

LANGUAGE AND LIBERTY  
IN  
CEYLON

A SYMPOSIUM

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# LANGUAGE AND LIBERTY

IN  
CEYLON

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## NOTE

The attempt of the Mahajana Eksath Peramuna government to impose one language only all over Ceylon is a design contrary to fundamental freedoms.

It is the duty of every citizen, be he peasant or priest, to raise his voice in protest at this violation of inviolable rights.

This booklet contains some of the contributions made to the Press during the month of May, 1956, the month which preceded the presentation in Parliament of the MEP Language Bill.

Peradeniya,  
14th June, 1956.

X. S. T.



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## LANGUAGE AND LIBERTY

The language policy of a country is not only a problem of party politics but is essentially a problem of political and educational theory and practice, of philosophy, of jurisprudence, of human dynamics and human rights, and of ethics and morals.

Hence it calls for a liberal and tolerant discussion by all sections of public opinion, and it might be unpatriotic if persons who were able to contribute to the discussion and to the evolving of an enlightened and statesmanlike policy were to fail to do so for reasons of expediency or for fear of inviting the displeasure of intolerant groups. After all, there are circumstances in which silence may be culpable, or when silence may be interpreted as tacit approval.

Democracy is basically Government by discussion and in order that the discussion may be fruitful there has to be a wide dissemination of accurate and impartial information. Frank and candid discussion before the presentation of the Language Bill may avert coming disasters. Hence every fair-minded citizen would welcome the suggestion which has been repeatedly made that the Prime Minister urgently calls for a Round Table Conference of leaders of all communities to discuss the changes to be effected in language policy.

### Approved Thought

I feel the country has not had adequate education on this subject. The discussions both in and out of Parliament have shown that several persons of importance entertain shockingly inaccurate views with regard to the nature and practice of language rights. Perhaps the Jayanthi will usher in the proper atmosphere when the majority of the nation will be prepared to examine this problem with detachment in the light of the Dhamma and the teachings of the Enlightened One who, on an historic occasion, gave one of the earliest charters of language rights: "I allow you O bhikkhus to teach the word of the Buddhas each in his own language."

As for Catholic thought it has been consistently for equal dignity in language rights and for cultural autonomy because it bases its theories on universal concepts of rights, equality and liberty. The history of language policy in the Hapsburg Empire, in Belgium, in Switzerland, in Canada, produced clear definitions of language rights by Catholic theologians.



The Irish who are reputed to be most loyal to the Catholic Church were also the most insistent on their liberties and their language. I have no grounds to think that political theory in the teaching of other world religions is any different or less tolerant with regard to language rights and basic freedoms of constituent nationalities.

### Interest

My interest in the language policy is educational and political in the Aristotelian sense. I am concerned like other citizens firstly that no Language Bill shall interfere with liberty, equality and freedom which are fundamental rights in a democracy, and secondly that no bill shall officially relegate to a **secondary and unequal status** the Tamil language and culture which are my precious heritage as a citizen of Ceylon, and which have indisputable historically established rights in this island.

Any person acquainted with language rights and with their working in bilingual and multi-lingual countries will know that in Ceylon a fair and just solution to the problem is possible and workable. If no formula acceptable to various groups has been found, it is because different parties have been given no opportunity to meet together.

### Principles

The principle of language rights most relevant to the present state of discussion is that a language may belong to a constituent nationality which forms only a tenth or a fifteenth of the population ; that a language may be used exclusively within a specified area of the country ; but since the constituent nationality forms an integral part of the nation which must live on equal terms with the majority, the language of the constituent nationality must also have a national and official status.

The admission of this principle is essential in order that constituent nationalities may feel that they too are part of the nation, and may give of their best to the nation without awaiting future deliverance from foreign invasions and irredentist politics. Its admission is essential if sentiments of patriotism, of loyalty and of love of country are to be fostered in the national minority instead of smouldering fires of implacable hatred, animosity and bitterness which bide their time.

It is on these principles that more than thirty countries of the world (including Finland, Belgium, Switzerland, Canada, South Africa, India, Pakistan, the USSR) which are bilingual and multi-lingual have given national and official status to the



language of their national minorities. In some of these countries, national minorities did not achieve their rights without a long and bitter struggle when language rights were as yet not so well defined and present day standards were not evolved.

### Clergy and Language Rights

The history of the struggle for the recognition of language rights in various countries of the world is part of man's struggle for freedom and equality, and is an inspiring and ennobling chapter of the human story. It is that struggle which has made clearer definitions and understanding of man's language rights possible.

In the vanguard of the struggle have been the intellectuals and the clergy of every country. The Catholic clergy in Canada, in Belgium, in Ireland, in Poland, in Hungary, in Czechoslovakia, in the Basque country; the Protestant Ministers in Wales and Scotland, no less than the Muslim Mullahs in Pakistan, the Hindu priests in India, the Buddhist Sangha in Ceylon, have been conspicuous in the promotion of language rights.

University men, intellectuals, teachers, and the clergy are in the vanguard of the struggle because they are generally sensitive to injustice and oppression, and are jealous of basic freedoms, and because they realise the importance of the mother-tongue for cultural autonomy and for education, both religious and secular. It is they who during the dark and dismal days of language persecution have the leisure, the opportunity and the independence to keep alive the spirit and the love of the mother-tongue till such time as it can take its lawful place in government and in education.

Every Ceylonese should admit that because the Sinhala language is spoken only in Ceylon and because excessive bilingualism may prove detrimental to the interests of Sinhala culture, the Sinhala language and culture require special protection and encouragement. But must these protective measures be achieved by the denial of State aid and patronage to Tamil culture and by the violation and confiscation of the national and official status of the Tamil language?

As Prime Minister Nehru remarked recently about language intolerance: "Let us say that language is a delicate plant. But a plant does not grow by pulling out other plants. It grows by its own vitality." To deny a national and official status to Tamil would be contrary to the accepted international code of language rights as maintained in actual practice by civilised nations.



## Pledge of Equality

When an unfair and illegal language policy becomes legislation there always are individuals of minority groups who ride to power and favour by an acceptance of it. Economic and educational reasons may also constrain a people to accept it—but acceptance under duress is not proof that the legislation is justified and acceptable any more than coercion and compulsion are acceptable.

