

Tamil Language Rights in Sri Lanka

By

Dr. Devanesan Nesiah

Centre for Policy Alternatives



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CENTRE FOR POLICY ALTERNATIVES

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மீதாற்றல் கொள்கைகள் நிறுவனம்

Tamil Language Rights in Sri Lanka

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The Centre for Policy Alternatives (CPA) is an independent, non-partisan organization that focuses primarily on issues of governance and conflict resolution. Formed in 1996 in the firm belief that the vital contribution of civil society to the public policy debate is in need of strengthening, CPA is committed to programmes of research and advocacy through which public policy is critiqued, alternatives identified and disseminated.

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FOREWORD

After my schooling in Jaffna and Colombo and my under graduate studies in Colombo, I was recruited to the Ceylon Civil Service in April 1959, not long after Sinhala was made the only Official Language. I retired in April 1995, a few years after the passage of the 13th and 16th Ammendments to the Constitution, which introduced Tamil also as an Official Language. In the intervening 36 years, I served a total of 11 years in Badulla, Mannar, Batticaloa and Jaffna Districts. Badulla was bilingual but the other three Districts were predominantly Tamil Speaking.

In the course my work I became very much aware and sensitive to the language problems of the people. This little monograph is the outcome of the awareness I gained in the course of my duties and subsequent research.

I have often travelled in the hill country and past Haputale Church with a lovely view, sometimes stretching out south to the Indian Ocean. That Churchyard contains the ashes of W.S. Senior whose haunting verses titled *The Call of Lanka* are included in this monograph.

I wish to greatfully acknowledge the help given in different ways by Lionel Guruge,

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Asoka Herath, Kamaladevi Sasichandran & Lanka Nesiah to bring out this monograph. My special thanks are due to the Editor of The Island who published a series of four articles by me on this subject in the course of March 2012. This monograph is based on those articles.

Devanesan Nesiah

April 2012

***THE CALL OF LANKA - W.S. SENIOR,
former Vice Principal, Trinity College***

*I climbed o'er the crags of Lanka
And gazed on her golden sea,
And out from her ancient places
her soul came forth to me.
"Give me a Bard," said Lanka,
"My Bard of the things to-be"*

*"My cities are laid in ruins,
"Their courts through the jungle spread,
"My sceptre is long departed
"And the stranger lord instead.
"Yet give me a Bard" said Lanka,
"I am living, I am not dead."*

*"For high in my highland valleys,
"And low in my lowland plains
"The pride of the past is pulsing
"Hot, in a people's veins.
"Give me a Bard," said Lanka,
"A Bard for my joys and pains."*

*I offer a voice, O Lanka,
I, child of an alien isle,
For my heart has heard thee, and kindled,
Mine eyes have seen thee, and smile;
Take, Foster-Mother, and use it;
Tis but for a little while.*

*For surely of thine own children,
Born of thy womb, shall rise
The Bard of the Moonlit jungle,
The Bard of the tropic skies,
Warm from his Mother's bosom,
Bright from his Mother's eyes.*

*He shall hymn thee of hoar Sripada,
The peak that is lone and tall;
He shall hymn with her crags Dunhinda,
The smoking waterfall.
Whatsoever is fair in Lanka
He shall know it and love it all*

*He shall sing thee of sheer Sigiriya,
Of Minneryiya's wandering kine;
He shall sing of the lake and the lotus,
He shall sing of the rock - hewn shrine;
whatsoever is old in Lanka
Shall live in his lordly line.*

*But most shall he sing of Lanka
In the brave new days that come,
When the races all have blended
And the voice of strife is dumb;
When we leap to a single bugle,
March to a single drum.*

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*March to a mighty purpose,
One man from shore to shore,
The stranger become a brother,
The task of the tutor o'er;
When the ruined city rises,
And the Palace gleams once more.*

*Hark ! Bard of the fateful Future,
Hark ! Bard of the bright To-Be
A Voice on the verdant mountains,
A Voice on the golden sea;
Rise, Child of Lanka, and answer !
Thy Mother hath called to Thee.*

Concluded

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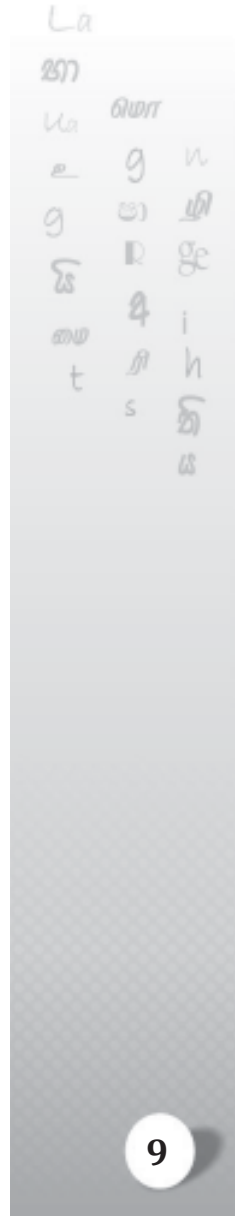
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INTRODUCTION

“Tamil Language Rights in Sri Lanka”, is written by a distinguished former civil servant and a valued colleague at CPA. DrDevanesanNesiah also headed the team appointed in 1998 by the Official Language Commission of Sri Lanka to conduct an Audit on the Use of Tamil as an Official Language in the provinces outside of the NorthEast. Consequently, thismonograph is enriched with both experience and expertise on a subject that was at the heart of the ethnic conflict in Sri Lanka and one that continues to be integral to the challenge of our transition from a post-war society to a post-conflict one.

Language rights are integral to peace, reconciliation and unity in a pluralist society such as Sri Lanka. Our inability and/or unwillingness to incorporate the language rights of all the peoples of the country in its laws, administrative rules, regulations and practices came to symbolize discrimination and institutionalize alienation which eventually found expression in armed revolt against the state. Demands for federalism and autonomy were obscured by the more extreme one of secession, the pain and suffering of an ethnic war, with its attendant atrocities of terrorism and most recently allegations of war crimes.



Three years after the end of the war in 2009, the government has declared a policy goal of trilingualism throughout the country. The recommendations of both the Language Audit of 1998 and the Lessons Learned and Reconciliation Commission (LLRC) reproduced in this monograph, will hopefully be heeded and the goal pursued in earnest. Progress in this respect will also, no doubt, help allay international concerns following the resolution in the UN Human Rights Council on the implementation of the LLRC recommendations.

Language is integral to identity and accordingly, in a social context, to a sense of belonging, equal citizenship and most importantly to basic human rights and dignity. Language rights are enshrined in a number of international instruments on human rights and governance, reinforcing the contention that the respect for and fulfillment of language rights in Sri Lanka are also part of our international obligations as responsible members of the international community. The pursuit of economic development too, will be greatly facilitated and enjoy greater legitimacy amongst the people it directly impacts on, if it were underpinned by language rights. Development is first and foremost an investment in the welfare and wellbeing of people; it is to be measured most fundamentally by their belief in it as

stakeholders, equal citizens and active participants.

