

S R I L A N K A

SECTION A

Capital

Colombo 616,000 (1990 est.)

Area

65,610 sq km (25,332 sq mi)

Form of government

Republic

GDP—per capita

Purchasing power parity—\$2,600 (1999 est.)

Population

19,238,575 (July 2000 est.)

Ethnic composition

Sinhalese	74%
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Tamil	18%
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Moor	7%
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Burgher, Malay, Vedda	1%
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Official language

Sinhala is the official language, but Tamil has shared an equal status with Sinhala as an official language since July 29, 1987.

Other languages

English is commonly used in government and it is spoken by about 10% of the population.

Legislation dealing with the use of languages

The Constitution of Sri Lanka was adopted on August 31, 1978

The Official Language Act of 1956

Reasonable Use of Tamil Act of 1956

Background notes

Sri Lanka is officially known as the Democratic Socialist Republic of Sri Lanka, Sinhalese Sri Lanka Prajathanthrika Samajavadi Janarajaya. Formerly Ceylon Island, the country is located in the Indian Ocean, separated from peninsula of India by the Palk Strait.

Three ethnic groups – Sinhalese, Tamil, and Muslim – make up more than 99% of the country's population. The Sinhalese make up 74% of the population and are concentrated in the more densely populated southwest. The Tamil segment is comprised of two groups. Sri Lankan Tamils (12%) are long-settled descendants of immigrants from southeastern India. Indian Tamils (6%) are descended from more recent immigrants from southeastern India, most of whom were migrant workers brought to Sri Lanka under British rule in the 19th century. Muslims, who trace their origin back to Arab traders of the 8th century, account for about 7.5% of the population.

The Sinhalese, the descendants of immigrants from northern India, colonized the island around 500 B.C. Buddhism, the religion of the majority of Sinhalese, came from India in the 3rd century B.C. The Sinhalese speak Sinhala an Indo-Aryan language. The Tamils practice Hinduism and speak Tamil, the Dravidian language which is estimated to be 5,000 years old and one of the oldest living classical languages in the world. The Muslims, adherents of Islam, usually speak Tamil.

Although the Sinhalese are the clear majority, they are a majority with a minority complex; they fear the influence of the huge Tamil population across the Palk Straits in the southern Indian state of Tamil Nadu. The different groups tend to lead highly segregated lives and live within their own communities, apart from in the capital of Colombo.

The sources of the national conflict in Sri Lanka are historical, economic, cultural and religious. Both the Tamil people and the Sinhalese are indigenous inhabitants of Sri Lanka. Early history records that they had their own monarchs and kingdoms. They were conquered by the colonial powers in different periods of history and existed as separate communities until the British brought them together in 1883 under a single administration (Appendix C).

SECTION B

Where does one observe language to be a problem in the country?

Besides charges of discrimination towards Tamils leveled against Sri Lanka, the most commonly heard complaint is the allegedly unsatisfactory place given to the Tamil language in the affairs of the country.

The Official Language Act from June 5, 1956 declared Sinhala the only official language in the country. The Act was passed and immediately caused a reaction among Tamils, who perceived their language, culture and economic position to be endangered by the new legislation. The Tamil Language Special Provision Act (1959) and the 1978 Constitution were adopted to appease Tamil sentiment by granting national status to the Tamil language. Sinhala remained the only official language and civil servants were expected to acquire proficiency in it. Sinhalese applicants were preferred to Tamil in the Universities and public employment spheres until July 29, 1987, when Tamil became an official language.

It is an accepted fact that the denial of language rights formed the basis for the ethnic problems in Sri Lanka. "Weekend Express" wrote in 1996 "...the language issue has grown to such proportions as to bring this country to the verge of total destruction".

What does it cost in terms of money, time and government resources to police the country's language restrictions?

During the colonial period, English was the dominant language of administration, politics, education, business, etc. Both Sinhalese (spoken by over 80% of the population) and Tamil (understood by perhaps 20% of the population), the two indigenous languages of Sri Lanka, were relegated to a second place status. With the end of colonialism the question arose about the national language of the country.

The first attempt to address this question was in the Official Language Act of 1956 together with the complementary, Reasonable Use of Tamil Act. The first made Sinhala the "official language" (called the "Sinhala Only Act"). The second defined the status of Tamil and guaranteed its use as a language of education, in the courts, Parliament, and as a medium for being employed, as well as all economic and cultural purposes. These Acts have been widely misrepresented as involving unfair treatment of the Tamil language. The Tamils demanded "Parity of Status" between Sinhala and Tamil.

According to ACSLU (Australian Center for Sri Lankan Unity), the fact that Sinhala is the only language in the country is not exceptional at all. Generally, the language of the majority of the population is the official language in any given country. The charge of discrimination with respect to minority languages lies not in the absence of a “parity of status” in all regards, but in the denial of reasonable language rights for the minorities concerned. This is exactly what the Reasonable Use of Tamil legislation in Sri Lanka was designed to achieve.