In recognising the legal equality of languages as national and official the State recognises the equality of the citizens who speak the different languages of the State ; in relegating the language of the minority to an inferior status, the State relegates the speakers of that language to an inferior grade of citizenship rights. Equality is the pledge of Liberty and the condition of Fraternity.



## LANGUAGE AND THE THEORY OF THE STATE

The Premier and his colleagues in the Cabinet have repeatedly assured all minorities of fairness and justice. On the language issue, fairness and justice demand that the nation studies the nature of language rights and their application in international law before hurrying with any legislation which may mean a threat to the peace and unity of the country.

Public opinion on the language policy in Ceylon, even among prominent political leaders, is not founded as yet on a sufficient or full and accurate knowledge of language rights for any government to consider as decisive and final the demand of any section of the people, howsoever large. For even a majority demand to be considered, that demand must be just, right, lawful and reasonable.

### **Multi-lingual States**

A popular slogan in recent months has been the one that the language of the majority should be the language of the entire State. This demand would be valid only if the end and purpose of political life in Ceylon were the creation of a homogenous sovereign Sinhalese nation and a Sinhalese State in the predominantly Sinhalese-speaking areas, but not if the end and purpose were the formation of a Ceylonese nation and a Ceylonese State co-extensive with All Ceylon. The concept of a uninational unilingual State in a multi-national multi-lingual country is fraught with the greatest dangers for the unity and peace of the country. The multi-lingual multi-national State is the ideal state in political theory today, particularly in the light of the experience of the last two world wars and the peace-treaties which followed. There is a return in political thought to the principles outlined by Lord Acton:

“ If we take the establishment of liberty for the realization of duties to be the end of civil liberty, we must conclude that those states are substantially the most perfect which . . . include various distinct nationalities without oppressing them. Those in which no mixture of races has occurred are imperfect, and those in which its effects have disappeared are decrepit. A state which is incompetent to satisfy different races condemns itself; a state which labours to neutralize, to absorb or expel them destroys its own vitality; a state



which does not include them is destitute of the chief basis of self-government.”<sup>1</sup>

Very much earlier King Stephen of Hungary had said :

“ A state with but one language and one way of life is both weak and decrepit.”

### Rule by Majority

The rule by majority is misunderstood even by very educated people. Appeals have been made to the Jeffersonian principle of *lex maior fortis* with no regard to the different federal conditions in which that principle was defined and worked. **A democratic method is rule by majority indeed, but not a rule for the exclusive good of an ethnic-religious-language majority.** Democracy is rule by majority for the good of all the groups which have membership within the state. Jefferson himself explained his principle in words very familiar to those who value laws and liberties :

“ All, too, will bear in mind this sacred principle, that though the will of the majority is to prevail in all cases, that will to be rightful must be reasonable ; that the minority possess their equal rights which equal law must protect, and to violate would be oppression.”<sup>2</sup>

We are liable to give a twist to majority rule in the traditions of our autocratic, monarchic, and feudalistic past. The rule by majority is but a working substitute for rule by unanimity which is the ideal. **To impose one language only all over Ceylon as the language of the State would be to deny liberty and freedom to a major nationality and to oppress it by what Tocqueville called the “ tyranny of majority.”** Such an imposition would justify the separatist tendencies and movements implied in the American Declaration of Independence :

“ We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted amongst men, receiving their just powers from the consent of the governed, **that whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new Government.**”

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1. Essays on Freedom.

2. First Inaugural Address.



Such primary human rights as language rights intrinsically connected with freedom of speech are not to be decided by the mere arbitrary demand of any single group, or by an anachronistic and antiquarian appeal to the pre-Vijayan period of Ceylon's proto-history, but according to the principles of the common law of nations and their practice in this mid-twentieth century. Neither are the language rights of a people to be sacrificed for a naive Machiavellianism. The language problem is wider than political expediency and is a field of enquiry not only for politicians but also for statesmen, for philosophers, for jurists, for sociologists and for educationists.

The present trends in political, sociological and educational thought are towards self-determination and cultural autonomy within the framework of a decentralised State which combines political unity with cultural freedom, or which exercises "separation in union." The emphasis is not on national uniformity but on national unity, not on coercion but on liberty. **Political unity is not to be achieved at the expense of cultural liberty and autonomy.** One language is the basis for a culture and a nationality, but not for the making of a State.

### Asian Switzerland

The Prime Minister has summarised his ideal for Ceylon as an "Asian Switzerland." Switzerland has made a clear distinction between the "nation" and the "state," and its success is due to its democracy, its cultural freedom and its decentralised government. People who have lived long enough in the Cantons of Geneva, of Berne, of Zurich and of Ticino and travelled sufficiently through the unilingual and bilingual Cantons of the three major language groups will see in Switzerland more than passive neutralism and a remunerative rendezvous of tourists and international conferences. It is the home of liberty, of religious and language freedom, and the best example of a multi-national state. Switzerland has not thought it wisdom to prescribe one national religion or enjoin one national language though there is a language majority preponderantly large (72%). Loyalty to the State is high in Switzerland because of the freedom and cultural and language autonomy given to each of its constituent nationalities. Every citizen is first and foremost a Swiss, and then the member of his own nationality <sup>2b</sup>.

### The Warning of History

History does not offer one example of language speakers, in short a nationality, possessing a rich culture, literature and

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2b. H Weilenmann, *Die Vielsprachige Schweiz*.



traditions, being assimilated by political methods by a neighbouring people numerically stronger. The associations of the Tamil language with Ceylon are so ancient, so widespread, so productive of creative energy and inspiration to both cultures and so well established, that to seek to exterminate these associations by legislation is futile.

Neither coercion nor assimilation will achieve these purposes. Where language rights have been suppressed by force, they have always after a period assumed an irresistible and invincible strength. The Empire of the Hapsburgs, Central Europe, Finland during the period of "Swedish only," Belgium during the period of "French only," Wales today, and Catalonia today offer us memorable warnings not to tamper with the language rights of a nationality. Prof. Vincent Harlow, Beit Professor of the History of the British Empire in the University of Oxford, after a recent visit to Ceylon, wrote thus :

"My wife and I landed at Jaffna and moved about the arid plain of the North which is the home of the ancient Ceylon Tamils. Unhappily one could not fail to sense the anger and distress of this hardy and intelligent community concerning the policy which is being strongly pressed among the Sinhalese majority, to establish Sinhalese as the sole official language and to create a 'Buddhist State,' ...

