Reflections on issues of language in Sri Lanka: Power, exclusion and inclusion

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Introduction

Language is never a simple issue of communication; in contemporary social and political practice everywhere, language goes much beyond its basic utilitarian purposes. In this sense, Sri Lanka is no exception. Sri Lanka has ended an immensely destructive military conflict that had much to do with a crisis of identity linked as much to language as to ethnicity and contested notions of binary-nationalisms and competitive interpretations of history. In this context, this is a crucial time to seriously consider the politico-developmental position of language in imagining the future of the country.

This chapter focuses on the historical development of the politics of language in Sri Lanka and explores the dynamics of the specific political process that has emerged out of privileging and de-privileging language use in the country. This necessarily has to focus on the policy discourse that has enhanced language regulation and legislation in Sri Lanka as well as political impediments that have retarded the comprehensive implementation of the provisions of these legislative provisions and regulatory frameworks. For me, heading for the future and imagining the future after a catastrophic and very painful recent past and without the hindsight of the larger history that has moulded our collective personality is a recipe for future instability. It endlessly disturbs me that often we as a people seem very reluctant to learn from our own history.

The chapter falls into four main sections. It begins with a survey of the politics of language in Sri Lanka from the period shortly before independence until the mid-1980s. Next, it briefly describes the Official Languages Policy (OLP) of 1987. This is followed by a detailed examination of how the OLP has been implemented, with a focus on a stream of government circulars and other official announcements intended to support the policy. The last main section consists of a report on field work which was carried out in 2010 aimed at investigating how the policy is working in practice. This is followed by a short conclusion.
Politics of language in Sri Lanka from before independence to the mid-1980s

As part of the wave of cultural revivalism that swept the country during the final stages of British Colonialism and the immediate post-independence period, a process of Sinhalisation of the state and its services became manifest:

The nation was conceptualised in exclusively Sinhala Buddhist terms and it effectively excluded minorities from the project of nation-building. In terms of the dominant strands of Sinhala nationalism, the Sinhala language and the Buddhist religion necessarily had to occupy the pre-eminent position in society, as the glory of ancient Sinhala civilisation could be revitalised only through such means. (Perera 2008, 4)

Language dynamics due to the politicisation of language provided the most powerful manifestation of the Sinhala-Tamil conflict and managed to occupy the centre-stage of Sri Lankan politics during this period. Language became an exclusive marker of ethnicity, particularly in the case of the two dominant groups in the country, the Sinhalas and the Tamils. The politics of ethnicity and language as experienced today have even been imposed on the past, thereby rendering the past itself a casualty of contemporary politics.

Both Tamil and Sinhala politicians espoused the idea of *swabasha* (native languages) during the colonial period in order to achieve primacy of place for Sinhala and Tamil as the local languages. As Perera points out, ‘demands for *swabasha* rights were overtly articulated as a protest against the privileges enjoyed by the English educated elite, privileges not open to the masses educated in the local languages’ (Perera 2008, 2). The formal process to introduce *swabasha* was initiated in 1944, when J.R. Jayawardena moved a resolution in Parliament to declare ‘Sinhalese the Official Language of Ceylon within a reasonable number of years’ (Kearney 1967, 63 quoted in Perera 2008). Immediately, an amendment was proposed by V. Nallaiah, a Tamil state councillor, to provide Official Language status to both Sinhala and Tamil. This was seconded by R. S. S. Gunawardena, a Sinhala state councillor, and the resolution in this form was approved by 27 to two in the Sinhala-dominated legislature, a sign of the absence of ethnic overtones in the issue of official languages at that time (Kearney 1967, 63; Kasynathan & Somasundaram 1981, 55; Perera 1991; Perera 2008, 3). The resolution specified that Sinhala and Tamil would become the languages of instruction in schools, examinations for public services and legislative proceedings. Here, then, is the first instance of official recognition of the right of the people to use their own languages when being served by the state in official matters. In 1945, S. W. R. D. Bandaranaike suggested that a select committee should be appointed under the chairmanship of J. R. Jayawardena to advise the government on how changes were to be implemented in achieving the above. In 1946, the committee submitted its report strongly favouring the establishment of local languages as Official Languages replacing English while recommending that the transition should take place over a period of ten years (Government of Ceylon 1946, 12).
The United National Party (UNP) policy of gradual transition ran into a number of problems. In 1951, an Official Languages Commission (OLC) was established to determine the procedures to be followed in the language replacement process. However even by late 1953 – in which year Prime Minister Dudley Senanayake re-asserted the UNP’s commitment to gradual change – the Commission had failed to make recommendations.

S.W.R.D. Bandaranaike left the UNP in 1954, citing as his reason the government’s inaction in implementing the new official language policies, and launched a concerted attack on the party, claiming to see ‘no difficulty in the way of the early adoption of our languages’ (Kearney 1967, 65). Soon after his resignation, Bandaranaike founded the Sri Lanka Freedom Party (SLFP) and began mobilising forces supporting the *swabasha* movement within Sinhala society to form a broad-based coalition to wrest political power from the UNP in the upcoming general election (Perera 1991). However, the language issue had still not become a divisive ethnic issue even at this stage, as exemplified by the SLFP manifesto which claimed that ‘it is most essential that Sinhalese and Tamil be adopted as Official Languages immediately so that the people of this country may cease to be aliens in their own land …’ (quoted by Kearney 1967, 65).