Since the establishment of the Official Language Commission some two decades ago, rhetorical commitment to upholding Tamil language rights notwithstanding, practical implementation has been woefully lacking. The recommendations of the Audit in 1998 and the LLRC over a decade later, chart the lack of progress in this regard and the persistence of challenges of mind set, political commitment and resources.

Upholding Tamil language rights in Sri Lanka will not be sufficient for ensuring peace, reconciliation and unity. However, it incontestably constitutes part of a package of reforms that are necessary for peace, reconciliation and unity. At the heart of the challenge is not the availability of resources; it is political commitment and mind –set as it is for the other issues that are in need of resolution for Sri Lanka to become the truly, sustainable post-conflict society with democratic governance desired by all of its peoples.

Dr.Paikiasothy Saravanamuttu
Executive Director

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Tamil Language Rights in Sri Lanka

CHAPTER I

Sinhala Language rights have been largely secured since the Official Language Act of 1956. I will therefore focus mainly on Tamil Language rights and, to a less extent, on English Language rights. It would be useful to begin with a brief historical outline.

English was the Official Language through the British period and into the first decade after independence. The agitation for the use of National Languages in the administration and Education was led by the Jaffna Youth Congress (JYC), prominent among whose leadership was the late Handy Perinbanayagam. The Gandhi-inspired JYC, comprising almost entirely of young school teachers and senior students, established cordial relationship with all the political leaders outside Jaffna (Kandyan and

Jaffna
Youth
Congress
(JYC)

Low Country Sinhalese, Moor and Malay, Hill Country, Vanni and Eastern Tamil) as well as with major Indian leaders including Gandhi, Nehru and Rajagopalachari. The JYC peaked in the 1920s and early 30s, but gradually faded thereafter.

In keeping with JYC policy, leading schools in Jaffna taught Sinhala, Tamil and English as compulsory languages. They wanted independence immediately and, for this reason, opposed the Donoughmore reforms as too little too late and boycotted the 1931 State Council elections under the Donoughmore reforms. In 1931, the boycott was a 100% success in the Jaffna Peninsula and even the Tamil nationalists who did not approve of the boycott contested outside the Peninsula (eg, G G Ponnambalam who contested and lost in Mannar). The boycott obviously could not be sustained and there was no boycott when the 1936 State Council election came around. Unfortunately, the boycott call by the JYC in 1931

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The boycott
in Jaffna of
the 1931
State
Council
elections

***The decline
of the Jaffna
Youth
Congress
and the rise
of the Tamil
Congress***

The
exclusion of
the Hill
Country
Tamils from
citizenship
and voting
rights

backfired in that the young anti-imperialist intellectuals of the JYC were dismissed as romantic idealists. This gave the Tamil Congress a head start over the Youth Congress and G.G. Ponnambalam maintained his dominance so gained over Tamil politics for two decades since 1936. Over this period the interethnic goodwill built up by the JYC gradually eroded.

In the mean time J. R. Jayawardene moved a resolution in the State Council in 1944 to make Sinhala the only Official Language and the medium of instruction in schools. Before it was put to the vote an amendment was moved by V. Nalliah to substitute Sinhala and Tamil for Sinhala only. The amendment was accepted and adopted. But some communal ill will and a feeling of insecurity among Tamils and Muslims had been created. The Tamil Congress won nearly all the seats in the Northern electorates in the 1947 election to the new House of Representatives. The UNP co-opted

the Tamil Congress into supporting legislation excluding the Hill Country Tamils from citizenship and voting rights. S.J.V. Chelvanayakam quit the Tamil Congress and formed the Federal Party (ITAK) on this issue but the Federal Party was overshadowed by the Tamil Congress in Jaffna in the 1952 Parliamentary elections. From 1956 onwards in the wake of Sinhala only. Tamil leadership was taken over by the Federal Party led by S.J.V Chelvanayakam and sustained for over two decades till he passed away in the late 70s. The Federal Party campaigned vigorously and successfully against secession at every election till 1977. During this time the Federal Party enjoyed the support of the Muslims of the North and East. Muslim representatives of the region voted against Sinhala Only whereas the Muslim leaders based outside the North and East voted for Sinhala Only with the sole exception of Senator A.M.A. Azeez (originally from Jaffna) who quit the UNP on this issue and voted against the Sinhala Only Bill.

The rise of the Federal Party

North East Muslim Parliamentarians vote against Sinhala only

***Sinhala as
the only
Official
Language
and the
deepening
of the ethnic
divide***

A missed
opportunity

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The 1956 elections in which the two major Sinhalese led parties, viz. the SLFP (part of a coalition termed MEP) and the UNP campaigned for Sinhala as the only Official Language widened the ethnic divide. The Marxist LSSP and CP campaigned for Sinhala and Tamil as official languages and, having earlier signed a no-contest pact with the SLFP, secured a significant number of seats outside the North and East, but made little impact in the North or East. The CP won one seat in the North and, countrywide, the LSSP ended up as the second largest party in Parliament. Neither they nor the Tamil parties sought to forge an effective political alliance. Such an alliance, also incorporating the parties representing the Hill Country Tamils and the non-Left liberal Sinhalese, may well have been able to form a government after the 1947 elections and changed the course of our history, avoiding the loss of citizenship and voting rights of Hill Country Tamils, the exclusion of Tamil as an official language, and the succession of riots, pogroms and the civil war that followed. In the event the

communal rift widened over the years. The Federal Party swept the 1956 polls in the North and East and the MEP in the rest of the country. The ethnic polarization that began even before independence hardened, thawed from time to time, but is now firmly set and again hardening.

A consequence of the Muslim MPs representing electorates outside the North and East voting for Sinhala Only in line with the dictates of their political parties (UNP and SLFP) was the emergence of the Sri Lanka Muslim Congress under the leadership of M.H. M. Ashraff to safeguard the interests of the Muslims of the North and East. This party has since secured some electorates outside the North and East and emerged as the leading party of the Muslims of Sri Lanka. Till his untimely death in a tragic accident Ashraff's relationship with the Federal Party remained good.

The 1981 census (the last published all island census) indicated that the Tamil speaking communities (Sri Lankan

***The rise of
the Sri
Lanka
Muslim
Congress***

Ashraff and
SLMC
expand their
influence
island wide
but Ashraff
meets with
untimely
death

The fall out from Sinhala Only



Handwritten Tamil text in the left margin, including characters like 'நீ', 'க', 'ப', 'த', 'ச', 'ர', 'ல', 'வ', 'ழ', 'ஈ', 'ஊ', 'ஔ', 'ஐ', 'ஓ', 'ஔ', 'ஐ', 'ஓ', 'ஔ', 'ஐ', 'ஓ', 'ஔ'.

Tamils, Muslims/Moors and Upcountry Tamils), then constituted 30% of the population, the Sinhalese (Kandyan and Low Country) 69% and the others less than one percent. Since 1981 the ethnic proportions have changed significantly on account of emigration (disproportionately high among Tamils). In terms of language use, a small section of Tamil speakers, especially Muslims, have gained Sinhala literacy. However, Sri Lankans remain predominantly monolingual. The manner in which Sinhala was made the Official Language and the accompanying and consequent violence has impeded the spread of Sinhala literacy among Tamils. Sri Lanka's education system also has not been conducive to the spread of bilingualism and trilingualism. This is in sharp contrast to the situation in India where, despite much lower literacy levels, the education system is geared to promoting multilingualism, which has been a major factor in building national unity in that country.

