred thousand rupees or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.”;

- 5 (2) by the repeal of subsections (5), (6) and (7) thereof, and the substitution therefor, of the following subsections: –

10 “(5) Where the Chief Executive Officer is informed and upon being satisfied that any person is acting in contravention of the provisions of subsection (3), the Chief Executive Officer may –

- 15 (a) make an application to the Magistrate’s Court within whose local jurisdiction such extent of land or any part thereof in which such unlawful activity is being carried on, is situated, for the issue of an order –

(i) restraining such person, his agents and servants from acting in contravention of the provisions of subsection (3);

- 20 (ii) granting the Chief Executive Officer, the authority-

25 (aa) to demolish any building or construction which may have been erected whether wholly or partly on such extent of land;

(ab) to excavate or unearth and to remove the soil and materials used in the filling or the construction; and

- 30 (ac) to take into custody any implement, instrument, machinery, vehicle or document used for such filling or construction; and

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(iii) for the recovery of the total cost incurred by the Corporation-

(aa) in the demolition of any building or construction;

5 (ab) in the excavation or the unearthing and the removal of the soil and materials used in the filling or the construction; and

10 (ac) in the taking of any implement, instrument, machinery, vehicle or document used for such filling or construction into custody; or

15 (b) complain to the officer in charge of the police station of the area where such extent of land or any part thereof in which such unlawful activity is being carried on or wholly or partly carried out, is situated.”.

20 4. Section 4A of the principal enactment is hereby amended by the repeal of subsections (3), (4), (5), (6) and (7) thereof and the substitution therefor of the following: -

Amendment
of section 4A
of the
principal
enactment

25 “(3) Every person who acts in contravention of the provisions of subsection (2) commits an offence and be liable on conviction after summary trial before a Magistrate to a fine not less than one hundred thousand rupees and not exceeding five hundred thousand rupees or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

30 (4) Where the Chief Executive Officer is informed and upon being satisfied that any person is acting in contravention of the provisions of subsection (2), the Chief Executive Officer may –

(a) make an application to the Magistrate’s Court within whose local jurisdiction such extent of land or any part thereof in which such unlawful activity

is being carried on, is situated, for the issue of an order –

- 5 (i) restraining such person, his agents and servants from acting in contravention of the provisions of subsection (2);
- (ii) granting the Chief Executive Officer, the authority-
 - 10 (aa) to demolish any building or construction which may have been erected whether wholly or partly on such extent of land;
 - (ab) to excavate or unearth and to remove the soil and materials used in the filling or the construction;
15 and
 - (ac) to take into custody any implement, instrument, machinery, vehicle or document used for such filling or
20 construction; and
- (iii) for the recovery of the total cost incurred by the Corporation-
 - (aa) in the demolition of any building or construction;
 - 25 (ab) in the excavation or the unearthing and the removal of the soil and materials used in the filling or the construction; and
 - (ac) in the taking of any implement, instrument, machinery, vehicle or document used for such filling or
30 the construction into custody; or

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- 5 (b) complain to the officer in charge of the police station of the area where such extent of land or any part thereof in which such unlawful activity is being carried on or wholly or partly carried out, is situated.

10 (5) Where any person to whom approval has been granted under subsection (2) has failed to comply with the terms and conditions subject to which such approval was granted, the Chief Executive Officer or the officer or servant authorised by the Chief Executive Officer shall direct such person to comply with the same within the time specified in such direction and where such person fails to do so, the Chief Executive Officer may –

- 15 (a) make an application to the Magistrate's Court within whose local jurisdiction such extent of land or any part thereof in which such unlawful activity is being carried on, is situated, for the issue of an order –

- 20 (i) restraining such person, his agents and servants from acting in contravention of the terms and conditions imposed under the provisions of subsection (2);

- (ii) granting the Chief Executive Officer, the authority-

- 25 (aa) to demolish any building or construction which may have been erected whether wholly or partly on such extent of land;

- 30 (ab) to excavate or unearth and to remove the soil and materials used in the filling or the construction; and

5 (ac) to take into custody any implement, instrument, machinery, vehicle or document used for such filling or construction; and

(iii) for the recovery of the total cost incurred by the Corporation-

(aa) in the demolition of any building or construction;

10 (ab) in the excavation or the
unearthing and the removal of
the soil and the materials used
in the filling or the
construction; and

15 (ac) in the taking of any implement,
 instrument, machinery, vehicle
 or document used for such
 filling or construction into
 custody; or

20 (b) complain to the officer in charge of the police station of the area where such extent of land or any part thereof in which such unlawful activity is being carried on or wholly or partly carried out, is situated.”.