The historical developments that resulted in the establishment of Sinhala as the official language in Sri Lanka in 1956, its repercussions, the subsequent actions taken to remedy the situation through the Tamil Language (Special Provisions) Act of 1958 and the 13th and 16th Amendments to the Sri Lankan Constitution through which Tamil was also decreed an Official Language of the State (state language), providing the legal basis for parity between Sinhala and Tamil languages, have been documented by several writers and have been discussed by many scholars either in their own right or in relation to their implications for other socio-political developments in the country. Kearney (1967), Muthiah and Wanasinghe (2005), Perera (1991, 2009) and Skandakumar (2008) are some of the works in which these developments are documented and discussed.

Despite these signs of accommodation and tolerance, soon after its electoral victory in 1956 the SLFP government passed the Official Languages Act (Sri Lanka Consolidated Acts 1956), popularly known as the Sinhala Only Bill, declaring Sinhala as the Official Language of the country. The passing of the Bill made language a permanent and thus irreconcilable and contested domain in the Sri Lankan inter-ethnic conflict. Moreover, the non-violent protests organised by Tamil leaders to question the provisions of the Sinhala Only Bill ushered in the first wide scale anti-Tamil violence in the century.

In 1966, ten years later, the use of Tamil as the language of administration in Northern and Eastern provinces was begun after the implementation of the provisions of the Tamil Language (Special Provisions) Act (Sri Lanka Consolidated Acts 1958), mostly due to pressure from Tamil political parties. From this time until the mid 1980s, the issue of language remained a contentious political issue, not only as a specific right in the general discourse
of minority politics but also with regard to access to education and state sector employment. Nevertheless, during this time no significant or tangible progress was made on the language front.

The Official Languages Policy

In 1987, through the 13th Amendment to the Sri Lankan Constitution, Tamil was also decreed to be an Official Language of the state and the legal basis for parity between Sinhala and Tamil languages was clearly established by law. As Section 18 (4) of the Constitution states, ‘Parliament shall by law provide for the implementation of the provisions of this Chapter’ (Democratic Socialist Republic of Sri Lanka 1987). In addition, both languages were also defined as ‘national languages’ while recognising English as the ‘link language.’ Currently, all provisions linked to language and language-related matters are covered by Chapter IV of the Constitution.

Further to this, Section 20 of the 16th Amendment to the Constitution provides that a member of Parliament, Provincial Council or local authority is entitled to ‘perform his duties and discharge his functions’ in either of the national languages (Democratic Socialist Republic of Sri Lanka 1987). Section 16 of the 16th Amendment also makes Sinhala the language of administration in the seven provinces in the south and gives Tamil the same position in the Northern and Eastern Provinces.

The Constitution also states that an administrative division in any part of the Island in which there are substantial numbers of both Sinhala- and Tamil-speaking people shall use both languages for record keeping and administration. Moreover, the President has directed that both the Sinhala and Tamil languages are to be used as the languages of administration in the 29 Divisional Secretariat Divisions.

In addition, Section 23 of the 16th Amendment provides that the languages of legislation will be Sinhala and Tamil while a translation of these legislative enactments and laws must be available in English. Further, Section 24 of the same Amendment provides that the languages of the courts in the country will be Sinhala and Tamil, allowing for justice to be available in the languages commonly spoken by the people. Section 25 of the Constitution declares that ‘the State shall provide adequate facilities for the use of the languages provided for in this Chapter’ (Democratic Socialist Republic of Sri Lanka 1987).

Summarising the issues outlined above, particularly in relation to the constitutional provisions governing language related matters, Perera (2008, 6) points out:

Chapter IV of the Constitution, and the 13th and 16th Amendments in particular, formally recognise the earlier mistakes of language politics dictated by the cultural hegemony of Sinhala nationalism, and provide for extensive and legally binding solutions. In effect, Chapter IV provides for the equitable use of Sinhala and Tamil in all areas of social and political activity. In that sense, the Constitution is both a historical text of mistakes and also their correction, and a point of departure.
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for the implementation of the Language Policy that has been so exhaustively articulated. The issue is no longer with the Constitution, but with its practical implementation.

From the time of independence, the need has been to establish the local languages in a position of power as they emerged within the overall process of establishing the independence of the state. The place occupied by Tamil at the initial stage and the subsequent ‘correction’ of such a status must also be understood in this context. Having now addressed this need to establish official status for Tamil, the government’s preoccupation becomes one of ensuring that this status is actually implemented.

Implementation of the Official Languages Policy

Apart from the constitutional amendments, the other official measures taken to ensure that the Official Language Policy (OLP) is implemented (as stipulated in the amendment to the Constitution of 1978) have also been discussed by several scholars in their analyses. Collure (2008), Skandakumar (2008) and Perera (2008) discuss the implications of various circulars and directives issued by different regimes in attempts to implement the OLP within the country. Perera (2008:9) points out:

The constitutional changes were serious and these circulars indicate the various attempts made over the years to implement the provisions of the Constitution. They also point to the failure of the Official Languages Policy at the level of practice due to sheer lack of capacity, mechanisms and skills and [failure to recognise] such lapses. The narratives emerging from these circulars suggest that the government’s interest was the speedy implementation of the Language Policy rather than first establishing a long term and robust framework for its implementation.

In 1991, the MPAPCHA issued a circular with the title ‘Implementation of the Official Languages Law – Trilingualisation of Forms’ (MPAPCHA 1991); this was addressed to Secretaries of Ministries, Secretaries to Governors, Heads of Departments, Divisional Secretaries, Mayors, Chairmen of local government bodies and Government Agents and made the following directive:

It was decided that forms of all government institutions should be made available in the three languages, Sinhala, Tamil and English printed in the same paper. All old forms not satisfying these criteria should be withdrawn. Secretaries of all Ministries and Provincial Councils should be responsible for implementing this decision.