"The determination of the Sinhalese to rebuild their ancient glories is perfectly understandable and their national tradition is a precious asset ; but unless Ceylon develops a satisfying Sinhalese-Tamil partnership, its future, as an independent nation-state, will be weakened and distracted by animosity and frustration.

"I was talking the other day to a very intelligent Sinhalese student who stated the argument that if there was one official language it would exert a unifying influence. I told him that Britain herself in the course of her history had on more than one occasion fallen into that costly error."<sup>3</sup>

### The Nation-State

This repeated emphasis on "majority" and "minority" as if the majority possessed greater rights and were entitled to greater privileges creates in members of smaller groups a sense of frustration and disappointment with the result that the strength and vitality of a State is constantly weakened. Macartney

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3. United Empire, Jan.—Feb., 1956.



after a voluminous study of the minority problem in Europe, concludes :

“ In its pursuit of the chimera of the national state Europe has entered upon a path beset with dangers to itself. It has set itself a false ideal, and one which, right or wrong, it can never achieve. Minorities will continue to exist, and will continue to present problems which statecraft will find insoluble until it tries the method—so rarely adopted hitherto—of applying the principles of justice, equality and good government. Then minorities will cease to be a torment to the State possessing them, and will become instead a blessing. May that day come soon !”<sup>4</sup>

Alfred Cobban makes the same reflection on the future of the problem in Ceylon :

“ We must conclude that in Asia, as in Europe, where there are inextricably mixed communities, containing two or more distinct, unassimilable and communally conscious people, the idea of the nation-state is out of place. In so far as the problem may be reduced to its simplest elements by taking out separable regions, this should be done. Where this is not possible, as for example in Ceylon or Singapore, the only hope lies in the establishment of cultural autonomy and the development of a sense of common citizenship by the operation of common political institutions . . . If federalism has a future in the Western world, where the tradition of the sovereign state has been so strong, it is not less likely to find appropriate conditions for its developments in the East, in which the conception of national sovereignty is a new and as yet a far from deeply rooted growth.”<sup>5</sup>

### National Status

What is significant in the practice of language rights in bilingual and multi-lingual countries is that the language of the smaller group may be restricted in function to an area as Swedish (9%) in Finland, and Italian (6%) in Switzerland, and English (15%) in Quebec, and French (45%) in Belgium, but the language of the smaller group always enjoys an equal official and national status with the majority language and official publications of national status are issued in both languages. The minority language is also recognized as a national language in the Constitutions.

4. Macartney, *National Minorities*, p. 501.

5. *National Self-determination*, p. 138.



## **Finland**

Area : 130,827 sq. miles.

Population : 4,000,000.

National Languages : Finnish and Swedish. (Swedish is spoken by 9% of the population).

Adopted, July 17, 1919.

Art. 14 : Finnish and Swedish shall be the National Languages of Finland.

The rights of Finnish citizens to use their mother-tongue, before the Courts and Administrative authorities, and to obtain from them documents in such language, shall be guaranteed by law, so as to safeguard the rights of the Finnish population and the rights of the Swedish population of the country in accordance with identical principles.

The State shall provide for the intellectual and economic needs of the Finnish and Swedish populations in accordance with identical principles.

Diet Act, Jan. 13, 1928 :

Art. 88 : In the transaction of business in the Diet, the Finnish or Swedish language shall be used.

The opinions and reports of committees as well as the written proposals of the Speaker's Conference and of the Committee for the Secretariat, should be drawn up in these two languages.

Written communications addressed by the Government to the Diet should likewise be drawn up in Finnish and Swedish.

## **Switzerland :**

Area : 15,737 sq. miles.

Population : 4½ Millions.

Federal Constitution of the Swiss Confederation. Sept. 12, 1848.

Art. 116 : German, French, Italian and Romansch are the national languages of Switzerland.

The official languages of the Confederation shall be—German, French and Italian.<sup>6</sup>

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6. See Peaslee, *Governments of the World*.



The Tamil-speakers form a partner-nation of the Ceylon State and the rights of Tamil to official and national recognition by the Ceylon State are far greater for legal, historical and cultural reasons than the right of Swedish in Finland or English in Canada or English in the Union of South Africa or French and Italian in Switzerland. If Tamil has no national rights in Ceylon, no other language has a right in any country of the world.

### National Unity

If we are to form a Ceylonese nation, we may hope to do so not with the help of factors which divide us and which we need never surrender, not on one religion or one language or one culture, but on the common well-defined sea-girt territory which Nature and Nature's God have given us, on our common traditions of the past, and on a common form of government, federal or unitary. The essential constitutive element of the nation is sociological and psychological. There has been no single definition of a nation applicable to all times and to all countries. If I were to define a nation in the special context of Asian countries which are just beginning to form into nations, I would define it as "a group of people who belong to different ethnic stocks who speak different languages and profess different religions, but who occupy a well-defined territory and have willed to live together under a common-government." The essential element of a nation consists in group sentiments and in the will to live together. It does not consist only in one language or one only religion or race, taken singly or the three even taken together. The Tamils form the Ceylonese nation together with the Sinhalese because the two groups while not surrendering their separate identity and cultural autonomy have willed to live together under common political institutions.

### The Buddhist Charter

It is strange that the movement to deprive Tamil of a national status should synchronize with the Jayanthi Celebrations. One of the earliest charters of language rights was issued by the Buddha himself when on being petitioned by two Brahmin monks that the doctrines be written in Sanskrit so as to prevent their being corrupted by monks probably speaking non-Aryan languages, the Enlightened One replied : "I allow you O Bhikkhus, to teach the word of the Buddhas each in his own language." What was wisdom for the religious teacher is also wisdom in statesmanship, for the language of religion has often been esoteric in the past, but never the language of affairs of government and of the state.