Indian
Federalism

Another significant feature in India is that it is federal with many Linguistic States, each governed predominantly in the Indian National Language of that State with provision for numerically significant linguistic minorities within each State to use their languages. For example, Tamil is the Official Language of the State of Tamilnadu but there is provision for pockets of those speaking Malayalam, Kannada and Telugu within the boundaries of Tamilnadu to use their respective languages. In turn, significant pockets of Tamil speakers within the borders of Kerala, Karnataka and Andhra are able to use Tamil in education and in dealing with the State. All these contribute to nation building. In contrast Sri Lankans remain predominantly monolingual and the administration does not cater adequately to the national minorities (mostly Tamil speakers) or to the regional minorities (whether Sinhala or Tamil speakers). In consequence the Sri Lankan Nation is now ethnically more fractured than ever before.

*The
upholding of
Monolingualism
in Sri Lanka
and
Multilingualism
in India*

Marginalization
of linguistic
minorities in Sri
Lanka

The introduction of Tamil as an Official Language and English as a Link Language through the 13th Amendment

The Current Constitutional Status of Sinhala, Tamil and English in Administration

It is likely that the proportion of Sinhala speakers now is over 75% and that of Tamil speakers less than 25%. On the other hand the laws in respect of language use have changed. Sinhala was made the only Official Language in 1956 and this was embedded in to the 1972 and 1978 Constitutions. The Thirteenth Amendment of 1987, in some convoluted text introduced Tamil also as an Official Language (without undermining the historical status of Sinhala as the Official Language) and English as the Link Language. The relevant article 18 of the Constitution now reads as follows:

18 (1) The official language of Sri Lanka shall be Sinhala.

(2) Tamil shall also be an official language.

(3) English shall be the link language.

(4) Parliament shall by law provide for the implementation of the provisions of this Chapter.

By virtue of the 16th Amendment of 1988 Tamil was affirmed as a language

of administration throughout Sri Lanka, and its new status spelt out in greater detail, though again in convoluted text. Tamil too is now an Official, Administrative and Court Language and English is the Link Language, but also used in administration to a less extent. The revised articles 22 (1), (2) and (3) of the Constitution now read as follows:

“Language of Administration

22(1) Sinhala and Tamil shall be the languages of administration throughout Sri Lanka and Sinhala shall be the language of administration and be used for the maintenance of public records and the transaction of all business by public institutions of all the provinces of Sri Lanka other than the Northern and Eastern provinces where Tamil shall be so used:

Provided that the President may, having regard to the proportion which the Sinhala or Tamil linguistic minority population in any unit comprising a division of an Assistant Government

*Extending
the
Legislative
Positions of
Tamil and
English
through the
16th
Amendment*

Language
Provisions
under the 16th
Amendment

Agent, bears to the total of population of that area, direct that both Sinhala and Tamil or a language other than the language used as the language of administration in the province in which such area may be situated, be used as the language of administration for such area,

(2) In any area where Sinhala is used as the language of administration a person other than an official acting in his official capacity, shall be entitled-

(a) To receive communications from and to communicate and transact business with, any official in his official capacity, in either Tamil or English;

(b) If the law recognizes his right to inspect or to obtain copies of or extracts from any official register, record, publication or other document, to obtain a copy of, or an extract from such register, record, publication or other document, or a translation thereof, as the case may be, in either Tamil or English;

(c) Where a document is executed by any official for the purpose of being issued to him, to obtain such document or a translation thereof, in either Tamil or English.

(3) In any area where Tamil is used as the language of administration, a person other than an official acting in his official capacity shall be entitled to exercise the rights and obtain the services referred to in subparagraphs (a), (b) and (c) of paragraph (2) of this Article, in Sinhala or English.

The revised Article 24 (1) now reads as follows:

Article 24 “(1) Sinhala and Tamil shall be the languages of the courts throughout Sri Lanka and Sinhala shall be used as the language of the courts situated in all areas of Sri Lanka except those in any area where Tamil is the language of administration. The record and proceedings shall be in the language of the court. In the event of an appeal from any court, records shall

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also be prepared in the language of the court hearing the appeal, if the language of such court is other than the language used by the court from which the appeal is referred:

Provided that the Minister in charge of the subject of Justice may, with the concurrence of the Cabinet of Ministers direct that the record of any court shall also be maintained and the proceedings conducted in a language other than the language of the court”

Despite these and other improvements in the Constitution and other regulations to provide for greater use of Tamil in administration, there is very little benefit to Tamil speakers on the ground. The Language Audit of 30 December 1998 submitted (by a team led by myself) to the Official Languages Commission pointed out (p6) that:

- a) There have been chronic shortages of Tamil speaking cadres and no serious attempt appears to have been made to correct this deficiency in any of the offices visited, although they all served large numbers of Tamil

Gap
between
de jure and
de facto
Language
Rights

speaking people. In consequence, Tamil speaking persons are often compelled to transact their business in Sinhala (sometimes through interpreters whom they bring along) or, in a few cases, in English.

- b) Even officers who had passed Tamil proficiency examinations and drawn incentive allowances appeared to be mostly unable to work in Tamil, particularly in relation to correspondence.
- c) Basic equipment such as typewriters was not available or was in short supply in many offices. In some offices there were one or two Tamil typewriters but no Tamil typists.
- d) Even simple and low cost measures such as having all name and direction boards and notices in Sinhala and Tamil had not been taken in most offices.
- e) None of the offices had a complete set of the legal documents and circulars issued by the Ministry of

***Some of the
problems
faced by
Tamil
Speakers***



**Chronic
Shortages
of Tamil
Speaking
cadres**

***The Tamil
Language
Audit of
1998***

Public Administration and the
Official Languages Commission.

The basic problem was identified as the crippling shortage of Tamil speaking officers despite the fact that eleven years had passed since Tamil was also made an official language. No notice appeared to have been taken of the ethnic composition of the various districts when recruitments and postings were done.

Tamil Language Rights in Sri Lanka

CHAPTER II

This part consists of Recommendations made over 13 years ago to the Official Language Commission (OLC) by a team headed by the writer and appointed by the OLC to conduct an Audit on the Use of Tamil as an Official Language in provinces outside the North East. Although the Audit did not research the North or East, the Recommendations relate to the whole Island and cover the use of Sinhala in the North and East. The recommendations dated 30 December 1998 include far reaching changes, most of which remain valid but unimplemented. For this reason they are reproduced unchanged:

RECOMMENDATIONS

If the administration is to meet the needs of the Tamil speaking people,

Failure to
implement
Tamil
Language
Regulations

there should be a sufficient number of Tamil proficient officials in state institutions and corporations. The officials needed will be translators, clerks, typists and others as well as departmental grades, such as police personnel at all levels. Recruitment of adequate numbers of Tamil speaking staff is essential. But this cannot be done overnight. The team realises that immediate, short term and long term measures are needed.

The first urgent need is a consensus between the Ministry of Public Administration, Ministry of Finance & Planning, Salaries and Cadre Committee and the Official Languages Commission on the immediate, short term and long term measures needed to implement Tamil as an Official Language. Based on our Language Audit, we have formulated following proposals for consideration.