This was a conscious attempt to implement some of the most basic language rights that affect people in routine circumstances. The same circular referred to eight other previous circulars and letters issued by the Ministry as well as the Commissioner of Official Languages that dealt with implementation issues of the OLP. In 1992, the same Ministry issued another circular under the title ‘Preparation of Infrastructure for the Implementation of the Official
Languages Law’ (MPAPCHA 1992a). This document stated that the government’s objective was to implement the language legislation as laid down by the Constitution and urged heads of government agencies to recognise and address these issues. Most importantly, the circular requested Secretaries of Ministries to investigate and report any lapses in implementing the OLP in departments and institutions under them. Among the six issues identified in the circular were the following:

- government agencies lack staff who possess the required language skills; as a result, members of the public experience hardships and consequently lose faith in the ability of government offices to help them,
- the programme to teach additional Official Languages to government officers is still incomplete, but this cannot be used as an excuse for delaying the implementation of the OLP,
- every head of department must have at least one officer who can communicate with ethnic minorities in the local area using the minorities’ own languages,
- every head of department must supply institutions under their control with equipment such as language specific typewriters and train individuals to use this equipment.

A circular that endeavoured to overcome obstacles to the implementation of the OLP was issued in 1996 (MPAPCHA 1996). It emphasised, first, the need to respond in the same language to all letters received in Tamil. It also stated that translation fees had been increased to Rs 200 under Public Administration Circular Number 13/92 (MPAPCHA 1992b) – further increased under Public Administration Circular Number 12/2003 (MPAPCHA 2003) – and that the Official Languages Department had agreed to the use of language advisors based at Divisional Secretariat (DS) offices to support government institutions in translating and even handwritten letters when typewriters are not available. It urged institutions to report all as yet unreported needs for typists so that the Director, Joint Services could look into the filling of such vacancies.

In 1998 the Ministry of Public Administration, Home Affairs and Plantation Industries (MPAHAPI) issued another circular under the heading ‘Delegation of Responsibility for Implementing the Official Languages Policy’ (MPAHAPI 1998). Restating the rights of the people to be served in their own language as provided by the Constitution, the Circular goes on to define the roles and functions of the Department of Official Languages (DOL) and the Official Languages Commission (OLC). Point 5 of the Circular recognised that lapses had arisen in the implementation of the Language Policy due to ‘dearth of qualified staff, and the lack of institutional machinery’ (MPAHAPI 1998). It further suggests the setting up of separate units and the appointment of Chief Official Language Implementation Officers and Official Language Implementation Officers and delineates the duties and responsibilities of the officers ‘in order to implement the legal requirements’ of the OLP ‘in a satisfactory manner’ (MPAHAPI 1998).
On 30th June 1998, President Chandrika Kumaratunge, writing to her Cabinet of Ministers, also made a clear statement regarding concerns over the failure of implementing the OLP:

Several instances of failure on the part of Government Institutions to comply with Constitutional provisions relating to Official Languages have been brought to my notice. These are serious omissions as they cause immense inconvenience and hardship to members of the public who are not conversant with Sinhala. Besides, it also amounts to a violation of the law. I dread to think of the plight of citizens who receive letters in a language which they do not understand. This is tantamount to denial of that citizen’s fundamental right. (Office of the President of Sri Lanka, 30th June 1997)

In the context of her concerns outlined above, the President went on to issue a series of six instructions to be implemented within a period of two months:

- All regulations, legal provisions and information must be made available in all three languages;
- All printed forms must be made available in all three languages. Where an institution has a large stock of forms already printed, it may print a reasonable number afresh in the Tamil language only, to be attached to the Sinhala/English version;
- All letters received from members of the public must be replied to in the language in which they are written. Where there is a difficulty in doing this, at least a translation in English should be attached to the Sinhala version;
- All name boards of public institutions and other instructions or directives meant for the public should be displayed in all three languages;
- Action should be taken immediately to fill all vacancies in the posts of Sinhala–Tamil translators and the Tamil typists service. Institutions that do not have their own cadre of translators can make use of suitably qualified people on a contractual basis; and,
- Every institution should identify one officer who has responsibility for implementing the provisions of the law relating to language (Office of the President of Sri Lanka, 30th June 1997).

While the letter reiterates points made earlier and emphasises the serious implications of the identified lapses, it also reveals that the government had not appreciated how little capacity there was to implement even the most basic measures outlined above.

Another series of Public Administration Circulars in 2003 and 2010 (MPAPCHA 2003, 2010) made significant revisions to the fees payable for translation, interpretation and typing services procured from external sources where they are not available within government institutions. The second of these circulars simplifies the calculation of costs for simultaneous translations and increases the fee for technical, legal or scientific translations to Rs 400 per page, while other documents are to be charged at Rs 300 per page.

Two very significant Public Administration Circulars were issued to all Secretaries of Ministries, Secretaries to Governors and Heads of Departments in 2007 regarding the implementation of the OLP and, specifically, the
incentive scheme for government officers who acquire the required level of proficiency in the second official language. The first of these, Circular 03/2007 (MPAPCHA 2007a), detailed the particular government service within which second language proficiency was to be required, grouped government officers into three categories according to the level of second language proficiency expected of them and detailed the incentives to be received once they obtained such proficiency. The circular also stated that while syllabi and training programmes are conducted by DOL, the cost of training will be borne by the government. Meanwhile, Circular 07/2007 (MPAPCHA 2007b) reiterates, qualifies and clarifies some of the points made by the earlier circular and emphasises the need for all public servants to acquire the stipulated level of language proficiency within five years of being appointed.