### Appeal to Nobleness

A period of about two thousand five hundred years separate the Buddha and the present Prime Minister of Canada, Mr. St. Laurent, but the inalienable language rights have grown in definition and understanding since then. In answer to a question on purely constitutional federal practices in Canada, Mr. St. Laurent, then Minister of Justice, replied in words which any Tamil Parliamentarian may use today in Ceylon's House of Representatives :

" It is not the manner of those who have themselves had the formation that comes from that long history which has brought us to this point in the civilization of mankind, to do things which the conscience of humanity at large would regard as dishonourable ; and the conscience of humanity at large would frown upon an assemblage in this house that attempted to take from me and from those of my race the right to speak the language I learned from my infancy as one of the official languages in which the deliberations of this house may be carried on. So it is of everything else that is not within Section 92. If it is fair, if it is just, if it is proper according to the standards of human decency, it will be done ; if it is unfair, if it is unjust, if it is improper, all members of this house will say, " It is not our manner to do such things." "

Is an appeal to such noble sentiments too elevated for Ceylon ?

### Fairness and Justice

One who has studied sufficiently the theory of language rights and seen their working in government and education in bilingual and multi-lingual countries will realise that the language problem in Ceylon can be solved with fairness and justice to both groups without prejudicing the cultural autonomy and the national status of either. He would be aware that both Sinhalese and Tamil require protection from the bilingualism which an earlier policy would tend to favour indiscriminately all over the country. He may propose no definite solution because he would feel a great deal of further discussion with persons of different views has to precede any definite solution. What is now required after the elections is more light and less heat in this controversy, more truthfulness and honesty and less exaggeration and rhetoric in this discussion. The method of dialectic, be it Buddhist, Hindu or Socratic or Scholastic is to confront ideas with opposing ideas in order that the dispute may lead to true ideas.

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7. R. M. Dawson, *Government of Canada*, p. 146.



## LANGUAGE AND REASON

Declarations concerning the Sinhalese Only policy of the Government have carried within them qualifying statements providing for the "reasonable use of Tamil."

The nature and extent of the reasonable use of Tamil have never been defined by the party in power and, therefore, the Tamil-speaking people, who have had their own history and their own state in this Island centuries before the advent of the Portuguese, are left to wonder and to speculate as to whether they are to have any share in the independence and democratic citizenship of this Island.

Their sense of bewilderment is all the greater since Tamil was the official language of the Tamil Kingdom of North Ceylon, and since it enjoyed an official status even in the Sinhalese Kingdoms. The Portuguese, the Dutch, and the British gave Tamil equal recognition with Sinhalese and it is bitter irony that the threat to its official existence comes now for the first time from the compatriots themselves.

### Whose Reason ?

What is the reasonable use of Tamil ? And whose "reason" is to decide what shall be its use ? Is the reason to be the decision of a Sinhalese-speaking majority formulating its law upon the basis of its own demand, or is the reason which decides the use of Tamil to be the body of constitutional law and language rights as developed during these centuries of the evolution of human rights ? **One cannot believe that in the year of the Jayanthi this Dhammadipa is to commence its celebrations with the confiscation of the language rights of a people whose historical claims are entrenched from time immemorial in this Island, and that the year is to be perpetuated in the national memory by a piece of iniquitous and tyrannical legislation.**

The problem of language nationalities is no new problem in the world. It has existed from the period of the origin of languages. Today there are over thirty bilingual and multi-lingual states and their number is ever on the increase. These states have solved their language problems according to the principles of inalienable essential rights and the rational universal concepts of political liberty and the Rights of Man. These rights, which were more and more clearly defined since the American declara-



tion of Independence and the French Revolution, were enunciated in uncompromising terms, for instance in the resolution of the House of Representatives in Massachusetts in 1765

“Resolved that inhabitants of this province are unalienably entitled to those essential rights in common with all men ; and that no law of society can, consistent with the law of God and nature, divest them of those rights.”

The solution to the language problem is primarily to be sought in the principles of liberty and equality, and cultural autonomy of which language rights are the logical derivatives. Thus Oscar Ianowsky concluded his study on *Nationalities and National Minorities* :

“We are left no alternative but to incorporate nationalities and national minorities in the structure of the state, with respect for, recognition of and legal protection extended to the pattern of life of every group.”<sup>1</sup>

### Principles

Consonant with the principles of liberty and equality and cultural autonomy the following principles are deduced from the actual working of language rights in bilingual and multilingual countries :

If there be within a country two or more languages spoken by large groups at the time new constitutional laws are being framed, or a new Government alters language policies, these two or more languages are recognised as languages of the State, and have equal national and official status. This principle may be verified in the unitary states of Finland and Belgium and in the Constitutions of Switzerland, Canada, South Africa, Pakistan, India and the U.S.S.R.

The modern tendency in language rights is to give more and more concessions to the languages of groups within a nation. Ceylon is the only country in which an attempt is being made to withdraw and suppress the existing rights of a language. Alfred Cobban points out in his study on *National Self-determination* :

“Switzerland gets on very well with three—for some purposes four languages ; South Africa and Canada with two. The principle to be followed seems so obvious that one wonders why so much fuss has been made on this matter. If



in a State two languages are each used by large sections of the population, then for all common purposes the State must be bilingual and all official business be conducted and recorded in both languages.”<sup>2</sup>

A second principle of language rights is the need for one inter-provincial language in a multi-lingual and multi-national state which counts several nationalities and several languages. India has fourteen national and official languages operating in different states and several minor languages—hence the need in India for Hindi or English as an inter-provincial language.

The U.S.S.R. is as large and varied a linguistic mosaic as India with its many constituent states. Hence Russian is a common language for the whole of the U.S.S.R. Similar reasons and the extensiveness of the numerous Islands which form the Republic of Indonesia compelled Indonesia to adopt a common language, the Bhasa Indonesia.

### **Importance of Language**

Language has assumed in this twentieth century an importance in the identification and circumscription of culture and nationality which it never had before in the history of States. In earlier times languages were never imposed by coercion upon minorities or upon aliens and it was even fashionable to have a foreign tongue as the language of the courts mainly because of royal marriage and cultural prestige. Thus Italian and Spanish were once fashionable in the French Courts and French was fashionable at the German Courts as Tamil was during certain periods fashionable at the Courts of the Sinhalese Kings.

But now each nation and each nationality or minority idolises its language and regards it as a symbol of its autonomy and honour, and as the supreme expression of its own personality. The social sciences and psychological research have fully endorsed the importance of language, and hence ours is an age of the use of the mother-tongue in the teaching and practice of religion, of the mother-tongue in education, and of the mother-tongue as the language of the state and of Government.