In the 1971 Constitution, Tamil was declared a national language. Sri Lanka is the only sovereign state to have conceded to Tamil the status of a national language. English was also declared a national language to assuage other minorities.

The use of language in everyday life e.g. education, broadcasting and other

In practice, Tamil is given virtual parity of status with Sinhalese and English in the public life today. This is seen in the educational, political and legal systems, as well as in all other important areas of public life. It must be remembered that there are few countries, which have given to a language spoken by less than a fifth of the population the place that has been accorded to Tamil in Sri Lanka. If judgment is to be based on international rights and practices, the claim of discrimination against Tamils on language grounds in Sri Lanka cannot be sustained.

However,

ADMINISTRATION

The language used in the courts of the provinces where many Tamil plantation workers live is Sinhala. Most of the courts do not have interpreters who know the Tamil language, thereby causing tremendous hardship to the Tamil speaking people. The case numbers, dates and other details with regard to the cases are announced in the Sinhala language. Even the charges are read in Sinhala. The Tamil-speaking victims are requested to give evidence in Sinhala.

Tamil has been declared as an official language for several years now, but translation of official documents rarely takes place. Typists and translators are in very short supply. Not only the language rights, given to the Tamil people by a number of laws are denied by non-compliance and non-implementation but also the fundamental rights granted to all citizens that every citizen should be treated equally irrespective of religion, language, race and other factors are denied in the courts themselves.

EDUCATION

According to the news from Tamil Net (December 3, 1998), technical education in the Tamil language was neglected in the proposed educational reforms that Sri Lanka's government set to be implemented in the year 1999. There are 470 technical and vocational courses in the Sinhala and 91 in English, whereas only 65 courses are for Tamil speaking students. As for the colleges, Sinhala is the language of instruction in 34, offering 8 courses in computer studies. However, there is only one such a course in Tamil.

A proposal by the Minister of Education Richard Pathirana from September 16, 1999 to teach Tamil to Sinhala students and vice versa from January 1, 2000 is a giant step towards ethnic harmony.

APPENDIX A

MAP OF SRI LANKA



APPENDIX B

SRI LANKA - CONSTITUTION

as adopted on August 31, 1978

Article 12

2) No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds:

Provided that it shall be lawful to require a person to acquire within a reasonable time sufficient knowledge of any language as a qualification for any employment or office in the public, judicial or local government service, or in the service of any public corporation, where such knowledge is reasonably necessary for the discharge of the duties of such employment or office:

Provided further that it shall be lawful to require a person to have a sufficient knowledge of any language as a qualification for any such employment or office where no function of that employment or office can be discharged otherwise than with a knowledge of that language.

3) No person shall, on the grounds of race, religion, language, caste, sex or any one of such grounds, be subject to any disability, liability, restriction or conditions with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of his own religion.

Article 14

1) Every citizen is entitled to...

(f) the freedom by himself or in association with others to enjoy and promote his own culture and to use his own language;

Article 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.

Article 19

The national languages of Sri Lanka shall be Sinhala and Tamil.

Article 20

A Member of Parliament or a member of a local authority shall be entitled to perform his duties and discharge his functions in Parliament or in such local authority in either of the national languages.

Article 21

1) A person shall be entitled to be educated through the medium of either of the national languages:

Provided that the provisions of this paragraph shall not apply to an institution of higher education where the medium of instruction is a language other than a national language.

2) Where one national language is a medium of instruction for or in any course, department or faculty of any university directly or indirectly financed by the state, the other national language shall also be made a medium of instruction for or in such course, department or faculty for students who prior to their admission to such university, were educated through the medium of such other national language:

Provided that compliance with the proceeding provisions of this paragraph shall not be obligatory if such other national language is the medium of instruction for or in any like course, department or faculty either at any other campus or branch of such university or any other like university.

Article 22

1) The official languages shall be the language of administration throughout Sri Lanka:

Provided that the Tamil language shall also be used as the language of administration for the maintenance of public records and the transaction of all business by public institutions in the Northern and Eastern Provinces.

2) 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 of the national languages;

(b) if the law recognises 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 of the national languages; and

(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 of the national languages.

3) A local authority in the Northern and Eastern Provinces which conducts its business in either of the national languages shall be entitled to receive communications from, and to communicate and transact business with, any official in his official capacity, in such national language.

4) All orders, proclamations, rules, bylaws, regulations and notifications made or issued under any written law, the Gazette and all other official documents including circulars and forms issued or used by any public institution or local authority, shall be published in both national languages.

5) A person shall be entitled to be examined through the medium of either of the national languages at any examination for the admission of persons to the public service, judicial service, local government service, a public corporation or statutory institution, subject to the condition that he may be required to acquire a sufficient knowledge of the official language within a reasonable time after admission to any such service, public corporation or statutory institution where such knowledge is reasonably necessary for the discharge of his duties:

Provided that a person may be required to have a sufficient knowledge of the official language as a condition for admission to any such service, public corporation or statutory institution where no function of the office or employment for which he is recruited can be discharged otherwise than with a sufficient knowledge of the official language.