Another circular in late 2009 (MPAPCHA 2009) required all Secretaries of Ministries, Chief Secretaries of Provincial Councils, Heads of Departments, Heads of Local Government Authorities and Secretaries of Provincial Public Service Commissions to ensure that two categories of officer – Chief Official Languages Implementation Officer and Official Languages Implementation Officer – were appointed within the existing hierarchy of officers to ensure the effective implementation of the OLP. Their respective duties and responsibilities were detailed in the circular as well.

What emerges then is a situation in which the legal provisions for the fulfilment of language rights have been established without the necessary structural and resource provisions being made for such a fulfilment. According to state regulations, the government must implement the language policy as a crucial part of fulfilling its role. The historical evolution of the politics surrounding language and its official use in the country warrant a high priority to be afforded to its implementation. However, successive governments have not been able to ensure an appropriate outcome. The repeated issuance of circulars concerning the implementation of the OLP and the complaints entertained by the OLC (of which there have been 89 since 2005) point to the fact that the regulations have not been implemented satisfactorily. The failures to take action have been due to financial, infrastructural and intellectual restrictions as well as a lack of political will. Nevertheless, the existence of an enabling legal and policy environment itself needs to be understood as a positive development upon which future implementation strategies may be built.

To its credit, the OLC endeavoured to identify problems relating to the implementation of the OLP and subsequently – in 2005, 2006 and 2010 – issued recommendations to address these issues.

The 2005 recommendations highlighted the fact that only 8.32 per cent of public officials spoke Tamil in a country in which 26 per cent of the population is Tamil speaking:

The facilities for communicating with the central government in obtaining its services in Tamil are minimal. This situation amounts to a violation of constitutional rights of the Tamil speaking citizens of the country. Apart from the indignities they are made to suffer, they are put into innumerable inconveniences in transacting business with the government. The provincial administrations
including that of the North East miserably fail in serving citizens inhabiting those areas who are not proficient in the language of the administration of the respective province in their own language which has Official Language status (Official Languages Commission 2005, 4).

The recommendations estimated that 38 per cent of government officers needed to be competent in Tamil in order to provide efficient services to the Tamil speaking population of the country.

The 2006 recommendations proposed the establishment of a ‘National Translations Centre’ modelled on the Translations Bureau of Canada as a means to pool all available resources in the country and bring it under the OLD (Official Languages Commission n.d., 2). The recommendations also proposed that a language resources survey should be carried out to determine the status and distribution of bilingual resources across the country (Official Languages Commission 2005, 4).

The 2010 recommendations lamented the ‘inadequate attention’ paid by the relevant officials to the recommendations made in previous years (Official Languages Commission 2010, 3). However, the 2010 document also reported that there had been a significant revision of the ineffective training programmes in Tamil as a Second Language for public sector employees (Official Languages Commission 2010, 4). Another significant development recorded by the 2010 report was the publication of the Public Administration Circulars Numbers 03 and 07 of 2007 (MPAPCHA 2007a, 2007b) which – as noted above – provided incentive systems for public officials who gain proficiency in the second language. These circulars also clarified the role of the OLD in developing the content of language courses, setting examinations and assessing trainees. However, the 2010 report stressed that until these Circulars were effectively implemented, there would be no improvement in the situation.

The 2010 recommendations also detailed the obstacles preventing the effective implementation of the OLP. Among these was the inability of successive governments over a period of two decades to take the steps necessary to put the OLP into practice, the failure to recruit sufficient numbers of Tamil speaking officers to the public sector and infrastructure gaps in providing training in the second official language (Official Languages Commission 2010, 26–32).

The observations and recommendations of the OLC (a government-appointed body) make it very clear, then, that the language policy that has evolved over time as well as its state of implementation on the ground have been well understood by successive governments. Unfortunately, however, the prevailing situation remains quite bleak at the ground level.

**The language situation on the ground: Three case studies**

This section assesses the situation on the ground with particular regard to how far the policy is understood, how far the OLP has been implemented and to what extent facilities are available for people to receive services in
either Sinhala or Tamil. This is done by reporting on field research carried out in Vavuniya (1st December 2010), Jaffna (2nd–3rd December 2010) and Kandy (7th December 2010). These areas were selected because they possess the following characteristics:

- Vavuniya is a Tamil-speaking majority area with a significant Sinhala-speaking presence in Vavuniya South, in addition to military and police personnel;
- Jaffna is a Tamil-speaking majority area with no significant Sinhala-speaking presence, except for military and police personnel;
- Kandy is a Sinhala-speaking majority area with a significant Tamil-speaking minority presence.

In each location interviews were carried out in several different government bodies.

**Case Study 1: Vavuniya**

The field work in Vavuniya was conducted in the Vavuniya South Divisional Secretariat (DS), the Vavuniya DS, the Vavuniya Police Force and the Vavuniya Hospital.