### **Language Tolerance**

Such ruthless and cruel imposition of a foreign language by law as happened in Wales, Scotland and Ireland is not possible today. because, with the growth in the definition and understanding of language rights, language tolerance has also been growing.



It is even acknowledged that language tolerance is a further advance in human relations and social virtue than religious tolerance, and that conversely language persecution is even more odious and reprehensible than religious persecution.

Says Karl Vossler in *The Spirit of Language in Civilisation* :

“Tolerance of national languages is a still later tenderer flower of human culture. Once that insight has been gained, thereafter intolerance on this point is an even greater idiocy. If I grudge my neighbour his religious beliefs, and hammer my own into his skull, I shall at any rate be able to excuse myself on the ground that I believe my own to be the only one that leads to salvation, that his leads to damnation, and that I want to save his soul.

“But if I throttled my brother’s mother-tongue in order to impose mine on him, what excuse can I have except that of conceit? For my neighbour’s language is his inner eye, his form of thought with all its potentialities of expression, his spiritual childhood and future. To everyone who has understood this, all repressive measures directed against a language must seem like crimes against the budding life of their spirit.”<sup>3</sup>

A full, integrated and equal partnership and citizenship and intelligent Tamil participation in Government demands a recognition of Tamil language rights. No State has ever found it of advantage to have a permanently discontented minority within the body politic. The reasonable use of Tamil demands that Tamil also be made a national and official language, and if justice demands that a concession be made to the sentiments of the majority, let Sinhalese be made the first language of the State and Tamil the second language of the State. But let both languages have a national and official status though in function the official use of each language may be restricted to those to whom it is the mother-tongue.



## LANGUAGE AND PARITY

To the student of Government who has followed the discussion in the Press and in Parliament concerning language policy, it must be evident that the issue has been made unduly obscure because of the riotous semantic confusion which has characterised the entire controversy.

Terms like "official language," "national language," "language of the State," "one language only" "the reasonable use of Tamil," are being bandied in the discussion without any well-defined meaning attached to any of them. The deliberations are being carried on with little or no heed to political theory and practice, to constitutional law and to the history of bilingual and multi-lingual states.

It might be more profitable to members of Parliament and to the Special Committee on the definition of the Language Bill to examine the proposed policy of "one language only" in the light of the common law of nations and international practice without recourse to inconclusive discussions on racial history and pretexts of fidelity to election promises.

### Agreement on Parity

The Special Committee is to examine how "Sinhalese only" is to be implemented with due regard to the Tamil language and other languages. Similar situations have arisen in the past in Finland, in Belgium, in South Africa, in Canada, in India, in Pakistan. Would it not be statesmanship to study how these countries have met similar or identical situations instead of waiting to learn from our own mistakes? Our ideas of democracy, of parliamentary government and of administration, of nationalisation and of a socialised state are not ideas which we have evolved on our own. Why is it that it is only with regard to language rights and language policy and language in education that we refuse to be guided by the progressive principles evolved in the course of the history of bilingual and multi-lingual countries of the world?

Are there no accepted canons of human behaviour regarding human rights? Are we to discard them because they do not support an election pledge?



If only our leaders were willing to learn the nature and practice of language rights, they would find that as regards the much controverted "parity of status" there exists a very large measure of undefined and unconscious agreement between the Tamil and the Sinhalese sides. A compromise has not been reached solely because both the protagonists and the adversaries of "parity" are not aware of the legal and constitutional significance of the term "parity of status" which the one party demands and the other repudiates.

### Examples of Parity

In Finland, Swedish is the official language in function in about one-sixth the area and only for nine per cent. of the population. Swedish is not used for administration in the Finnish parts of the country and Swedish is the medium of instruction only for Swedish children. And yet there is parity of status for both languages in Finland.

In Belgium, Flemish is used only in the Flemish part of Belgium. There are two distinct clerical services one Flemish and the other French and separate language regiments in the army. French-speaking Belgians are reluctant to learn Flemish. And yet Flemish and French enjoy parity of status in Belgium<sup>1</sup>.

In Switzerland, Italian is the official language only in Ticino, one out of twenty-five cantons. It is the language in which only six per cent. of the country's population deal with their cantonal and federal governments. And yet Italian has parity with French and German as the official languages of Switzerland. The passports of Swiss citizens with their trilingual wording, or the announcements of the Swiss Federal Railways are models of language parity.

The visitor to Zurich in Switzerland will find in very large lettering near the Central Railway Restaurant the four words "Telephon, Telephone, Telefono, Telefon." Any one of these four words would have been sufficient indication to a Swiss national or to one who reads the Roman script, but the legend is in four languages, German, French, Italian and Romansch in order to give every citizen, even an inhabitant from the remote Romansch enclave of the Engaddi, a sense of national pride and national belonging.

1 M. Herremans, *La question flamande, Bruxelles, 1948.*



### What it Means

Parity of status in language rights does not imply bilingualism or a fifty-fifty use of the two languages in administration and in Government. It does not mean that if a hundred new Sinhalese schools are voted for in the budget, there should also be a vote for a hundred new Tamil schools, or that if a thousand Sinhala clerks are recruited to the Public Service a thousand Tamil clerks should also be recruited. Parity of status does not demand that every notice board and street name should be in the two languages all over the country. It is common sense which dictates that the predominantly bilingual areas of a bilingual country be bilingual in its notices and announcements.

Parity of status for two languages does not signify that every official document should be in the two languages nor does it rule that every Sinhalese child should be compelled to learn Tamil or that even every Government Servant should know the two languages. Parity does not ask that both languages be used in every inch of the island.

The unitary state of Belgium has solved the problem of government service without recourse generally to bilingualism of the individual and of the territory and with great economy of men and money. Has any one here cared to study the Belgian practice?

"Parity of status" in language rights is a legal concept whereby two or more languages are equal before the law as national or as official languages. "Parity" is a demand that the language of one group be not relegated to an inferior status. The equality in language rights gives the speakers of a certain language the right to deal with the Government in their own language either directly or, in exceptional circumstances, through interpreters. It gives them the right to education at all levels in their own language. It imposes on the State the obligation to give state aid and patronage to the language-culture "in accordance with identical principles" as the Finnish constitution states.