25 **5.** Section 6 of the principal enactment is hereby amended by the repeal of subparagraphs (ii) and (iii) of paragraph (a) of subsection (1), and the substitution thereof, of the following: -

30 “(ii) an Additional Secretary of the Ministry of the
Minister; and

(iii) the Director-General of the National Physical Planning appointed under section 5 of the Town and Country Planning Ordinance (Chapter 269); and”.

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 (Amendment)

6. Section 9 of the principal enactment is hereby amended by the insertion immediately after paragraph (e) of subsection (1), of the following new paragraph: -

Amendment
of section 9
of the
principal
enactment

5 “(ea) to enter into joint ventures, partnerships or other
commercial agreements with foreign or local
companies or individuals directly, jointly or
otherwise, within or outside Sri Lanka with the
conconcurrence of the Minister and in accordance with
10 other written law to achieve the objects of the
Corporation by utilizing the skilled labour, expert
knowledge and the experience of the Corporation;”.

7. Section 20A of the principal enactment is hereby repealed and the following section is substituted therefor: -

Replacement
of
section 20A
of the
principal
enactment

15 “Procedure for application for restraining order 20A. (1) Every application for an order
under subsection (5) or (6) of section 2A,
subsection (5) of section 2B or subsection (4)
or (5) of section 4A shall be supported by an
affidavit verifying the matters set out in the
application.

20 (2) Upon receipt of the application, where
the Magistrate is satisfied that an act has been
committed in contravention of the provisions
of subsection (5) or (6) of section 2A, subsection
25 (5) of section 2B or subsection (4) or (5) of
section 4A, may make an interim order
restraining such person, his agents and servants
from carrying on such unlawful activity until
such interim order is made permanent under
the provisions of subsection (4) or (7) or is set
30 aside under the provisions of subsection (7).

(3) Summons shall be issued on the person
against whom the interim order under
subsection (2) is made or where an interim order
has not been made by the Magistrate’s Court

5 under subsection (2) on the person against
whom an application for an order under
subsection (5) or (6) of section 2A, subsection
(5) of section 2B or subsection (4) or (5) of
section 4A has been made to appear and show
cause on the date specified in such summons
being a date not later than fourteen working
days from the date of issue of such summons,
10 as to why such person, his agents and servants
should not be restrained, as prayed for in the
application.

15 (4) If the person against whom such order
has been made fails to appear before the Court
on the date specified in subsection (3) or such
person has no cause to show as to why the
interim order made under subsection (2) shall
not be made permanent, then the Court shall
forthwith make the interim order permanent as
prayed for in the application.

20 (5) If the person against whom an interim
order has not been made and against whom the
summons has been served under subsection (3)
fails to appear before Court or such person has
no cause to show as to why a restraining order
25 against him shall not be made, then the court
shall issue a restraining order as prayed for in
the application.

30 (6) If such person appears in Court and
states that such person has cause to show
against the making of the interim order or the
making of a restraining order, the Court may
either proceed with the case forthwith or set
the case for inquiry on a later date.

35 (7) At such inquiry the person on whom
summons under subsection (3) has been served,

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shall not be entitled to contest any of the matters stated in the application under subsection (1) except to show cause that –

5 (a) the relevant area of the land is not a land that comes under sections 2, 2B or 4A of this Act; or

10 (b) such person has complied with the terms and conditions of the approval under subsection (2) of section 2A or subsection (2) of section 4A or has complied with the requirements specified in the order made under subsection (1) of section 2B.

15 (8) After the inquiry the Magistrate may either make the interim order permanent as prayed for in the application or set aside such interim order or make a restraining order as prayed for in the application or reject such application.

20 (9) Where the Magistrate has made an order under subsection (4), (5) or (8), the Magistrate may direct –

 (a) the Chief Executive Officer -

25 (i) to demolish any building or construction which may have been erected whether wholly or partly on such extent of land;

30 (ii) to excavate or unearth and to remove the soil and materials used in the filling or the construction; and

5 (iii) to take into custody any
implement, instrument,
machinery, vehicle or
document used for such filling
or construction; and

(b) the person against whom such order
was made to pay the total cost
incurred-

10 (i) in the demolition of any
building or construction;

(ii) in the excavation or unearthing
of the soil and materials used
in the filling or the
construction;

15 (iii) in the removal of the soil and
materials used for such filling
or construction; and

20 (iv) in the taking into custody of
any implement, instrument,
machinery, vehicle or
document used for such filling
or construction.