The Vavuniya South DS was established primarily to serve the Sinhala ethnic population in the Southern part of Vavuniya. However, the office also serves Tamil-speaking citizens within its area. As such, all name boards and sign posts in the office are trilingual in Sinhala, Tamil and English. The Divisional Secretary at the time the field work was carried out was fluently trilingual orally but he admitted that his office did not have a formally trained translator. This delayed some work as the Divisional Secretary had to depend on informal networks within the office to get translations of official documents which reach him in Tamil (mostly letters originating from within the district). Most daily correspondence with national level state organisations was conducted in Sinhala, however.

The Secretary was of the opinion that bilingual and English language training should be made compulsory for all employees who deal directly with the public. He also pointed out that senior officers (like himself) needed flexible leave arrangements in order to attend comprehensive language training classes, particularly in Colombo. If classes were organised by OLD or the National Institute of Language Education & Training (NILET) at the regional level, Vavuniya South DS office could physically host the training and ensure that its employees participated. However, he noted that language training should not simply be a voluntary matter; it should be directly linked to salary increments and promotion for all categories of employees. The time and effort expended should be rewarded in a way that is beneficial for individuals.

In comparison with Vavuniya South, the DS for Vavuniya is a larger operation which caters mostly to a Tamil-speaking population but also to sizeable numbers of Sinhala speakers. All name and sign boards are trilingual.
However, issues of language have deep rooted consequences here as well. While circulars as a rule are published in all three languages (sometimes in two), a great majority of routine communication from government agencies continues to be only in Sinhala. This includes communications from the Ministry of Public Administration, the Ministry of Health, the Pensions Department, the Samurdhi Authority, the Widows’ and Orphans’ Fund and the Ministry of Economic Development (in fact the latter Ministry’s letterhead is only in Sinhala). A cursory survey of the daily in-tray of mail for the DS for 1st December 2010 indicated that the majority of the mail was in Sinhala with a few regional letters in Tamil. Almost none of the Sinhala language letters were accompanied by Tamil or English translations.

This state of affairs poses a series of problems which seem to crop up regularly in other central and local government bodies in the north, suggesting that there is a consistent pattern and a deeper malaise. That is, despite the constitutional and legal right of the people to receive information and services from central and local government agencies in their own languages, this is not happening on a routine basis. This is more serious when it comes to central government agencies, as the evidence indicates local government bodies primarily communicate with the public and with regional agencies in the dominant local language, which, in the cases of Vavuniya and Jaffna, of course, is Tamil. However, in the Vavuniya DS’s office a large majority of state level correspondence is in Sinhala and this leads immediately to a number of problems: delays due to the inability to understand the content of letters, the consequent emergence of an inbuilt system of inefficiency, the consistent violation of the OLP without reprimand and the consistent violation of people’s right to receive services and information from the state in their own language. While four graduate translators are based in the Vavuniya DS’s office, none of them are actually capable of doing translations due to serious lapses in their languages skills and lack of training in translation; this points to another failed political decision of an earlier era. As such, the DS has to depend on the services of a retired government servant to get all routine letters translated so that he can comprehend and then act upon them.

The Vavuniya Police Force is in a similar situation with regard to the language which it uses to provide services to the public. Vavuniya is a Tamil Majority area and as such the ability to serve the people in Tamil, particularly in law and order matters, is crucial. However, in a police force of about 300 officers and constables, only about seven are competent in Tamil. The police authorities acknowledge that, with the end of active war, the numbers of people coming to police stations in the region have increased considerably. They also acknowledge that the ability to serve the people in their own language needs to be vastly improved. At present all complaints are recorded only in Sinhala; a Tamil-speaking person can relate his or her compliant in Tamil and, if one of the handful of police officers competent in Tamil is available, the narrative is translated into Sinhala which is then recorded. None of the Tamil-speaking officers are trained translators and so the possibility of errors and inaccuracies seeping into the recorded statements is significant.
At the moment, rather than not recording statements or providing services, the police are attempting to manage with what they have by using informal mechanisms and methods when ideally the system should have been in place. The police are keen to be offered Tamil language training courses in Vavuniya itself at times that they could attend, preferably in the evening. Attendance they think should be made compulsory. This same state of affairs seems to be applicable to the court system where evidence is presented by officers in Sinhala in Tamil-speaking courts, where the accuracy of translations is sometimes in doubt; again this leads to worries about the nature of justice.

The Vavuniya Hospital, like all other agencies in the area, serves a Tamil majority but also Sinhala-speaking citizens (mostly from Southern Vavuniya and police and military officers). The doctors and support staff interviewed were very clear that bilingual training as well as English language training were crucial for them in delivering medical services as well as for their career advancement. Four months before the interviews took place, an English language course – conducted by a teacher from Colombo – and Tamil and Sinhala language courses – conducted free of charge by locally based individuals – had been instituted through the intervention of the Medical Superintendent. There appeared to be enormous support and enthusiasm for this programme, going by the numbers taking part and the commitment shown by some of the key individuals involved in organising these sessions; they were seen to be spending considerable time not only in organising the classes but also in designing evaluation systems, examination papers and so on. This is a striking example of a situation where a handful of committed individuals is trying to do something informally which, under the prevailing law, is actually the duty of the state. Clearly, the hospital is an institution which deserves concerted support from agencies such as OLD or NILET to carry out more formal tailor-made training courses. The hospital authorities were willing to find the time for their employees to attend classes as well as to provide the physical infrastructure needs.

Case Study 2: Jaffna

In Jaffna, the field work looked at the situation in the Jaffna Hospital, the Jaffna Municipal Council, the Jaffna Police Force, the Pradeshiya Sabha (the Divisional Council, the lowest level of local government) in the town of Kopay and the University of Jaffna.