Parity of status is the legal guarantee of the principle of full and equal citizenship in the nation, and of cultural



and language autonomy within the nation, to the speakers of a particular language. Once the principle is granted, its elaborate or restricted working is dependent on practical consideration of population, specific area of the use of a language, economy and avoidance of waste in men and money, and on common sense.

The language of language rights is very pertinent to equal partnership and citizenship. While "parity of status" as understood by Tamil extremists is unsupported and unjustified by the theory and practice of language rights, the imposition by law of Sinhalese all over Ceylon as the one official language of a unitary government would be according to modern ideas of human rights a most iniquitous measure and a tyranny and oppression without parallel in the history of Ceylon and in the history of language rights.

### Their Duty

I am aware of the import of the words I am using. The sensitiveness to tyranny and oppression is commensurate with the awareness and understanding of one's rights and liberties. "Sinhalese only" would not be the withdrawal of a privilege which a two-language policy bequeathed to the Tamils. It would be confiscation and denial of a lawful right of the Tamils that their own language be their official language. The Tamil demand for national and official recognition of their language as one of the languages of the Ceylon State is not a request for tolerance or for goodwill. It is a demand of justice and right.

If the MEP has made an election pledge which is contrary to justice and liberty, it is for the MEP to withdraw or modify its pledge. It is not for the Tamil people to forego their language rights and liberties in order that a party which does not represent them may implement its election promise. The MEP could be given a mandate by the Sinhala people that Sinhalese be the official language in place of English for the Sinhala people, or decide the status which Tamil is to have with the Sinhala people,



but by no stretch of imagination could they have issued a mandate as to the official future of Tamil for the Tamil people and the status Sinhalese is to have with the Tamil people.

### A Distinction

Certain countries have in their constitutions drawn a distinction between "official" and "national" language which those who draft language bills in Ceylon may find useful. The "Constitution of Ceylon" was drafted after a study of other constitutions. Why should the language bill alone be an exception to this practice? Obviously because the Truth hurts. The Swiss constitution makes Romansch a "national" language but not an "official" one. Hence Romansch and those who speak Romansch belong to the nation, and their language is official in their own canton, but is not official for the purposes of the Confederation. Federal notices and announcements are made **only in the three "official" languages and not in the fourth "national" language.**

The Eighth Article of the Constitution of the Republic of Ireland declares Irish as the "National Language of Ireland." Irish is also declared to be the "first official language" of Ireland and English is declared "the second official language of Ireland." By not giving a national status to English the Irish Republic pointed out that English was imposed on the Irish by a conquering and ruling race. But since the English language remained in Ireland at the time of independence better known and more widely understood than the Irish tongue, and because of its utility for international communication, English was declared a second official language.<sup>2</sup>

### D.S. Policy

The D.S. policy with regard to two languages may require change and modification. It may be changed or modified only within the limits which Reason, Law, Liberty and Good Government permit. It is essential we know what these guiding principles permit before we consider the nature and extent of the changes and modifications which the D.S. policy requires.

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2. F. Hertz, *Nationality in history and politics*, London, 1951 ; Hans Kohn, *Nationalism*.



*NOTE.*—The following alternative formulae are possible compromises in the formulation of Language Bills for Ceylon :

1. Sinhalese and Tamil are the national and official languages of Ceylon :

Sinhalese is the first official language of the Sinhala districts.

Tamil is the second official language of the Sinhala districts.

Tamil is the first official language of the Tamil districts.

Sinhalese is the second official language of the Tamil districts.

English is the third official language of Ceylon (pro tem).

OR

2. Sinhalese is the first national and official language of Ceylon.

Tamil is the second national and official language of Ceylon.

OR

3. Sinhalese is the first national language of Ceylon and the official language for the Sinhalese-speaking people.

Tamil is the second national language of Ceylon and the official language of the Tamil-speaking people.

The use of English is optional for the present.

OR

4. Sinhalese is the first national language of Ceylon and the official language of the Sinhala districts.

Tamil is the second national language of Ceylon and the official language of the Tamil districts.

OR

5. Sinhalese and Tamil are the languages of the Ceylon State :

Sinhalese is the national and official language of the Sinhalese people in the Ceylon State.

Tamil is the national and official language of the Tamil people in the Ceylon State.

The use of English is optional in the Ceylon State.

*N.B.*—Neither Sinhalese nor Tamil need be made compulsory to school children or adults of the other group. Facilities for optional study may be provided.



## LANGUAGE AND THE MIDDLE PATH

We have been told that the Middle Way is the ideal of the MEP Government in language policy. The middle way in language policy is neither Sinhala alone all over the island nor parity all over the island. The middle way in language policy would be to make Sinhala only in the predominantly Sinhala-speaking districts, Tamil only in the predominantly Tamil-speaking districts and Sinhala and Tamil in the predominantly bilingual areas like Colombo. This seems the most reasonable solution to the language problem and this solution is based on modern concepts of language rights.

### Tyranny

The language policy is to be determined by the canons of justice and equity and modern concepts of democratic government. In Ceylon, however, it has been formulated by electioneering opportunism and its clauses deleted by hunger-strikes. It has not been realised that there are rights, like language rights, which a majority cannot withdraw from a minority.

“Sinhala only” as the one official language all over the island would be gross injustice to the non-Sinhala speaking people, to their culture and to the religions they follow. The “Sinhala only” Bill would be one of the worst forms of tyranny and a breach of trust without parallel in modern democratic government. As it reads, it is tyrannical in its political implications and in the conditions it imposes on the education of non-Sinhala speaking children and youth.

### Resistance

Let no one blame the Tamil-speaking population of this island for considering it a sacred duty not to rest till such time as Tamil shall attain its due and legitimate status as one of the national and official languages of Ceylon. What the Tamil-speaking population of Ceylon demand is that the Bill recognise their right to deal with Government in their own language, and their right to educate their children at all levels in their own language. Further, if Sinhala only is to function in the districts in which Sinhala is predominantly spoken, then Tamil only should function in the districts in which Tamil is predominantly spoken. If the Tamil-speaking people are equal partners in the Ceylon state, their lan-



guage should have equal status at the centre as happens in bilingual states like Belgium, Finland, Quebec, Ontario, Nova Scotia and the States of the Union of South Africa.

