Language is a source of identity and is a fundamental right of a person and it is also all pervasive. It is a question of dignity and equality. Language discrimination occurs when a person is treated differently because of that person’s native language or other characteristics of that person’s speech. Language discrimination may also occur if a person is denied access to businesses or government services because he or she does not speak the official language. In Sri Lanka, linguistic rights of Tamils have been a key source of conflict, which has paved the way for the civil war and Tamil insurgency.

In this light, the need for the implementation of the Official Languages Policy in Sri Lanka is paramount. The Foundation for Co Existence [FCE] recently commissioned the Social Indicator of the Centre for Policy Alternatives to conduct a study to examine the current position of the implementation of the official languages provision in areas outside the North and the East, where there is a substantial presence of Tamil subjects.

The Language Audit thus undertaken indicates that 66.5% of the public interviewed, were unaware of the Official Languages Policy in Sri Lanka. More than 70% were ignorant about the existence of the Official Languages Department. 71.6% of them were unaware of the Official Languages Commission. When asked about the public’s satisfaction with the Tamil language competence of the staff at the institutions surveyed, 77.4% of the respondents expressed that they were either very dissatisfied or somewhat dissatisfied. When the respondents were asked whether the institutions they visited provided an official Tamil translator, 94.1% replied in the negative. Such a situation after 58 years of independence, one can only say is nothing short of dismal and paints a very bleak picture of the interest given by the Sri Lankan State to the implementation of the language rights of the minorities.

The Beginning of Discrimination based on Language

During the years 1830-1833 English was introduced as a medium of instruction and the British decided to encourage the use of English language as the language of administration, education and the judicial system in Sri Lanka.

The language question arose in the post 1947 period, in a context of sensitivity to what the Tamil political leadership had sought to avoid with its ‘Fifty – Fifty” demand and failed. It is sensitivity to the issue of majoritarian rule in the Sinhala leadership that resulted in no steps being taken to implement the State Council Resolution of 1944, which was initially to the effect that Sinhalese alone should replace English. But this proposal by JR Jayewardene was amended the following year and it was recommended that both Sinhala and Tamil languages be made the official languages as regards the medium of instruction in schools, public service exams and legislative proceedings.

In 1951, a Language Commission was appointed by the Governor-General of Ceylon, consisting of three members. It was to ascertain the steps taken so far for the introduction of Sinhalese and Tamil as the official languages of the country. When the final report was submitted, the Chairman of the Official Languages Commission, Justice Arthur Wijewardena, who had served as the Chief Justice of Ceylon recorded that “in
my opinion the replacement of English by Swabhasha would have been very much easier if, instead of two Swabhasha languages as the official language, one alone had been accepted in terms of the motion introduced by Mr. J. R. Jayewardene in the State Council.” Interestingly, K. M. de Silva has this to say about the pronouncement: “The terms of reference of the Commission of which he was the Chairman clearly referred to Sinhala and Tamil as the two official languages. He had been chosen by the Government of the day to head this distinguished Commission established to provide guidelines on a politically sensitive issue, in the hope that he would rise above the partisan passions of his times; he ended by succumbing to these easily as lesser mortals who were presumed to be less detached”. (Quoted in Samarasinghe S.G. 1996. “Language Policy in Public Administration, 1956-1994: An Implementor’s Perspective.”)

The Sinhala Only Act [1956]

In 1956, the Ceylonese government, which had hitherto followed a policy of using Sinhala and Tamil as its official languages, decided to introduce the Official Language Act No. 33 of 1956. This Act declared Sinhala to be the only official language. The Act dictated “Sinhala language shall be the one official language of Ceylon and that if immediate implementation was impracticable, the language or languages currently in use may be continued until the necessary change is effected as early as possible before the expiry of the thirty-first of December, 1960” The Act was not followed by subsidiary legislation in the form of regulations, as was the practice. However, the implementation was based on the policy statements and cabinet directives. Before the passage of the Sinhala Only Act, JR Jayewardene prophesied:

“No Government should and could make Sinhalese the official language by trampling down the language rights of over a million of the permanent residents of the country. It cannot thrust to the wilderness, the cherished language of these people. The doors of the public services should not be closed to the thousands of youth who did not know Sinhalese for no fault of their own. Surely that was the way to sow the seeds of civil war… There was genuine fear in the minds of all minorities, Tamils, Muslims, Burghers and others with regard to the proposals of the Government… Mr. Bandaranaik had (sic) still time to shake off the shackles with which he had been bound and to save the country from long years of unnecessary strife and even bloodshed (Ceylon Daily News, 4 June 1956: 5, J. R. Jayewardene on Sinhala Only Bill)”

Herein, Jayewardene very correctly connects the ‘Sinhala Only ‘policy with restricted access to public sector employment, which at the time was part of the political agenda of those who advocated that policy. He was spot on with his observation that the public sector would become an enclave for the Sinhalese. Moreover, he identified prior to the actual enactment of the Bill, the inherent potential for serious internal conflict as it would create political radicalization of hundreds of educated Tamil youth.

Dr. Colvin R De Silva’s comments after the Sinhala Only Act was passed in Parliament echoed the same thoughts:

“So you want two languages and one nation or one language two nations? Parity, Mr. Speaker, we believe is the road to the freedom of our nation and the unity of its components. Otherwise two torn little bleeding states may arise of one little state, which has compelled a large section of itself to treason, ready for the imperialists to mop up that which imperialism only recently disgorged”. [ Hansard, Vol 24, Col 1917, 1956]

As a result of the Tamils’ continuous opposition to the implementation of the Sinhala Only policy of the government, the Ceylon Parliament passed the Tamil Language (Special Provisions) Act in 1958. The Act provided for the use of Tamil in correspondence with the public for prescribed administrative work in the Northern and Eastern provinces. Tamil was accorded the status of an official language in the Northern and Eastern provinces without prejudice to the operation of Sinhala as the official language in those provinces.