Structurally, the situation in Jaffna is quite similar to Vavuniya, suggesting that in similar ethno-cultural conditions the Official Languages Policy is not being implemented seriously. As in Vavuniya, the Jaffna Hospital also received most of its instructions and correspondence from state agencies in Sinhala in a situation where it did not have formal mechanisms to translate these documents. It became apparent that Ministry of Health is one of the most consistent violators of the official languages law. The great majority of correspondence from this Ministry – letters of appointment, salary increments, disciplinary inquiries and so on – comes in Sinhala. In one case, an employee’s
legitimate application for promotion was delayed for over a year because his Birth Certificate was in Tamil; the problem was rectified only after a Sinhala translation was obtained. This case shows that crucial documents cannot be readily comprehended by hospital staff; this contributes to a system of inefficiency and dependence on informal structures for translation services.

The field visit revealed that medical and support staff are of the view that learning Sinhala is of significant importance to them now so that they can deal with the increasing numbers of Sinhala-speaking patients (traders, service personnel, pilgrims) as well as in dealing with officials in Colombo and with official correspondence. They believe that they could save considerable amounts of time if – at least – letters could be sent in English or with accompanying English translations. A recent request to the Ministry of Health to provide an official translator has not been granted. At the moment, the hospital relies on informal help as well as the services of a retired translator to get more complicated letters and documents translated.

The situation described above is highlighted by a letter of 20th October 2010 received by the hospital from NILET (a body under the Ministry of Official Languages and Social Integration). The letter described a programme for improving second language competencies and bilingualising state services – but it was written only in Sinhala. In this instance, the hospital authorities had to have the letter translated into English before they could comprehend its contents and respond to it. Cases like this lead to delays; when delays occur reminders are received which are also only in Sinhala. In this way, delay becomes institutionalised and no permanent remedies are introduced.

Jaffna Municipal Council faces similar situations when it comes to correspondence. The Council caters mostly to a Tamil speaking majority and, as such, all forms that are used locally are in Tamil. However, southern traders and business people are now making their presence felt throughout the north – and in Jaffna in particular – and so these forms also need to be available in Sinhala or in English. The Municipal Commissioner is seeking ways to obtain translations though translations services, although these services are not readily available in the city.

The police in Jaffna face the same constraints as the police in Vavuniya. From a force of about 600 officers and constables only about seven are competent in Tamil, yet they are serving a Tamil majority population. This is particularly urgent when it comes to writing and reading, since this has an impact on the accuracy of statements taken from members of the public. As in Vavuniya, officers have to take procedural detours to manage with what is available and they depend on informal systems since the formal structures are not functioning. This occurs at a time when increasing numbers of people are seeking police intervention in settling issues ranging from domestic disturbances to disputes over land ownership. On the other hand, it was observed that, compared to the early 1990s, present day soldiers and policemen at the street level are able to engage in conversation in Tamil with the local population to a significant extent. This is particularly the case with individuals who had served in the north for an extended period of time. The police authorities
recognise that formal Tamil and English language training is required; they believe that it should be compulsory for all officers and that, ideally, it should be conducted in the evenings.

The Pradeshiya Sabha of the town of Kopay serves a Tamil majority population. All signs are in Tamil and only one local government officer is conversant in Sinhala. Much of the correspondence carried out by the Council is in Tamil as it deals principally with local agencies. However, the Council expressed a keenness to study Sinhala as it was believed that this would help career advancement, even if it would not immediately contribute to the delivery of better public services in the locality.

The lack of language expertise and translation services which the survey revealed in a number of agencies in Jaffna indicates that formal language instruction – provided by OLD, NILET or other organisations – is urgently needed. Bearing in mind the fact that the University of Jaffna has high standing in the community, consideration needs to be given to strengthening the university’s language training facilities. This could include the following:

- Strengthening the newly designed translation studies course at the under-graduate level;
- Strengthening the English Language Teaching Centre (ELTC) so that it can offer extension services beyond the university;
- Strengthening the Sinhala language training capacity of the Department of Linguistics and English by recruiting at least two new members of staff;
- Strengthening the capacity of the Department of Tamil so that it can offer its services to organisations such as the armed forces and the police.

From these descriptions of the situations on the ground in Vavuniya and Jaffna we can conclude that, although the legal and constitutional framework for the implementation of the OLP exists, this policy has been consistently violated, depriving people of their fundamental rights. With regard to the specific issue of official correspondence being only in Sinhala, the Ministry of Health, the Ministry of Public Administration, the Department of Pensions, the Samurdhi Authority and the Widows and Orphans Fund are mentioned most frequently. This situation gives rise to frustration and lack of trust towards the state, but people seem to be reluctant to take legal remedies for fear of retribution.

Case Study 3: Kandy

The third case study, in Kandy, visited the Kandy Divisional Secretariat, the Kandy Municipality, Kandy General Hospital and its Welfare Service, the Pradeshiya Sabha of the hill town of Akurana and the Kandy Police Force.

Though a multiethnic region, the Kandy DS is not in a position to offer full-fledged services in Tamil as it does in Sinhala. However, the office does have the services of two translators competent in Tamil–Sinhala and English–Sinhala which allows letters to be written in Tamil and English if there is a need. In addition, the former Ministry of Estate Infrastructure Development
appointed a group of people identified as Communication Facilitators for the purpose of helping Tamil-speaking individuals from the estate sector to access the services they need from officials such as the Grama Sevaka (GS). These individuals based in the GS are now attached to the Ministry of Economic Development. However, it did not appear that the services of the Tamil–Sinhala translator were utilised to the maximum. Similarly, even the Communication Facilitators were of the view that most people from the estate sector who seek services today already had basic Sinhala language skills and so their help was needed only if forms have to be filled in.