Recommendations
for immediate
implementation

Immediate Measures (to be taken within the next few weeks)

- (a) Identify constraints like lack of equipment, documents etc, and take immediate measures to purchase the equipment needed, print the documents, etc, using available funds or savings under other items in the budget.
- (b) Convert all monolingual and bilingual name and direction boards into trilingual name and direction boards. The cost of doing this will be minimal and it is unlikely that any additional resources will need to be allocated for this exercise.
- (c) Withdraw all forms in the Department that are not trilingual, destroy them and have the forms printed by the Government Printer in all three languages on the same paper. The Government Printer should be asked to give top priority to this work.
- (d) Instruct all public servants to comply with Government policy in regard to the use of the national languages, particularly reminding them of

Measures recommended to be taken immediately



Public Servants to be given clear directions regarding the Language Rights of the Public

widespread failure to implement Tamil as an official language.

- (e) A circular setting out the language policy of the government in relation to the use of Tamil may be jointly drafted by the Ministry of Public Administration and the Official Languages Commission, and circulated to all offices and sub-offices. The Circular should detail the obligations of the public servants in relation to dealings with Tamil speaking persons.

Short Term Measures (to be taken during the course of the year 1999)

- (a) Identify the Departments and the Service Grades that need fresh recruitment of Tamil speaking officers to enable full implementation of the Language Policy of the Government. This Identification may be done by the Ministry of Public Administration in consultation with the Official Languages Commission within a three or four month's time frame.

Measures
Recommended
to be taken
in the
course of
1999

- (b) The Official Languages Commission could seek government approval for the special recruitment of the required numbers of Tamil speaking cadres. The new appointment may be set off against existing vacancies and, if there are not enough vacancies additional posts could be created on the understanding that other recruitment would be suspended till the excess disappears through natural wastage.
- (c) Thereafter the Secretary, Ministry of Public Administration could call for applications from suitable candidates, specifying the special Tamil Languages provisions required in respect of oral, reading and writing skills at the point of recruitment. In this recruitment, preference should be given to those with skills in a second or third language.
- (d) The Ministry of Public Administration should post the officers according to the needs of each Department. The Official Languages Commission should, before postings are made, be

***Special
Recruitment
of Tamil
Speaking
Cadres***

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Recruitment
 Criteria in
 respect of
 Language
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Accelerated
Language
Training
Programmes

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consulted in working out the rules governing language competency in the respective offices. It should be possible to complete this process and make necessary appointments within 1999.

- (e) Training programmes in Sinhala, Tamil and English should be initiated island to enable all categories of officers to gain proficiency in at least two and, if possible, all three languages.
- (f) All induction and selected training courses should incorporate modules relating to the language policy of the state and awareness of relevant provisions of the Constitution.
- (g) Public awareness should be built up of the right of every person to transact business with any government office in any part of the Island in Sinhala, Tamil or English, and of the obligation cast on the offices and officers concerned to provide such services including replying letters in the language used by the writer and issuing any extract or translation of

any record, registration, publication or other document in the language chosen by the applicant.

- (h) In order to motivate officers to gain proficiency in all three languages, a new incentive scheme should be introduced consisting of fixed sums on passing the relevant examinations and a monthly allowance for using the additional language in day to day work. The incentive allowance must be paid only to those officers who work, in addition to their normal duties, in a language other than their first language. There should be a strict check on this payment and appropriate norms should be established. Those who draw the monthly allowance should be available for posting outstation as required.
- (i) After providing the staff, there should be periodic monitoring. Due consideration should be

***Incentives
for second
and third
language
competency***

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given to public complaints. The Official Languages Commission should bring to the notice of the President any shortcomings or any lethargic attitude in any Ministry/Dept. for action that the President may deem fit.

- (j) Presidential directions may be made as appropriate under Section 22 (1) of the Constitution, introduced through the Sixteenth Amendment, which reads as follows:

“Sinhala and Tamil shall be languages of administration throughout Sri Lanka and Sinhala shall be the language of administration and be used for maintenance of public records and the transaction of all business by public institutions of the provinces of Sri Lanka other than Northern and Eastern Provinces where Tamil shall be used”.

“Provided that the President may, having regard to the proportion which the Sinhala or Tamil linguistic minority

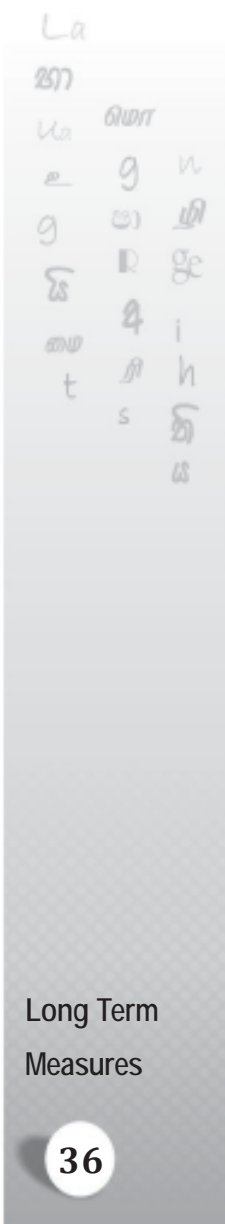
Both
 Sinhala and
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 Languages
 of
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population in any unit comprising a Division of an Assistant Government Agent bears to the total of population of that area, direct that both Sinhala and Tamil or a language other than the language used as the language of administration in the province in which such area may be situated be the Languages of Administration for such area”.

It is noted that both Sinhala and Tamil are Languages of Administration throughout Sri Lanka but only one language or the other may be the language of public record in a particular province unless there is a Presidential declaration to the contrary. It is suggested that early action should be taken under the above paragraph to proclaim the appropriate areas in which a second or third language should also be used as languages of public record so that effective strategies for implementation of the Official Language Policy of the Government can be worked out. It is suggested that in any province in

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Proclamation
 of Areas in
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 used as
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which the language of administration and public record is Sinhala, Tamil is declared as an additional language of administration and public record in those A.G.A.Divisions of the province in which the proportion of Tamil speaking persons is not less than 12 1/2 percent and, likewise, in any province in which the language of administration and public record is Tamil, Sinhala is declared as an additional language of administration and public record in those A.G.A. Divisions of the province in which the proportion of Sinhalese is not less than 12 1/2 percent.

LONG TERM MEASURES

The team has not visited any offices in the North East or in the Central, North Central or Southern Provinces, and is not in a position to report in respect of these regions. Our survey has covered many offices in the Western, North Western, Uva and Sabaragamuwa provinces. A consistent pattern has emerged of a glaring lack of Tamil language

proficiency in virtually every office audited at all levels, although many of those offices serve populations of which very substantial proportions are Tamil speaking.

The highest priority should be given to correcting oral, reading and writing language deficiencies. Unless this is done, the legal requirements in respect of using the Tamil language in administration cannot be met. It is essential that the specific language capacity of each unit of the public services must be such as to meet the needs of the population in the language medium they are most comfortable with.