Thereafter, successive national governments made efforts to redress the discrimination caused and damage done by the language policies adopted previously, at the same time retaining the pre-eminent position
accorded to the Sinhala language by bringing in Amendments to the Constitution. The same leaders who were responsible for the growth of the Sinhala Only movement were forced by circumstances to find ways to remedy the situation caused by them. As Dharmadasa writes, “Needless to say ‘language’ per se is not the bone of contention. It is what language stands for and what it represents that goad communities and individuals to take it up as a cause”. (Dharmadasa, 1996)

The 1972 Constitution provided that Sinhala be the language of legislation with a Tamil translation. It also sanctioned that the Sinhala laws once published and laid before the National Assembly would supersede the corresponding law in English. While this Constitution was an accommodation of some of the wishes of the Tamils, it was not felt to go far enough. Meanwhile, the ethnic and religious divide between the Sinhala majority and the Tamil minority was growing and total distrust between the communities was by then well established. The severe contest for power among the Sinhala political parties helped harden the attitude of the people towards each other’s language. The 1978 Constitution once again reiterated that the official language of Sri Lanka shall be Sinhala. This position was somewhat a change from the hitherto accepted position of the 1956 Act that declared explicitly that the Sinhala language shall be the one official language in Ceylon. The 1978 Constitution, in contrast, did not appear to have that emphatic statement, but it amounted to saying the same thing from the point of view of the Tamils. The Constitution also said that Tamil shall be an official language. It also declared that English would be the link language. In another article, the Constitution declared that the National Languages of Sri Lanka shall be Sinhala and Tamil. At that time, Dr N M Perera commenting on the new Constitution said that “undoubtedly one of the progressive sections is that devoted to language. In one sentence it laid to rest the language spectre that had been haunting the political life of Sri Lanka since 1955…”

Then in 1988, the Constitution also declared through its 16th Amendment that Sinhala and Tamil should be the languages of administration throughout Sri Lanka and Sinhala shall be the language of administration of all the provinces in Sri Lanka other than the Northern and the Eastern provinces where Tamil shall be so used. All laws and subordinate legislation should be enacted or made and published in Sinhala and Tamil together with a translation thereof in English. Sinhala should be used as the language of the courts situated in all the areas of Sri Lanka except those in any areas where Tamil is the language of administration.

**Salient Points from Raja Collure’s Report**

Mr. Raja Collure, as the Chairman of the OLC presented a set of recommendations on the implementation of the OLP in 2005, which are stated to be in keeping with the practice of the bilingual administration system in Canada as well. Given below are a few points from the said memorandum.

- According to a provisional enumeration carried out in the year 2000 by the Department of Census and Statistics there were 835,651 public servants that year. Of the total number of public servants, only 8.31% percent are Tamil speaking. The Commission recommends that in order to overcome the dearth of such public servants in different categories of the public service, necessary personnel proficient in the Tamil Language should be recruited without delay. In order to establish a bilingual public service in due course, it is necessary to train a substantial section of them within a specified period in the Second Official Language (Tamil) relative to the requirements of their functions.

- The Commission has also proposed that the teaching of Sinhala and Tamil be included as compulsory subjects in the curriculum of schools leading to the completion of the 11 year secondary education.

- New recruits to the public service should have proficiency in the Second Official Language at the point of joining the service or should obtain competence in that language within a specified period, preferably within five years thereafter.

**Bilingualism in Canada**
Canada, on the other hand, consisting of both English and French speaking population has come up with numerous provisions to overcome discrimination based on language. At this point, it is felt that a short discussion of same will add more interest to this paper.

Official bilingualism in various forms dates back to the Canadian Confederation in 1867, when the British North America Act allowed both French and English for parliamentary debates and federal court cases. However, for many decades, French was given an inferior position in the Canadian confederation. In 1970, the Federal Identity Program, entailing the equal use of both English and French in all federal applications, was established to standardize a corporate identity for the Canadian government. The Constitution Act of 1982 required provinces and territories, under section 23, to make education available in both official languages where numbers warrant. It also added the Canada Clause, extending minority language education rights across Canada. In 1988, a second version of the Official Languages Act was introduced, taking into account the new requirements of the Constitution Act.

On March 31, 2005, the Supreme Court of Canada ruled unanimously that the interpretation of major part requirement in Quebec’s language of instruction provisions, limiting access to English-language public education, violated the Canadian Charter of Rights and Freedoms. The court did not strike down the law but, presented the province with a set of criteria for bringing the law to conform to the Charter.

Conclusion

As can be seen, the claims for the pre-eminence of a language or linguistic group based on population strength are often questioned by counter-claims based on the historical evolution of the modern nation as a single political unit. Often the conflicting concepts of nationhood come to the fore when these issues are debated. If the national leadership is not wise, patient and sensitive to the issues and is carried by the aspirations of the linguistic majority alone, the nation is bound to suffer soon. As in many other countries, the problem in Sri Lanka is that the linguistic majority has tried to define what should be the legitimate aspirations for the minority.

Sri Lanka is at a decisive cross road in transforming the decades’ old ethnic conflict into peaceful co-existence. Ensuring equal status for Sinhala and Tamil languages in governance, the judiciary, state administration and language learning to create a culture of language pluralism, thus becomes a crucial factor. Therefore, the government should not neglect its responsibilities any further in reforming policies, administrative procedures and the implementation of the plural language policy that will uphold equal status for the official languages of Sri Lanka. [dailymirror.lk]

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