The issue here is how members of the public have adapted to gaps in the implementation of the OLP. Because the policy does not function as expected, many people who interact with the DS – whether in writing or face to face – use Sinhala even if their mother tongue is Tamil. This happens because they pick up Sinhala themselves or they use intermediaries, who help them to compose letters or accompany them to the DS as unofficial interpreters. In effect, therefore, most people who come to the DS have already acquired Sinhala language skills or have found other means to use the language and so manage to access the services they require. But this occurs in a manner very different to what was expected from the OLP.

The investigation in Kandy confirmed that if civil servants were more proficient in Tamil they would be better able to serve the Tamil-speaking community. However, it was noted that the course in basic Tamil was not a success: potential participants were not motivated to take part and there were problems with the teaching approach and the syllabus. It was also noted that there had been abuses of duty leave relating to the Tamil language classes: people were granted paid leave in order to attend the classes but they did not in fact do so. There was a need for the classes to be better coordinated, organised and monitored and that classes should be linked directly to job performance. This effectively would mean that success in learning Tamil should be rewarded, for example through promotion and salary increments.

The situation is much the same in the Kandy Municipality where again the majority of officers are Sinhala speakers: only about six out of 24 officers were Tamil speakers. However, as was found in the DS, many Tamil-speaking members of the public are able to communicate in Sinhala or they use intermediaries. In some situations, when language does become an issue, officers depend on the informal help of their Tamil-speaking colleagues or even Tamil-speaking support staff such as manual workers. Again, what is evident is the emergence of informal systems of dealing with issues of language in a context where the official language policy has not been realised at the ground level.

Kandy Municipality organised twice weekly spoken Tamil classes for a group of 30 to 40 of its staff and others, using funds from the DS. But initial enthusiasm decreased as the classes continued. Even those officers who wanted to attend advanced Tamil classes found that obtaining leave was a hurdle, particularly for senior officers. Many were not granted extended leave to attend language courses in Colombo or elsewhere, because senior personnel are rarely allowed to be away from their posts for long periods.
The situation is quite similar in the Kandy General Hospital. Between 20 and 30 per cent of patients are from Tamil language backgrounds, whereas only about five per cent of the medical staff spoke Tamil. The nursing staff included no Tamil speakers and about two per cent of other support staff could speak the language. Clearly, the hospital could not offer complete healthcare services through the medium of Tamil; the hospital’s Deputy Director acknowledged that this was the case. However, just as we saw in the Divisional Secretariat and the Municipality, many Tamil-speaking patients managed to communicate in Sinhala. Also, the hospital staff had learnt to use informal means of communication and some had a smattering of Tamil acquired through the Health Ministry Efficiency Bar examinations (which were generally considered to be ineffective).

The hospital’s Welfare Service was conducting a Tamil class for clerical staff and nurses. However, it was observed that those participating in the classes were doing so merely to fulfil basic employment or promotion requirements rather than because they wanted to learn the language so that they could serve their patients better.

The Pradeshiya Sabha of the town of Akurana serves an area with a significant Tamil-speaking population, most of whom are Muslims. The majority of local representatives on the Pradeshiya Sabha, including its chairman, are Tamil-speaking. Nevertheless, almost the entire staff of the Pradeshiya Sabha office are Sinhala speakers and the working language of the office is Sinhala. There are only two Tamil speakers among the 79 employees: one comes from a Tamil-speaking background while the Administrative Assistant also speaks Tamil (not due to training but because of an accident of history as she was displaced from Trincomalee – where she had picked up the language – because of the war). Nevertheless, it was acknowledged that Tamil language skills among the staff would lead to the provision of better services. It was also claimed that officers would be interested in attending language classes.

The general consensus in the office was that most Tamil speakers who came to the office for various reasons could present their case in Sinhala and the services they needed could be provided without disruption. All the forms in the office are in Sinhala and – despite a majority of representatives being from Tamil-speaking backgrounds – no demands have been received for these forms to be made available in Tamil or for other services to be provided in Tamil. If someone cannot converse in Sinhala, they come to the office accompanied by someone who can. Alternatively, the office itself finds someone who can interpret for them. As in Kandy, informal systems are becoming institutionalised in a context where the official languages legislation has not been put into practice with any degree of seriousness. It was also interesting to discover that nobody in the Pradeshiya Sabha office had an understanding of the specific requirements of the OLP.

This case represents a trend seen in other areas as well; that is, the propensity shown by members of some ethnic groups, like the Muslims, to improve their Sinhala language skills in the long run. This is particularly visible in Tamil language enclaves (such as Akurana) which are surrounded by
Sinhala-speaking areas. In this kind of situation, the observation that ‘officers would be interested in attending language classes’ may be rhetorical as it is apparent that work can already be carried out in Sinhala.

From about one thousand officers and constables in the Kandy Police Force, only about 50 could communicate in Tamil. These included some Sinhala-speaking officers who had picked up the language while on operational duty in the north-east. The need to be conversant in Tamil was readily accepted by the officers and they acknowledged that they were not yet able to offer full police services in Tamil. Although they serve a large Tamil-speaking minority, particularly from the estate sector, the police officers have to record all statements in Sinhala. As we observed elsewhere, if an individual is unable to speak in Sinhala, he or she will have to be accompanied by an intermediary who has adequate language proficiency or one of the officers conversant in Tamil helps to translate the statement into Sinhala. Ultimately what is recorded and becomes official is the Sinhala version.