While all citizens have the same rights in all parts of the Island, it may not be pragmatic to seek to ensure that every office in every A.G.A. Division has the same level of competency in all three languages. Most offices may have Sinhala or Tamil as the language of official record; many may have both; a few may have English too. But all offices need to have minimum



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Categories of
A.G.A.

Divisions on
the basis of
population,
and providing
for language
competency
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competency to transact office business in all three languages. We therefore make certain proposals below to ensure that these requirements could be met.

It is suggested that the various A.G.A. Divisions may be categorized in terms of the language composition of the population as follows:

- (i) Not less than 87 ½ % Sinhala speaking
- (ii) Not less than 87 ½ % Tamil speaking
- (iii) Not less than 50 % Sinhala speaking and not less than 12 ½ % Tamil speaking
- (iv) Not less than 50 % Tamil speaking and not less than 12 ½ % Sinhala speaking

Norms may be prescribed in respect of each A.G.A. Division above to determine the minimum requirement of cadres classified in terms of language proficiency as follows:

Classification of officers in terms of Language Competency

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- (1) Officers fully proficient and who can correspond in Sinhala (this will comprise mostly but not exclusively those whose mother tongue is Sinhala; a special high level proficiency examination could be prescribed for those whose mother tongue is not Sinhala)
- (2) Officers fully proficient and who can correspond in Tamil (this will comprise mostly but not exclusively those whose mother tongue is Tamil; a special high level proficiency examination could be prescribed for those whose mother tongue is not Tamil)
- (3) Officers fully proficient and who can correspond in English (a high level proficiency examination could be prescribed for this purpose)
- (4) Officers who have passed the prescribed proficiency examinations in Sinhala other

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Posting public servants to state institutions to meet needs in terms of language requirements

than the special high level examination referred to in (1) above. (this will comprise mostly those whose mother tongue is Tamil)

(5) Officers who have passed the prescribed proficiency examinations in Tamil other than the special high level examination referred to in (2) above. (this will comprise mostly those whose mother tongue is Sinhala)

(6) Officers not included in (3) above but with minimum proficiency in English (Proficiency examinations could be prescribed for this purpose)

It is suggested that every A.G.A. Division classified under (i) should have staff in all cadre grades of at least 50% of (1), 10% of (2), 10% of (3) and 15% of (5). All the Divisions of Colombo District excluding the Colombo A.G.A. Division would fall into this category, and would require a

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Matching
Language
needs of the
public and
Language
competency of
the public
services

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minimum 10% Tamil speaking staff to meet the recommended norm.

Similarly every A.G.A. Division classified under (ii) should have staff in all cadre grades of at least 50% of (2), 10% of (1), 10% of (3) and 15% of (4). All the divisions of Batticaloa district would fall into the category and would require a minimum of 10% Sinhala speaking staff to meet the recommended norm.

It is proposed that every A.G.A. Division classified under (iii) should have staff in all cadre grades of at least 50% of (1), 25% of (2) and 10% of (3). Colombo A.G.A. Division would fall into this category and would require a minimum of 25% Tamil speaking staff to meet the recommended norm.

Likewise, every A.G.A. Division classified under (iv) should have staff in all cadre grade at least 50% of (2), 25% of (1) and 10% of (3). Nuwara Eliya A.G.A. Division would fall into this category and would require a



Providing for institution that may need high levels of English Proficiency

minimum of 50% Tamil speaking staff to meet the recommended norm.

Perhaps similar norms may be prescribed in respect of each Municipal and Urban Council administration based on the linguistic composition of the population within the Council limits.

In addition, there may be particular institutions that may require high proficiency in English and for which enhanced minimum proportions of categories (3) and (6) could be prescribed as required. The total numbers of Tamil speaking cadres required to meet the above norms are well within the numbers that would have been available if the principle of proportional recruitment set out in the relevant Public Administration circulars had been followed. Recruitment policies that ensure adequate language competencies in Sinhala, and English would be compatible with the principle of proportional recruitment.

Language
Training to
supplement
but not
substitute for
Language
sensitive
recruitment
and posting

To supplement cadre recruitment designed to achieve the desired language balance, language training programmes should be strengthened and expanded to enable larger numbers greater proficiency in a second and, preferably, a third language. In fact the Ministry of Defence has initiated 12 weeks residential training programmes in Kotmale and Gampaha for police and armed forces personnel. Such programmes are long overdue and should be extended to all grades of the public service. However it must be kept in mind that while training could boost the numbers in categories (4), (5) and (6) above, and services to the public could be improved thereby, the impact of such training on expanding categories (2) and (3) will be slow and negligible.

There must be no misconception that language training could be a substitute for recruiting adequate numbers of officers full proficient in respect of oral, reading and writing the different

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Overdue but
welcome
initiative of the
Ministry of
Defence



Official Language Commission to be empowered to ensure compliance with relevant Regulations

languages; there is no alternative to providing for the appropriate balanced language skills at the point of intake. The language composition of all new recruits should be such as to move towards fully meeting all aspects of language competency (oral, and writing) in all units of the public services within five years. The schemes of recruitment should be such as to give additional weight to those with skills in a second or third language.

IMPLEMENTATION AND MONITORING

Remedial measures, however comprehensive, may not yield the desired results without an effective implementation and monitoring system, backed by political will. Our findings suggest that, by and large the problems arise less from defects in the legislative provision (though some of the Articles of the Constitution appear to contain ambiguities/contradictions, notably Articles 22(1) and 24(1), and

more from neglect in implementation, monitoring and enforcement at various levels.

It is proposed that the Official Languages Commission should be empowered to give directions to all state institutions in matters relating to the implementation of the laws and regulations and state policy in respect of the status and use of Sinhala, Tamil and English in all official matters. The Official Languages Commission should work out a monitoring system based on periodic reports received from all state institutions through the respective Ministries. The Chairman, Official Languages Commission should be required to prepare an Annual Report on progress in respect of all three languages.

***Need for
regular
Language
Audit and
report on it
by the
Commissioner
of Official
Languages***

In addition, it is recommended that there should, for the next five years, be an annual Tamil Language Audit conducted by an organization outside the public services commissioned to review the status of the Tamil language in the seven provinces outside the North East on the basis of sample surveys. This report should be submitted to the Chairman, Official Languages Commission who should forward it together with his observations, the Official Languages Commission report referred to in the paragraph above, and his recommendations for corrective action to Her Excellency the President.

Devanesan Nesiah

Project Director, 30 December 1998,
DG/-

President to
be enabled
to oversee
progress

Tamil Language Rights in Sri Lanka

CHAPTER III

This part is a reproduction of the sections of the LLRC Report of December 2011 titled the Language Policy, Education and Peace Education, followed by some comments. This Report is much more recent than the Audit from which Part II is extracted. Moreover, it is based on the testimony of individuals who volunteered to appear before the LLRC rather than on surveys of Government institutions and is therefore fundamentally different in several respects. Chapter II and Chapter III are both unavoidably constrained by their respective mandates but effectively supplement each other in respect of Tamil Language rights.



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Selected
Extracts
from The
Report of
LLRC

LANGUAGE POLICY

9.238 The Commission heard from many Tamil persons and noted the sense of marginalization expressed by them due to the language policy and the deficiencies in its implementation followed by successive Governments.

