

Kodeeswaran v. The Attorney-General (1969–70)

The test case in which a Tamil civil servant challenged the Official Language Act's lawfulness under Section 29(2) of the Soulbury Constitution — and which the 1972 Constitution then mooted by removing the safeguard itself.

Kodeeswaran is the legal mirror to Bandaranaike–Chelvanayakam. The constitutional route worked in principle: the Privy Council found Section 29(2) justiciable. By the time it could be applied, the section was gone. The case is the cleanest demonstration that constitutional remedy inside a unitary majoritarian frame depends on the legislature's good faith — and that good faith was withdrawn in 1972.

§1 What was tested

Kodeeswaran, a Tamil civil servant, challenged the withholding of salary increments tied to passing a Sinhala-language proficiency examination. The Supreme Court initially upheld the challenge; the Privy Council on appeal accepted that Section 29(2) was justiciable in principle and remitted the case.

The 1972 Constitution — adopted before final resolution — abolished Section 29(2) altogether and removed appeals to the Privy Council. The constitutional safeguard the Tamil side had relied on since 1947 ceased to exist.

Sources

- Kodeeswaran v. The Attorney-General — case materials.
- Wakeley — Section 29 in the 1972 Constitution.
- Soulbury Commission Report (1945).

What this is not

- This article does not narrate the litigation personally; the case is the unit.
- This article does not speculate on the outcome had the 1972 Constitution not intervened.