### **MEP Reasons**

It is said that the MEP stands for one official language for three reasons, "for convenience of administration, for national upliftment, for fostering a sense of national distinctiveness and individuality." The convenience which the Bill seeks is the convenience of 40,000 clerks and other officials and ignores the convenience of two and a half million people whose mother-tongue is Tamil. The Bill makes two and a half million people illiterate before the State, and relegates them to an inferior caste of citizens as if they possessed no culture and language of their own.

The standardisation of culture which the Ministry of Culture aims at is the denial of culture. As for national upliftment, while "Sinhala only" imposed on the Tamil people brings no additional element of progress to the Sinhala people, it becomes a weapon of cultural aggression and oppression against a third of the population of Ceylon.

In a bilingual country national distinctiveness and individuality are not created by the suppression and confiscation of the rights of a partner people. Language is not an essential element in creating national distinctiveness and individuality. The English retain their individuality though their language is also the language of the U.S.A., of Canada, of Australia and the West Indies, and the Spanish-speaking republics have each their own individuality in spite of one common tongue. The Indian from the Himalayas to Cape Comorin retains his individuality as an Indian in spite of several autonomous states and several official languages.

Bilingual and multi-lingual states have not considered these three reasons important to impose one official language all over the state.

### **Tudor Despotism**

The bill aims at a language conquest of Ceylon similar to the language conquest attempted by the Tudors in Wales and Ireland nearly 400 years ago. Educationists in the twentieth century are agreed that the Tudor policy was both tyrannical and barbarous. A writer says of the Irish: "The Irish native culture,



music and language have been deliberately obliterated by a system of education based upon another culture and imparted in another language.”<sup>1</sup>

Henry VIII had decreed in Wales “no person or persons that use the Welsh speech or language shall have or enjoy any manner, office, or fees within this Realm of England and Wales unless he or they use or exercise the English speech or language.” The Government of the United Kingdom is now making amends for the tyranny of Henry VIII, but the MEP repeats a 16th century decree with the cultured language of the twentieth century.

### Majority Will

If the MEP wishes to imitate Tudor despotism of the 16th century in preference to the language policy of the Sinhalese kingdoms of the Kotte, Polonnaruwa and Anuradhapura periods it may well do so but the Tamils will argue their rights by values prevalent in the twentieth century. The multi-national state, the bilingual state, self-determination, cultural autonomy, the mother-tongue from the primary school to the university, are ideas which have grown with the concepts of liberty, freedom, and individual rights.

The unreasonable will of a majority can be more tyrannical than the tyranny of any despot because there are ways of changing the rule of a despot which are not available to those who might desire to change the rule of a permanent and unchanging majority. Perhaps it is this impossibility which gave Mr. Lanerolle the cause of his statement that the official medium of the Ceylon Government is an “unchangeable decision, a people’s decision which no future election will ever vacate.”

### No Peace

It is also said that the recognition of Tamil as an official language might lead to the Tamil areas federating with South India. This suggestion is as preposterous as saying that because Sinhala has affinities with Sanskrit and Pali, the Sinhala districts might federate with North India, or because the Buddhists in Ceylon are a majority, they might federate with Thailand or Laos.

The Tamil language in Ceylon is as distinctly Ceylonese as the Sinhala language is distinctly Ceylonese, though both these languages were subject to Indian influences. In fact the Sinhala

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1. See J. Aucamp, *Bilingual Education and Nationalism*.



language has been more open to North Indian influences than the Tamil language has been to South Indian influences.

If the MEP imposes the Sinhala language on the Tamil-speaking people, we shall have no other option but to resist this imposition in the name of those God-given rights which all civilised nations recognise. We shall work incessantly for the repeal of this illegal and iniquitous measure as far as it affects us and we shall endeavour to restore Tamil to the lawful place which is due to our language and our mother-tongue. And we shall have with us the sympathy and the encouragement of all fair-minded people among the Sinhala nation and the nations of the world.

A last appeal may be made to the MEP leaders not to place the party before the country, and its stability, progress and unity. The Sinhala people are reasonable enough to understand that a rash election pledge may be modified in the interests of the nation. The MEP must either pass the "Sinhala only" legislation and divide the country or modify the Bill and save the unity of the country. To imagine that the Tamil-speaking population will gradually accept the measure is wishful thinking. History does not offer even one such example of people accepting a language imposed against its own will.



## MEMORANDUM

Copy of the memorandum sent to the Prime Minister at his own suggestion after an interview with him in the company of Mr. A. C. Nadaraja, Advocate.

From : Rev. Fr. Xavier S. Thani Nayagam.

To : The Hon'ble Mr. S. W. R. D. Bandaranaike,  
Prime Minister.

Sir,

I have pleasure in giving below the following further points *re* the language problem, for your consideration.

1. The Swiss Constitution in its Article 116 reads : " German, French, Italian and Romansch are the **national languages** of Switzerland".

The **official languages** of the Confederation shall be " German, French and Italian."

By the word " national " as applied to the languages of Switzerland, the Swiss Constitution means that the four languages belong to the nation.

These four national languages are also the official languages of the respective cantons in which they are spoken. Only three of them are official languages of the Confederation—namely Italian spoken by 6%, French spoken by 19%, and German spoken by 72% of Swiss citizens.

By the fact that Romansch is a national language, Romansch-speaking Swiss have the right to use it as the official language in their part of the Canton of Grisons, both for administrative and educational purposes and to transact their business with the Government of the Confederation in their own language.

2. Article 8 of the Constitution of the Republic of Ireland declares Irish as " **the national language of Ireland.**" Irish is also " **the first official language of Ireland,**" and English is " **the second official language of Ireland.**"



By not giving a national status to English, the Republic of Ireland pointed out that English was imposed on the Irish by a conquering and ruling race. But since the English language remained in Ireland at the time of independence better known and more widely understood than the Irish language and because of its utility for international communication, **English was declared a second official language.**

3. According to Language Rights as practised now in the world, and in the interests of a Ceylonese nation without communal frontiers and divisions, it is my belief :

- (a) **That Sinhalese and Tamil should be the national languages of Ceylon, and**
- (b) **That Sinhalese, Tamil and English (English may be used for a provisional period), should be the official languages of Ceylon.**

4. By declaring Tamil to be a national language we recognize that it is a language whose speakers form an integral part of the Ceylonese nation.