9.239 The Commission during its visits to the affected areas witnessed firsthand, that even today many persons of the minority communities are made to transact business not in the language of their choice.

9.240 Whilst acknowledging the work in progress for recruiting Tamil-speaking Police officers, the Commission notes with regret that recommendations on urgent measures made by the Commission in its interim communication to the President on these matters have yet to be implemented.

9.241 The official bodies for executing the language policies and monitoring performance should have adequate representation of the Tamil speaking

people and Tamil speaking regions. The full implementation of the language policy should include action plans broken down to the community level, and appropriately covering the Divisions and Local Bodies with targets that can be monitored with citizen participation.

9.242 The people of the North and East are separated from the people of the South due to communication barriers. Every attempt must be made to create a sense of belonging among all the citizens irrespective of race, religion or social status. It is language that unifies and binds a nation. Therefore, it is essential that policies relating to language are formulated towards this end. It is imperative that the official languages policy is implemented in an effective manner to promote understanding, diversity and national integration.

9.243 The learning of each others' languages should be made a compulsory part of the school curriculum. This would be a primary



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***Isolation of
the People
of North
and East
due to the
Language
barrier***

All Police
Stations to
have
bilingual
capacity on
a 24 hour
basis

tool to ensure attitudinal changes amongst the two communities. Teaching Tamil to Sinhala children and Sinhala to Tamil children will result in greater understanding of each other's cultures.

9.244 The proper implementation of the language policy and ensuring trilingual (Sinhala, Tamil and English) fluency of future generations becomes vitally important. A tri-lingual education will allow children from very young days to get to understand each other.

9.245 The Commission welcomes the government initiative for a trilingual nation by the year 2020. To this end the necessary budgetary provisions must be made available on a priority basis for teacher training and staffing.

9.246 No district or province should be categorized in terms of language. Officers in Government service should possess language skills to serve in any part of the country.

9.247 It should be made compulsory that all Government offices have Tamil-speaking officers at all times. In the case of Police Stations they should have bi-lingual officers on a 24- hour basis. A complainant should have the right to have his/her statement taken down in the language of their choice.

9.248 The Official Languages Commission is centralized and based in Colombo and not easily accessible to rural citizenry. The Language Commission should be an authority with effective powers of implementation, and also with branches in every province.

9.249 Greater attention should be given to information technology which can be utilized as an instrument to overcome the language barrier. For this purpose, as a temporary measure, software programs can be used for translation from one language to another until long term policies and measures take effect.



Emphasis to be placed on information technology

9.250 In this regard, the Commission also wishes to invite attention to its Interim Recommendation to station interpreters at Police Stations using retired police officers with bilingual fluency.

EDUCATION

Equal Opportunities

9.251 The removal of the feeling of discrimination is a prerequisite for reconciliation between the Sinhalese and Tamils in a united Sri Lanka. Much water has flowed since the introduction of standardization as a means of affirmative action by the state to mitigate the imbalance in educational opportunities afforded to different communities. Therefore, in the best interest of future generations a careful review of this quota system would be timely, with a view to introducing a merit based admission system. The commission recommends that such a review should be undertaken by a committee of experts in education.

9.252 The Government must pursue with renewed vigour a programme of equitable distribution of educational facilities so that it will contribute towards a concerted effort to minimize any feeling of discrimination felt by the minorities. At present the proposed plan to upgrade one thousand secondary schools island wide from 2011, will provide another opportunity to minimize and eventually eliminate imbalances. This policy should be implemented without creating tensions and fissures in society. It is only if these schools are identified on the basis of objective criteria and on an apolitical selection process that this endeavour will prove to be a success. The Commission recommends that the inequality in the availability of educational facilities in different areas of the country should be reduced and eventually eliminated.

9.253 The Commission also recommends that the Government should have a proactive policy to encourage mixed schools serving children from different ethnic and

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Re
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Schools with
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Promote mutual understanding and appreciation of the rich cultural diversity within Sri Lanka.

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religious backgrounds. In this regard the Government should develop a carefully conceived policy facilitating the admission of children from different ethnic and religious groups to these schools. In respect of admissions to schools, disqualifying students on ethnic or religious grounds does not augur well for reconciliation. Any such practice should be discouraged.

9.254 Mutual understanding and appreciation of the rich cultural diversity of different communities should be inculcated in the minds of school children and youth so that the process of reconciliation takes firm root in the social fabric of the country. The Commission therefore recommends that every encouragement be given to create greater interaction among students, through mechanisms such as twinning of schools from the different provinces, student exchange programmes and formation of Reconciliation Clubs in schools. In addition the National Youth Council

should adopt more intensive exchange programmes at the youth level.

PEACE EDUCATION

9.255 An eminent international jurist, giving evidence before the Commission underlined the vital importance of peace education in promoting unity and reconciliation. Comments of the Commission on possible curriculum changes are reflected in the body of the Report.

9.256 In giving effect to a trilingual policy, measures should be taken to ensure, as far as possible, that students of different communities have every opportunity to interact. Interaction in the same class room should be encouraged, as far as practicable. However, for subjects taught in different languages they could be streamed into different class rooms.

9.257 Steps must be taken to ensure public universities have ethnically mixed student populations with a choice of courses offered in all three languages. Until recently, it appears

Education for peace and unity

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Promoting
Interaction
of Sinhala
and Tamil
medium
students in
secondary
and tertiary
education

that most Tamil-speaking undergraduates were confined to the North and the East, and the Sinhala – speaking undergraduates in the South.

9.258 The Commission is of the view that sports build up inter – personal contacts amongst people of different communities which is essential in the process of reconciliation. With this in view, the Commission recommends that sports tournaments should be conducted at inter-provincial levels and important national sports competitions should be conducted throughout the island, especially, in the North and East.

COMMENTS RELATING TO THE ABOVE EXTRACTS FROM THE LLRC REPORT

What is needed to supplement the LLRC Report on this subject, particularly with the view to reconstructing the Sri Lankan Nation? Are the 13th and 16th Amendments to the Constitution adequate in respect of

Revision of
History text
books to
promote
National
Integration

language rights or are there fundamental legislative changes needed? Are other major policy and institutional changes required? What roles do civil society, including intellectuals and retired public servants have to play? Which of these roles are short term palliatives and how can it be ensured that such interim arrangements do not get indefinitely extended and substitute for fundamental reforms? Do we have the political will to design and implement programmes of reforms needed for nation building?

The LLRC section titled Education focuses on equal opportunity, and is excellent as far as it goes, but needs to go much further. The brief section titled Peace Education also needs to go much further. History and Literature contain much potential to be unifying or divisive. In Sri Lanka, teaching of history, including school history texts, has been divisive, especially in relation to Sinhalese –Tamil relations, but also in setting the Sinhalese (“Bhoomiputhras”)

***Introduction
of
Literature
text books,
including
translations,
with the
view to
promoting
National
Integration***

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Celebrate
 Buddhist
 past of the
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 people, and
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 elements in
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 festivals

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apart from the rest – invaders / visitors with foreign roots, essentially beyond the pale, not fully Sri Lankan in all respects. If the Sinhala Literature syllabus in educational institutions could include originals or translations of selected writings by Tamils or Muslims and, in turn, the Tamil Literature syllabus could include originals or translations of selected writings by Sinhalese, it could do much to enhance mutual understanding and appreciation. In fact there is much excellent Literature in Sinhalese and Tamil by Christians and Muslims These too could be included in the syllabuses. Sadly, there does not appear to have been ever any conscious attempt at using literature to promote inter-ethnic unity and Sri Lankan Nation building.