Article 23

1) All laws and subordinate legislation shall be enacted or made, and published, in both national languages together with a translation in the English language. In the event of any inconsistency between any two texts, the text in the official language shall prevail.

2) All laws and subordinate legislation in force immediately prior to the commencement of the Constitution, shall be published in the Gazette in both national languages as expeditiously as possible.

3) The law published in Sinhala under the provisions of paragraph 2 of this article shall, as from the date of such publication, be deemed to be the law and supersede the corresponding law in English.

Article 24

1) The official language shall be the language of the courts throughout Sri Lanka and accordingly their records and proceedings shall be in the official language:

Provided that the language of the courts exercising original jurisdiction in the Northern and Eastern Provinces shall also be Tamil and their records and proceedings shall be in the Tamil language. In the event of an appeal from any such court, records in both national languages shall be prepared for the use of the court hearing such appeal:

Provided further that:

(a) the Minister in charge of the subject of Justice may, with the concurrence of the Cabinet of Ministers, direct that the record of any such court shall also be maintained and proceedings conducted in the official language; and

(b) the record of any particular proceeding in such court shall also be maintained in the official language if so required by the judge of such court, or by any party or applicant or any person legally entitled to represent such party or applicant in such proceedings, where such judge, party, applicant or person is not conversant with the Tamil language.

2) Any party or applicant or any person legally entitled to represent such party or applicant may initiate proceedings, and submit to court pleadings and other documents, and participate in the proceedings in court, in either of the national languages.

3) Any judge, juror, party or applicant or any person legally entitled to represent such party or applicant, who is not conversant with the language used in a court, shall be entitled to interpretation and to translation into the appropriate national language, provided by the state, to enable him to understand and participate in the proceedings before such court, and shall also be entitled to obtain in either of the national languages any such part of the record or a translation thereof, as the case may be, as he may be entitled to obtain according to law.

4) The Minister in charge of the subject of Justice may, with the concurrence of the Cabinet of Ministers, issue directions permitting the use of a language other than a national language in or in relation to the records and proceedings in any court for all purposes or for such purposes as may be specified therein. Every judge shall be bound to implement such direction.

Article 25

The state shall provide adequate facilities for the use of the languages provided for in this chapter.

Article 28

1) All laws and subordinate legislation shall be enacted or made and published in both national languages together with a translation in the English language. In the event of any inconsistency between any two texts, the text in the official language shall prevail.

2) All laws and subordinate legislation in force immediately prior to the commencement of the Constitution shall be published in the Gazette in both national languages as expeditiously as possible.

3) The law published in Sinhala under the provisions of paragraph 2 of this article shall, as from the date of such publication, be deemed to be the law and supersede the corresponding law in English.

APPENDIX C

Chronology of language relates events in Sri Lanka

- 1945 - State Council appoints a Select Committee to look into the recognition of Sinhala and Tamil as official languages
- 1946 - The Select Committee reports on transition from English to Sinhala and Tamil as official languages
- 1947 - The Select Committee reports on transition from English to Sinhala and Tamil as official languages. Mr. D.S.Senanayake, the leader of the State Council, urges the Tamils and other minorities to accept the Soulbury Constitution granting independence. He promises that the Tamil and other minorities need not fear at the hands of the majority Sinhalese in a free Lanka and no harm would befall them.
- 1948 - British grant independence under the Soulbury Constitution. The parliament with its entrenched Sinhalese majority legislates to disenfranchise Tamils of Indian origin who have live there for generations and have always exercised their franchise. The Tamil people lost almost half of their representation in the parliament. The state aided colonization of Sinhalese people in Tamil areas promoted to annex Tamil homelands and further reduce Tamil representation in the parliament.
- 1954 - Prime Minister Kotalawela declares his intention to amend the constitution that gives 'parity of status' to Sinhala and Tamil languages.
- 1956 - The Sinhalese Language was made the only official language by legislation, disadvantaging Tamil people in dealing with the state administration and denying them equal access to education and employment. Sinhala mobs attacked the Tamil leaders who staged a Satyagraha demonstration protesting the passage of the Act.
- 1961 - Sinhala Police and Army unleash violence on Tamil Members of Parliament who staged Satyagraha (peaceful protest) against the Language of the Courts Act, which imposed 'Sinhala Only' in the North and East Provinces courts.

- 1962 - Tamil public servant C. Kodeeswaran successfully sues the government for denying him his annual salaries increment on grounds of non-proficiency in Sinhala.
- 1967, December 3 - Parliament approves a Bill to make Sinhalese and Tamil the only language of instruction in all schools. English would cease to be a medium of instruction.
- 1969 - The Privy Council in London directs the Supreme Court in Sri Lanka to review the constitutionality of the Official Language Act. Since s.29 (2) the constitution entrenched the equality of all the linguistic and cultural rights.
- 1972, May 22 - Constitution amended to make Ceylon an independent republic, changing the name to Sri Lanka, giving preeminence to Buddhism and diluting even the modicum of minority rights. Sinhala language been affirmed as the single official language of the courts and the administration.

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