5. It is desirable to recognize that Tamil-speaking citizens will have :

- (a) The right to transact business with Government in their own mother-tongue.
- (b) And the right to educate their children at all levels in their own mother-tongue.
- (c) Further it would be the duty of the State to give State-aid and patronage to Tamil culture and the Tamil language in Ceylon. Such patronage and aid would come within the functions also of the Ministry of Cultural Affairs.

I remain, Sir,  
Your obedient servant,

(Sgd.) XAVIER S. THANI NAYAGAM.

Colombo, 29th April, 1956.



## **APPENDIX**

### **EXAMPLES OF LANGUAGE RIGHTS IN CONSTITUTIONS**

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#### **UNION OF SOUTH AFRICA**

Area : 472,550 sq. miles.

Population : 11,400,000 of which 2 million of European descent.

Language : English and Afrikaans.

Article 137 of South Africa Act of 20th September, 1909.

Both the English and the Dutch languages shall be official languages of the Union, and shall be treated on a footing of equality, and possess and enjoy equal freedom, rights, and privileges ; all records, and journals, and proceedings of Parliament shall be kept in both languages, and all Bills, Acts, and notices of general public importance or interest issued by the Government of the Union shall be in both languages.

#### **BELGIUM**

Area : 11,775 sq. miles.

Population : 8,400,000.

Languages : French and Flemish.

Article 23 of Act of 7th February, 1831.

The use of the languages spoken in Belgium is optional. This matter may be regulated only by law and only for acts of public authority and for judicial proceedings.

#### **THE U.S.S.R.**

Area : 8,43,444 sq. miles.

Population : 211,000,000.

Article 121 of Act as amended on 5-12-1936.



Citizens of the U.S.S.R. have the right to education. This right is ensured . . . by instruction in schools conducted in the native language.

### THE REPUBLIC OF PAKISTAN

“(1) The official languages of the Republic should be Urdu and Bengali and such other provincial languages as may be declared to be such by the Head of the State on the recommendation of the Provincial Legislatures concerned.

“(2) Members of Parliament shall have a right to speak in Urdu and Bengali in addition to English.

“(3) Notwithstanding anything in the above Article for a period of 20 years from the commencement of the Constitution, the English language should continue to be used for all official purposes of the Republic for which it was being used immediately before such commencement.

“(4) For examinations for the Central Services, all Provincial languages should be placed on an equal footing.

“(5) Provision should be made for the teaching of Arabic, Urdu and Bengali in Secondary schools to enable students to take either one or two of them in addition to the language used as the medium of instruction.

“(6) The State should take all measures for the development and growth of a common national language.

“(7) A Commission should be appointed 10 years after the commencement of the Constitution to make recommendations for the replacement of English.

“(8) Notwithstanding anything in the foregoing Articles, the Federal Legislature may by law provide for the use, after the expiry of the period of 20 years from the commencement of the Constitution, of the English language for such purposes as may be specified in the law.”



## NOTE ON THE LANGUAGE POPULATION STATISTICS OF CEYLON

The following paragraphs from Sessional Paper XXII of 1946 which sets out the recommendations of the Select Committee consisting of J. R. Jayewardene (Chairman), J. H. B. Nihill, C. W. W. Kannangara, T. B. Jayah, S. Natesan and A. Ratnaiké show what according to them was the linguistic distribution of the population of Ceylon as shown in the census report of 1946.

“18. The population of Ceylon according to the census of 1946 was 6,658,999. This figure includes local residents enumerated with the services.

“19. The Table below shows the racial distribution of the population :—

| <i>Race</i>                            | <i>Population to<br/>the nearest<br/>1,000</i> | <i>Percentage<br/>to total<br/>population</i> |
|--|--|---|
| Sinhalese (Low-Country and Kandyan)    | 4,637,000                                      | 69.6  |
| Ceylon Tamil ...                       | 826,000  | 12.4  |
| Ceylon Moors and Malays ...            | 393,000  | 5.9   |
| Indian Tamils ...                      | 682,000  | 10.3  |
| Other Indians (including Indian Moors) | 69,000   | 1.0   |
| Other Races ...                        | 52,000   | 0.8   |

“20. The Sinhalese, except a few thousands who speak Tamil in the Western and North-Western Provinces, generally speak Sinhalese. The Ceylon and Indian Tamils and the Muslims are, in general, Tamil-speaking. The proportion according to language may, therefore, be reckoned as 69.6% Sinhalese-speaking and 28.6% Tamil-speaking.”

According to the 1953 census the population has been classified into two categories, citizens and non-citizens. The entirety of the Indian population of this country, notwithstanding the fact that a number of them are citizens by descent, others are citizens by registration, and applications for registration are still pending, has been classified in the Census Report as non-citizens.



One would have expected the Census Department at least to concern itself with facts and not with politics.

The following are the population figures according to the census of 1953 :—

| Total population—8,098,637 |               |                     |             |
|----------------------------|---------------|---------------------|-------------|
| <i>Citizens</i>            |               | <i>Non-citizens</i> |             |
| Sinhalese                  | ... 5,621,332 | Indians             | ... 983,304 |
| Ceylon Tamils              | ... 908,705   | Pakistanis          | ... 5,749   |
| Ceylon Moors               | ... 468,146   | Europeans           | ... 6,909   |
| Malays                     | ... 28,736    | Others              | ... 11,162  |
| Burghers                   | ... 43,916    |                     |             |
| Others                     | ... 20,678    |                     |             |

Even if one excludes the entirety of the “Indians” from the category of citizens, as has been done without any justification by the Census Department, one finds that the Tamil-speaking population of Ceylon comprising of the Ceylon Moors and the Ceylon Tamils is 1,376,851 as against a Sinhalese-speaking population of 5,621,332. The inclusion of the Ceylon Moors as Tamil-speaking is justified by facts. Besides the Select Committee presided over by Mr. J. R. Jayewardene classified them as Tamil-speaking in 1946. Nothing revolutionary has happened in the last nine years to change the linguistic character of the Ceylon Moor population.

If one takes into account only the “Citizens” as classified in the Census Report, 79·2% of the population are Sinhalese-speaking as against 19·4% who are Tamil-speaking. If one, however, takes the entire population of the Island into consideration it will be found that the Sinhalese-speaking population comprises about 70% as against the Tamil-speaking population of about 29%.

(This note is reproduced from Senator S. Nadesan’s *Ceylon’s Language Problem*).