Even without any encouragement from the State, the bonds linking different ethnic, religious and linguistic communities in Sri Lanka are very strong, and the divisive factors have been much weaker than

in neighbouring countries. Many cultural features are shared, festivals are celebrated, and places of pilgrimage throughout the Island visited and revered by those of all major communities in Sri Lanka. For example, Poya is celebrated, though in different ways, by Buddhist and Hindus. Sinhalese and Tamil New Year is celebrated not only in Buddhist and Hindu but also in Christian and in some Muslim homes, though again in different ways. Adams Peak, Kataragama, Madhu and many other holy places serve the religious needs of Buddhist, Hindus, Christians and Muslims who mingle freely at these shrines. Very many Buddhist places of worship, Peraheras and other celebrations are associated with Hindu deities such as Vishnu and Paththini. Several Christian churches celebrate Sinhala and Tamil New year in modified forms.

Some religious exclusivists may object, but such syncretism (cultural rather than theological) surely contributes to



Make easily available literature on common cultural and religious elements among the Sinhalese and Tamil People

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Joint
Celebration
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Sri Lankan national unity. We need to note that many Christian festivals (including Christmas, Easter and the Harvest festival) are inseparable from their pre-Christian origins, whether in the timing or in the manner of celebration. How can Christians celebrate such festivals in the traditional way with borrowings from non-Christian sources in Europe and North Africa and object to similar borrowings from Asia?

There are other fields that are even less contentious. Ven. Dharmaratne Thero has published an excellent booklet titled Buddhism in South India, sold at the Buddhist Publication centre outlets. That booklet confirms that Buddhism and Jainism were the two dominant religions of South India, especially among Tamils, around two thousand years ago. This booklet, in three languages, should be made available in all school libraries. Unfortunately such information is not widely known and Buddhism is now sometimes regarded as a religion alien to the Tamils. In fact, Buddhism spread in South India even

before it spread in Sri Lanka and many of the earliest Buddhist missionaries to Sri Lanka and to various countries of South East and East Asia were Tamil monks. The heads of Nalanda University (much older than the major universities in Europe, and which was destroyed several centuries before Oxford and Cambridge were established) were selected from different parts of India; two of the best known heads were from Tamilnadu. Some of the very early settlements in Sri Lanka (e.g. at Pomparippu in Wilpattu) came from Buddhist communities of Tamilnadu around two thousand years ago. Will it not help if such facts are widely known?

Of the two major surviving Tamil epics of around two thousand years ago, one was Silappadikaram (authored by a scholarly Tamil Jain monk) and the other is Manimekalai (authored by a scholarly Tamil Buddhist monk). Incidentally, in each of these epics, the leading character is a woman - an indication of the status of women in Tamil society at that time. In fact, the latter epic is a continuation of the

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Prescribe
Sinhalese
translations
of
Silappadikaram
Manimekalai
and
Thirukkural
and Tamil
Translations
of Books by
writer such as
Martin
Wickramasinghe
as school text
books

former. The heroine of the latter (Manimekalai) was a Buddhist nun and the step daughter of the heroine of the former (Kannahi). Manimekalai is deeply associated with Sri Lanka to which she fled to escape the unwanted attention of a Chola prince. It will surely further Sri Lankan nation building if Sinhala translations of Silappadikaram and Manimekalai, as well as Thirukkural are prescribed in the Sinhala literature syllabuses of educational institutions and, in turn, works of distinguished and broadminded Sinhalese writers such as Martin Wickramasinha are prescribed in the Tamil literature syllabuses. Those who prescribe text books may need to reorient their priorities. State policies too need to be reoriented.

Re orient
school text
books to
promote
National Unity
and mutual
appreciation

Tamil Language Rights in Sri Lanka

*Role of the
Media*

CHAPTER IV

The Languages of Sri Lanka: A Constitution for National Unity

Some countries are predominantly monolingual. Perhaps England, Japan, France, Germany and Thailand could, subject to some qualifications, be placed in this category. Some other countries appear to be predominantly bilingual, again subject to some qualifications. This category could include Sri Lanka, Scotland, Belgium and Spain. Many other countries are unambiguously multilingual. India and South Africa and the former Soviet Union are classic examples of this category. These definitions are deceptive in that they depend not only on how far back in history you track your classification, but also on how large a language group should be and how developed the language is to catch



Sri Lanka - A
bilingual
Country
moving
towards
trilingualism

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3 Language
Formula,
Adopted by
India for
National
Unity

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your attention. For example, which of the numerous languages of “tribal” communities scattered over the globe get counted? Whatever our definition, our tally will vary from decade to decade. New dialects are being formed and some old ones are on the way to extinction. Perhaps a few dialects are in the process of becoming recognized as distinct languages, and a few languages now recognized may be on their way to extinction through diminishing use.

Whereas such developments have occurred over millennia past, modern media imposes changes in the process through facilitating communication and as well as competition. On the one hand the preservation and spread of a particular language may receive a boost through the media; on the other hand the media may also promote its rivals and thus expedite the demise of certain languages. Thus English is growing and gaining ground globally. In some regions, the regionally dominant language is also growing and

gaining ground, e.g. Mandarin in China and Singapore, endangering the survival of local languages spoken by small groups. At the same time, a few local languages are helped by the media to survive and to consolidate.

India began, soon after independence, by attempting to get Hindi adopted as the dominant language everywhere. This initiative met with stiff opposition particularly in South India but also in some other states such as West Bengal. Eventually India adopted the three language formula now prevalent: Hindi, English and one of the other national languages, with flexibility as to which of these languages is used as a medium of instruction in schools, and as a language of administration and record in particular localities. This formula has worked well in that language riots have virtually disappeared, and multilingual proficiency is gradually gaining ground. In particular, the use of English is expanding.

Greater use
of English
in
Education



Teaching of English

Recruit
from
overseas
English
Medium
Subject
Teachers as
well as
English
Language
Teachers
on a
contract
basis

In Sri Lanka, a three language policy would be the appropriate use of Sinhala Tamil and English with due flexibility in respect of medium of instruction in schools and the language of administration and record in particular localities. There are good educational reasons to encourage the use of the Mother Tongue (the home language) as the medium of instruction in the primary school with the option of switching to another language (preferably English) as the medium of instruction in secondary school / high school / tertiary education.

In science based streams and in certain other fields there are distinct advantages in switching to English as early as feasible in secondary school / high school, so as to ensure that tertiary education could be in English. This would be particularly so in disciplines in which many technical terms are used and in which much new knowledge is flowing in through the English language. The lack of adequate translations of text books could

handicap those who follow tertiary education in Sinhala or Tamil. Moreover, good knowledge of English will facilitate interaction with scholars overseas, which is increasingly necessary in several fields.