25 (10) The cost incurred by the Corporation,
as specified in the statement of cost certified
by a Chartered Civil Engineer and submitted
with an affidavit to the Magistrate's Court by
the Chief Executive Officer shall be final and
conclusive and be recovered from the person
30 against whom the order was made in the same
manner as a fine imposed by such Court and
shall be credited to the Fund of the Corporation.

(11) (a) Where an order under subsection (9) is made and the Magistrate has directed the Chief Executive Officer to take any implement, instrument, machinery, vehicle or document into custody, the Magistrate may subject to the provisions of subsection (12) make order that such implement, instrument, machinery, vehicle or document shall be forfeited to the State. Any implement, instrument, machinery, vehicle or document so forfeited to the State shall vest in the State free from all encumbrances. Such vesting shall take effect-

15 (i) where no appeal has been preferred
to the Court of Appeal or a High
Court established by Article 154P
of the Constitution against the order
of forfeiture, upon the expiry of the
period within which an appeal may
20 be preferred to the Court of Appeal
or such High Court; or

25 (ii) where an appeal has been preferred to the Court of Appeal or to the High Court established under Article 154P of the Constitution against the order of forfeiture, upon the determination of the appeal affirming or upholding the order of forfeiture.

30 (b) The Chief Executive Officer shall
take possession of any implement, instrument,
machinery, vehicle or document vested in the
State under this section and may sell or
otherwise dispose of the same as he may think
35 fit. The proceeds of such sale shall be credited
to the Fund of the Corporation.

35

5 (12) Where an order under subsection (9) is made and the Magistrate has directed the Chief Executive Officer to take any implement, instrument, machinery, vehicle or document into custody and the owner of such implement, instrument, machinery, vehicle or document is a third party, no order of forfeiture shall be made, if the owner proves to the satisfaction of the Court that-

10 (a) he has taken all precautions to prevent the use of such implement, instrument, machinery, vehicle or document; or

15 (b) that such implement, instrument, machinery, vehicle or document have been used without his knowledge,

for the commission of the offence.

20 (13) (a) Where the Chief Executive Officer or the officer or the servant authorised by the Chief Executive Officer is unable or suspects that he will be unable to proceed with-

(i) the demolition of any building or construction;

25 (ii) the excavation or unearthing of the soil and materials, used in the filling or the construction;

(iii) the removal of the soil and all materials used for such filling or construction; and

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(iv) the taking into custody of any implement, instrument, machinery, vehicle or document used for such filling or construction,

5 due to any obstruction or resistance which has been, or is likely to be made, the Chief Executive Officer shall on making an application in that behalf to the Magistrate's Court where an order under subsection (9) is
10 made, be entitled to an order of that Court directing the Fiscal to-

(aa) demolish any building or construction;

15 (ab) excavate or unearth the soil and materials used in the filling or the construction;

(ac) remove the soil and materials used for such filling or construction; and

20 (ad) take into custody any implement, instrument, machinery, vehicle or document used for such filling or construction.

25 (b) Every application supported by an affidavit shall be conclusive evidence of the facts stated therein.

(c) The Fiscal to whom an order is issued under paragraph (a) shall forthwith execute such order and report in writing to the Court, the manner in which such order was executed.

30 (d) Where the Fiscal has demolished any building or construction, excavated or

5 unearthed the soil and materials used and
removed the soil and materials used in the
filling or the construction and taken into
custody any implement, instrument,
machinery, vehicle or document used for such
filling or construction, the person against whom
the order under subsection (9) is made, shall
pay the total cost incurred in such demolition,
excavation, unearthing, removal, or taking into
10 custody any implement, instrument,
machinery, vehicle or document used for such
filling or construction and the same be
recovered in the same manner as a fine imposed
by such Court.

15 (e) Where an order under paragraph (a) is
made, all the implements, instruments,
machinery, vehicles or documents taken into
custody by the Fiscal shall subject to the
provisions of paragraph (f) be forfeited to the
20 State.

 (f) Where an order is made under
paragraph (a) for the taking into custody of
any implement, instrument, machinery, vehicle
or document and the owner of such implement,
25 instrument, machinery, vehicle or document is
a third party, no order of forfeiture shall be
made, if the owner proves to the satisfaction of
the Court that-

30 (i) he has taken all precautions to
prevent the use of such implement,
instrument, machinery, vehicle or
document; or

 (ii) that such implement, instrument,
machinery, vehicle or document have
35 been used without his knowledge,

for the commission of the offence.

