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இலங்கை மனித உரிமைகள் ஆணைக்குழு  
HUMAN RIGHTS COMMISSION OF SRI LANKA

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Date. }

Complainant : Ms. G. Suthajini  
50, Jaffna – Point Pedro Road  
Puttur – West  
J/Puttur.

Respondent : 01. Registrar General  
Registrar General's Department  
Battaramulla.

02. Deputy District Registrar  
District Secretariat  
Jaffna.

**Complaint No : HRC/JAF/139/25**

**Synopsis of the Complaint**

The Complainant has applied for the position of Registrar of Birth, Death (Tamil Medium) for Puttur, and Registrar Marriages (Tamil medium) for the Kopay division in the Jaffna District. Nonetheless the eligibility conditions set out in the advertisement was arbitrary and unjustified, as it excluded Unmarried persons, Divorced persons and widows from applying for the Post of Registrar of Marriages.

The exclusion of the complainant from eligibility for the position, solely on the basis of her Civil Status as a widow is arbitrary and unjustified and amounts to an infringement of complainant's Fundamental Rights.

**Report from the Respondent**

The Commission called a report from the respondent party with respect to the complaint made by the Complainant.

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பிரதான அலுவலகம் }  
lead Office }

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The 1<sup>st</sup> Respondent, submitted a report on 01.08.2025 and stated that in accordance with the provisions of Section 5 and 6 of the Birth and Death Registration Act No: 17 of 1951 and the Marriage Ordinance No: 19 of 1907, the appointment of Registrar for the respective divisions are affected by Gazette notifications.

The Registrar General has issued a handbook incorporating all regulations made by the Minister. Furthermore, the handbook is amended from time to time with the approval of the Minister.

Category III, Chapter I of the Hand Book contains the regulations applicable to Registrars. Paragraph 12 sets out the prescribed qualifications for the post of Registrar, under the heading of Civil status it specifically states that an applicant must be a married person.

As per section, 07 of the amended scheme of recruitment for Registrars, the prescribed civil status requires that an applicant must be a married person, a widow/widower or a person not divorced. The criterion was applicable only in respect of the appointment to the post of Marriage Registrar.

This criterion was applicable to the advertisement published on 07.06.2025 for the recruitment of the Post of Birth, Death and Marriage (Tamil Medium Registrar)

The eligibility criterion is not relevant to the appointment of a Birth and Death Registrar but is applicable only to the position of Marriage Registrar, Marriage constitutes a significant social institution within the Sri Lankan cultural context and it closely associated with religious beliefs. Customary practices, auspicious times and various social traditions.

Furthermore, a marriage registrar required to be a resident of the relevant local area in this context prevailing social beliefs, attitudes, customs, and considerations of auspiciousness within the community are taken into account. Accordingly, the civil status requirement is linked to the cultural and social sensitivities surroundings the solemnization of marriages and is therefore specifically relevant to the appointment of a Marriage Registrar.

### **Analysis**

The core issue arising from the Complaint is whether the eligibility criterion that disqualifies widow from applying for the post of Registrar of Marriages is reasonable, rationale (nexus) and justifiable or whether it amounts to arbitrary and discriminatory exclusion.

The Complainant asserts that she was prevented from applying solely on the basis of her civil status as a widow and not due to any lack of qualifications, competence or suitability to perform

the duties of the post. This establishes a prima facie case of different treatment based on personal status.

In response, the Respondent relied on the argument that marriage holds significant cultural and social importance in Sri Lanka and closely linked with social beliefs, customs, attitudes, and auspicious practices on this basis the Respondent justifies the eligibility criteria contained in the relevant hand book which disqualifies unmarried, divorced and widowed persons from appointment as Registrar of Marriage.

However, while cultural sensitivity and social context may be relevant considerations, such factors cannot by themselves, justify exclusionary criteria unless a clear and rational nexus is demonstrated between the civil status of the applicant and the actual functions and responsibilities of the post. The Respondent has not established how being widowed directly affects the ability to lawfully, impartially and efficiently perform statutory duties as Registrar of Marriages.

Furthermore, the blanket disqualification of widowed persons appears to be based on assumptions and social perceptions, rather than an objective, evidence based requirements. Such an approach risk reinforcing stereotypes and fails to meet standards of reasonableness proportionality and equality in public appointment.

Human Rights Commission observes that the eligibility criterion restricting unmarried, divorced and widowed persons from applying for the position operates as a form of direct discrimination based on civil status. Such a condition excludes an identifiable category of persons at the threshold and denies them equal access to public service. The Commission notes that civil status is a personal circumstance that has no reasonable or objective connection to the functions and responsibility of the Registrar. The respondents have failed to establish that civil status has any relevance to the discharge of the duties attach to the Marriage Registrar. Accordingly, the restriction, lacks of rational basis and fails the test of reasonableness.

The Commission therefore concludes that limitation is arbitrary, discriminatory and incompatible with right to equality.

The Supreme Court in Ariyawansa & others vs. the People's Bank & others (2006) 2 Sri L.R. 145 (at p 152) has held the concepts of negation of arbitrariness and unreasonableness are embodied in the right to equality. Accordingly finds that qualification of civil status set out in the post of Marriage of Registrar is violated the victims' right to equality before the law and equal protection of the law.

Furthermore, Article 10 of the Constitution of Sri Lanka guarantees the freedom of thought, conscience and religion. The freedom of conscience includes the right of an individual to make

personal judgment and decisions regarding his or her own beliefs and way of life. Accordingly, remaining unmarried throughout one's life may be a personal decision made in the exercise of such freedom. In this content, restricting an unmarried person from applying for the public position effectively penalize the exercise of that personal choice and give rise to violation of the right protected under Article 10.

### **Recommendation**

The Commission reiterates the Respondents, through their administrative acts have violated the Right to equality and non-discrimination respectively guaranteed by 12(1) and Article 10 of the Constitution.

In terms of Section 15(3) (C) and (4) of the HRCSL Act, the following recommendations are made to Respondent.

The immediate measures to amend the scheme of recruitment of Registrar of Marriage by removing qualification based on civil status.

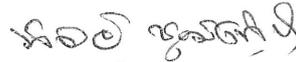
In accordance with section 15(7) of the HRCSL Act, 1<sup>st</sup> Respondent directed to implement said recommendation on or before 02<sup>nd</sup> May 2026 and submit a report to the Commission on progress with respect to implementing the recommendations.



Chairman

Human Rights Commission of Sri Lanka.

Justice L.T.B. DeSilva  
Judge of the Supreme Court (Retired)  
Chairman  
Human Rights Commission of Sri Lanka



Commissioner

Human Rights Commission of Sri Lanka.

Nimal G. Punchihewa  
Senior Counsel  
Commissioner  
Human Rights Commission of Sri Lanka

Copies to :

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02. Secretary  
Ministry of Public Administration and Home Affairs  
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