The major problem in the effective use of the English medium in schools is the shortage of teachers competent to teach in the English language. It may be necessary to get down some English medium and English Language teachers from overseas on contract for limited periods. For several reasons including the cost factor we may need to recruit most of such teachers from India. A small number of such teachers could also be recruited from English speaking countries such as UK, Australia, New Zealand, USA and Canada. We could also do some recruitment from the Sri Lankan Diaspora. This would be easier and work better if there is progress in resolving our ethnic conflict.

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Promote
multilingualism
in schools
and
universities

Both Sinhala and Tamil are well developed languages spoken by many millions of highly literate population with rich literary heritage going back over two millennia. Moreover, Sinhala is constitutionally entrenched as the premier official and national language of Sri Lanka, and Tamil too as an official and national language. Tamil is also a national and state language of India, an official language of Singapore and is widely used by millions of people in Malaysia and many other countries. In the circumstances the future of these two languages is assured. English too is gaining ground throughout the Island, and now has constitutional recognition as a link language. What we need to do is to facilitate the use and development of these three languages in Sri Lanka and to extract maximum social and cultural benefit from their interaction. The rich heritage covering over two millennia of the two national languages and the unique value of English need to be tapped for the benefit of the entire population of this country.

The resistance to the use of English has greatly diminished as evidenced by the profusion of English language “tutories” and “international schools”, mostly set up explicitly to facilitate the adoption of English as a medium of instruction. Some problems relating to the use of Tamil language and some suggestions relating to the use of Sinhala and Tamil languages were outlined in Chapter II. The recommended reforms need to be adopted. What other urgent problems need to be tackled and what further reforms are needed?

Traditionally, in ethnically mixed areas, the schools have been institutions in which the youth of different ethnicity mixed and formed lasting relationships. This was facilitated by the fact that in those localities many schools were ethnically mixed. Ever since Sinhala became the only official language in 1956, and particularly since Sinhala and Tamil Replaced English as the medium of instruction in schools, followed soon

Provide incentives to multilingual capacity in recruitment to and higher education and in to employment

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***Moving
towards a
Multilingual
Sri Lanka***



Upgrade all schools in the estate areas to the level of schools elsewhere

afterwards by the introduction of a third category of Muslim schools, these three ethnic categories have become increasingly isolated. Even earlier, many “Estate” schools in plantation areas serving Hill Country Tamils contributed to the isolation of the latter category. Since then, through dividing bilingual schools in to monolingual schools in the interest of “rationalization”, the number of bilingual schools has been greatly reduced. Even within the residual bilingual schools, students divide in to linguistic streams. It is only a few elite Christian schools that attempt to partially counter such segregation by having the classes mixed except in those subjects in which linguistic segregation is unavoidable. The new “amity” initiative of some schools being permitted to teach four subjects in English (mixing Sinhala and Tamil stream students in those four subject classes) is also designed to promote “amity” as well as proficiency in English among students of different ethnicity. But overall, segregation into

separate linguistic/ethnic streams contributes to ethnic polarization which may be carried lifelong and in to national social, economic and political intercourse.

Many meetings in Sri Lanka are conducted in one language only because it may be costly and tiresome to provide for translation. If the majority are English speaking it may be conducted in that language. Increasingly, many meetings are conducted in Sinhala except in a few predominantly Tamil speaking areas (in which they may be conducted in Tamil). Many meetings in the major cities like Colombo are conducted in Sinhala and English even if some of those present speak Tamil only. All this contributes to ethnic resentment and polarization. If we evolve in to a multilingual nation this will not be a problem, since meetings could be conducted in three languages without the need for translations.

***Promoting
inter-ethnic
harmony
through the
Constitution***

The need for
a new
Constitution
inclusive
both in
formulation
and in
content

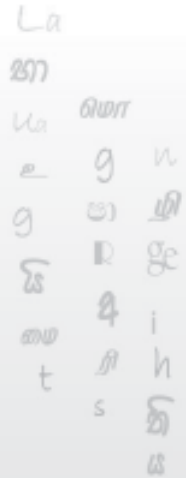
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The Indian and South African examples in Constitution making

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Schools, with due state and civil society backing, can play a critical part in promoting bilingual and trilingual proficiency not only through teaching all three languages but also through appropriate essay, oratorical and debating competitions, and the award of prizes for multi lingual proficiency. The state can also help by providing other incentives for multilingual proficiency by appropriate prizes in public examinations and preferences in recruitment to and advancement within the public services. Schools that are predominantly mono-ethnic could be encouraged to twin with predominantly mono-ethnic schools of another ethnicity. Programmes such as visits and even exchanges of students for one or more semesters between such schools could help. Participation in such programmes should get due consideration in eventual recruitment to the public, private and NGO sectors.

All this needs to be set within the framework of national policy and laws at all levels and, in particular, the national Constitution. Sadly, none of our Constitutions were so designed. In fact none of our Constitutions ever enjoyed widespread public acceptance and identification, in contrast to some other Constitutions, notably those of India and South Africa. Our first pre-independence (Soulbury) Constitution was framed by our colonial masters; the 1972 Constitution was formulated by a small caucus of the then SLFP led coalition; the 1978 Constitution was formulated by a small caucus of the then UNP led coalition. But all three Constitutions lacked widespread public participation in their formulation. In this respect Constitutions of several other countries were very different, leading to widely different consequences.



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Draw inspiration from the Indian and South African models in our Constitution making

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Identify and Avoid the flaws in the drafting and in the contents of our 1947, 1972 and 1978 Constitutions

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In India the Chair of the Drafting Committee was Dr. B. Ambedkar, the leader of the “untouchable” (Dalit) community and who had bitter decades long public differences with the national leadership including Gandhi and Nehru. They set up numerous and very diverse committees representing every conceivable category of caste, tribe, religion, language, ethnicity etc. comprising India as well as of other categories such as women, trade unions, ideology and historical background (e.g. from princely states) etc. Many thousands of individuals were members of these committees and a very much larger number gave evidence. Thus no one had reason to feel excluded and almost the entire Indian nation “owned” the Indian Constitution. (Granville Austin’s book of 1966 titled “The Indian Constitution: Cornerstone of a Nation”, Oxford: Clarendon Press). The South African Constitution was also similarly inclusive of all sectors of the South African nation.

We had the option of formulating such an inclusive Constitution, but chose not to do so. The chief architect of the 1947 Constitution was British. The 1972 and 1978 Constitutions were designed to be exclusive rather than inclusive. It is pertinent to end by quoting the concluding words of a few individuals representing the remnants of the Jaffna Youth Congress, writing on behalf of the ad hoc All Ceylon Tamil Conference to those drafting the 1972 Constitution and quoted in K. Nesiiah's Education and Human Rights in Sri Lanka, 1983, Chunnakam: Christian Institute for the Study of Religion and Society in Sri Lanka:

“If Sri Lanka is to be true to herself, those who are charged with the solemn duty of writing her Constitution should pay heed to our heritage both in the approach to constitution making and in what they write into it. Our children and our children’s children should be able to say, with one voice-Lanka is our great motherland, and we are one people from shore to shore; we

Towards a
new
Constitution
owned by
people of all
sections of
our Island

speaking two noble languages, but with one voice; and this Constitution which our fathers fashioned together in times of yore shall serve as our nation's charter for the years to be".

End of Text