(14) The Minister may by regulations prescribe the forms of the applications and the affidavit.”.

8. The following new sections are hereby inserted
5 immediately after section 20c of the principal enactment
and shall have effect as sections 20D and 20E of that
enactment: -

Insertion of
new sections
20D and 20E
in the
principal
enactment

“Procedure
to be
followed by
10 a police
officer

20D. (1) (a) Upon a complaint under
paragraph (b) of subsection (5) of section 2A,
paragraph (b) of subsection (6) of section 2A,
paragraph (b) of subsection (5) of section 2B,
paragraph (b) of subsection (4) of section 4A,
or paragraph (b) of subsection (5) of section 4A
being made, the officer-in- charge of such police
15 station shall take into custody all persons
involved in the commission of such offence as
having committed a cognizable offence
together with any implement, instrument,
machinery, vehicle or document.

20 (b) A cognizable offence within the
meaning of this Act shall be an offence for
which a police officer may arrest a person in
the first instance without a warrant.

25 (c) All offences under this Act shall be non-
bailable and the provisions of the Bail Act,
No. 30 of 1997 shall apply.

30 (2) All such persons and any implements,
instruments, machinery, vehicles or documents
as are taken into custody under subsection (1)
shall forthwith be produced before the
Magistrate’s Court.

(3) Where a person is convicted of an offence under subsection (3) of section 2A, subsection (3) of section 2B or subsection (3) of section 4A, the Court may order such person-

5 (a) to demolish any building or construction; and

 (b) to excavate or unearth and to remove the soil and materials used in the filling or the construction,

10 in respect to which such offence was committed within such period as may be specified by Court.

 (4) Upon conviction of a person of an offence under subsection (3) of section 2A, subsection (3) of section 2B or subsection (3) of section 4A, the person so convicted shall for every day in respect of which the offence is so continued after conviction pay a fine of one thousand rupees for each such day.

20 (5) (a) When a person is convicted of an offence under subsection (3) of section 2A, subsection (3) of section 2B or subsection (3) of section 4A, all the implement, instrument, machinery, vehicle or document used by such person in committing such offence, shall subject to the provisions of paragraph (b) be forfeited to the State.

 (b) Where the owner of any implement, instrument, machinery, vehicle or document is a third party, no order of forfeiture shall be made if the owner proves to the satisfaction of the Court that-

30 (i) he has taken all precautions to prevent the use of such implement, instrument, machinery, vehicle or document; or

35

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 (Amendment)

- (ii) such implement, instrument, machinery, vehicle or document have been used without his knowledge,

for the commission of the offence.

5 Offences committed by a body of persons or a partnership 20E. Where an offence under this Act or any regulation made thereunder is committed by a body of persons, then if that body of persons -

10 (a) is a body corporate, every director, officer, servant or agent of such body corporate; or

 (b) is a partnership, every partner, officer, servant or agent of such partnership,

shall be guilty of that offence:

15 Provided however, that a director, an officer, a servant or an agent of a body corporate or a partner, an officer, a servant or an agent of a partnership, as the case may be, shall not be deemed to be guilty of such offence, if he

20 proves to the satisfaction of the Court that such offence was committed without his knowledge or that he had exercised all due diligence as was necessary to prevent the commission of such offence.”.

25 9. Section 22A of the principal enactment is hereby amended by the substitution for the words “is prescribed shall”, of the words “is prescribed shall, on conviction after summary trial before a Magistrate,”.

Amendment of section 22A of the principal enactment

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(Amendment)

10. Section 28 of the principal enactment is hereby amended as follows: -

Amendment
of section 28
of the
principal
enactment

- 5 (1) by the insertion immediately before the definition of the term “Corporation”, of the following new definition: -

““Chief Executive Officer” means the General Manager of the Corporation appointed under subsection (1) of section 14 of the Act;” and

- 10 (2) by the insertion immediately after the definition of the term “Corporation”, of the following new definition: -

15 ““Minister” means the Minister to whom the Sri Lanka Land Development Corporation is assigned under Article 43 or 44 of the Constitution.”.

- 11.** All actions, prosecutions and proceedings pending or incomplete on the date of commencement of this Act may be carried on and completed after the date of commencement of this Act as if the provisions of the Sri Lanka Land Development Corporation Act were not amended.

Transitional
Provision

- 12.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text
to prevail in
case of
inconsistency