As in the other contexts in Kandy, the general view held by the police was that they were able to offer their services to Tamil-speaking people since most of the Tamil speakers were also conversant in Sinhala. The informal arrangements that had emerged were therefore considered to be adequate for dealing with routine issues. The fact that the provisions of the official language legislation could not be fully implemented did not emerge as an issue in the discussion.

Nevertheless, officers stated that they would be very keen to learn Tamil. The police force already possesses the infrastructure needed for language classes; if such classes could be organised it would be possible to make them mandatory for all police officers. The Kandy police force also has in its ranks a senior officer trained in the teaching of Tamil who has a passion for teaching the language. However, his experience indicated that it was difficult for him to teach formal classes because he also has regular police duties to perform. Similarly, the members of his classes are also unable to attend regularly because of their other responsibilities. This person’s suggestion, then, was that he as teacher and his students should be released from their normal duties for some time so that they can complete the language programme without interruption.

Conclusion: Paths beyond

The state of affairs identified in the three field visits described above poses a series of problems which seem to crop up regularly in other central and local government bodies in the north and elsewhere in the country. There are indications, therefore, of a consistent pattern and a deeper malaise. Despite the constitutional and legal right of the people to receive information and services from central and local government agencies in their own language, this does not happen on a routine basis. As these examples have shown, despite the existence of an ideal legal and constitutional framework for the implementation of the OLP, the policy is consistently violated. While this has
led to a situation of frustration and lack of trust towards the state, people also seem reluctant to take legal remedies to rectify the situation – even though such procedures are available – because they fear reprisals. Consistent failures to put the policy into practice have created a perception that the present situation is inevitable. Interestingly, the OLC – which has the authority to investigate violations of the OLP – receives very few complaints. This may be because ‘a person whose language rights have been violated may be more interested in getting his job done rather than making complaints’ (Collure 2008, 44).

Institutionalisation of informal language practices has occurred. These include the use of Tamil-speaking intermediaries in Sinhala-majority areas. This reality, quite evident in our fieldwork, has also been recognised by the OLC:

> The OLC has found that where services in Tamil are not available, certain members of the public who are not proficient in Sinhala get their letters written in Sinhala by third parties (often paying a fee) and go to offices with persons who could help them with interpretation. (Collure 2008, 44)

At the same time, it is clear that there is a general interest in learning both Sinhala and Tamil among civil servants. However, this enthusiasm needs to be supported by improved leave conditions, more formal and robust training programmes and the creation of incentives (financial and career enhancement) for those who take their language learning seriously.

It is in this context that we come, finally, to a proposal to ban the Tamil version of the national anthem, even though it is entrenched by the Constitution. The Minister of Housing, quite loudly and without wisdom, called the Tamil version of the national anthem ‘a joke’, while the proposal received considerable support from some of the top leaders of our political spectrum, based on spectacularly false information and assumptions. Naturally, if the direct translation of the original is a ‘joke’ then so must be the original. But our national anthem in Sinhala, Tamil or any other language is a fine and exemplary text that defies divisiveness in all its forms and upholds the value of a collective identity. The fact that the proposed ban was not carried through is another matter. It is extremely unfortunate that such an unenlightened political debate emerged in the first place, barely one and a half years after the conclusion of an immensely destructive war and while our collective sorrow over the losses in war was still quite painful. The proposal came at a time when ‘reconciliation’ had become a ubiquitous term in the local political discourse. Perhaps that word has lost its meaning in the same way that our post-independence language policies have lost their direction. It is in this context that I would like to reiterate a point I made at the very outset. That is, if we do not learn from our history, from our collective past, from our mistakes and from our strengths, we will be the architects of our own future destruction, just as we have been of our recent past.

I would like to conclude my reflections with a few not so well known words from one of the greatest political leaders of our time, Nelson Mandela: ‘If you
talk to a man in a language he understands, that goes to his head. If you talk to him in his language, that goes to his heart.’ It is my hope that our political leaders will somehow find the wisdom to be guided by this simple logic. I also wish that wisdom would come to govern our politics in general and our politics of language in particular.

Notes

1 This chapter consists of sections of a report compiled for the Ministry of Official Languages and Social Integration of the Government of Sri Lanka titled ‘Proposal for Bilingual Competency Development Programme of Public Sector Employees’ (February 2011) funded by UNDP. I would like to thank the Ministry for granting permission for relevant sections of the report to be reproduced here.

2 Also known as ‘Government Agent’ (GA).

3 This Authority, under the Ministry of Economic Development, administers the National Poverty Alleviation Programme.

4 Grama Sevaka literally means ‘servant of the villagers’, and is a local level government servant.

5 In Sri Lanka, Muslims are considered to be an ethnic as well as a religious category. This is reflected, for example, in the way that census results are reported.

6 These include, for example, the claim that national anthems all over the world are only ever in one language and that that language is always the language of the majority. One often quoted example is the national anthem of India, which was claimed to be in Hindi when in fact it is in Bengali (a regional language). More information on this controversy can be found at http://groundviews.org/2010/12/16/is-the-tamil-version-of-our-national-anthem-a-joke.

7 This quotation is widely attributed to Mandela (for example at www.bbc.co.uk/languages/guide/languages.shtml), but it is unclear where and when he uttered (or wrote) it.

References


