

Ministry of Public Administration,
Provincial Councils and Home Affairs,
Independence Square,
Colombo 7, 6th June, 1989.

To: All Secretaries to Ministries and
Heads of Departments.

IMPLEMENTATION OF LAW ON OFFICIAL LANGUAGES

THE Establishments Code is amended as follows in order to implement the law on official languages as set out in Chapter IV of the Constitution of Democratic Socialist Republic of Sri Lanka:—

02. These amendments are effective from 23.12.88 unless such requirement is otherwise stated in the text.

03. Sections 7:1:1, 12:9, 12:10, 12:10:1, 12:10:2, 12:10:3, 12:10:4, 12:10:5, 12:10:6, 12:10:7, 12:10:8, 12:10:9, and 12:11 of Chapter II of the Establishments Code will be deleted and the following sections will be inserted:—

- (a) "7:1:1 A New Entrant Public Officer who has been admitted to the Public Service in any medium other than Tamil or Sinhala whose probationary/trial appointment has been terminated for failure to pass the prescribed proficiency tests in one of the official languages is disqualified, unless he has since obtained the qualifications which would entitle him to obtain exemption from the highest proficiency tests in one of the official languages prescribed for the post for which he applies."
- (b) "12:9 Every Officer will be required to conform to the provisions of the Chapter IV of the Constitution of the Democratic Socialist Republic of Sri Lanka and any other laws, regulations or rules that may be made from time to time to give effect to the Language Policy of the Government. (Please see Appendix 5)"
- (c) "12:10 Every officer holding a permanent or a temporary appointment, who is a New Entrant to the Public Service for the purposes of the Official Language Policy of the Government and who has been admitted to the Public Service in any medium other than Tamil or Sinhala, will be required to pass the prescribed test in one of the official languages namely Grade I, II and III proficiency Tests within three years from the date of appointment.

However, if an Appointing Authority feels that an officer who enters the Public Service or Public Institution, under his purview in one of the Official Languages should have a sufficient knowledge in the other official Languages to discharge his duties, he should take action to amend the scheme of recruitment/Service minute of such service in order to require such persons to have a sufficient knowledge as a condition for admission or confirmation. This condition should be incorporated in the letter of appointment of such service/post."

- (d) "12:10:1 A minor Employee is exempted from the requirement of obtaining proficiency in the official languages. However, if any Appointing Authority feels that any category of Minor Employees in his Department or work place needs a minimum competence in one of the official languages or both he will, before stipulating such a condition, obtain the permission of the Secretary to the Ministry of Public Administration Provincial Councils and Home Affairs who should consult the Secretaries to the relevant Ministries before approving such a variation."
- (e) "12:10:2 Every new Entrant Officer who is required to obtain proficiency in one of the Official Languages should, on receiving appointment, be given facilities on full pay for a period of 6 months to obtain proficiency in one of the Official Languages. He will thereafter, be required to sit the relevant proficiency examination and if he does not pass he will be given the opportunity to pass the examination within a period of 2 years immediately after the period of 6 months on full pay, while he performs his normal duties. If he fails to pass the examination in this prescribed period of 2½ years his services will be terminated."
- (f) "12:10:3 Special full-pay leave not exceeding 6 months may be granted on request and subject to the exigencies of service, to an officer who has sufficient knowledge in one of the official languages in order to encourage him to acquire a sufficient knowledge in the other official language if such full time language courses are being conducted by a government department or an institution approved by the Secretary, Ministry of Public Administration, Provincial Councils and Home Affairs. This special full-pay leave may be granted in addition to the leave granted under Section 12:10:2 of this Chapter."
- (g) "12:10:4 An officer who has been admitted to the Public Service in Tamil Medium and who has not been confirmed in his appointment solely on account of his failure to pass the prescribed proficiency tests in Sinhala should, notwithstanding his failure to fulfil these conditions be confirmed in his appointment with effect from 23.12.1988. Increments withheld within the grades in which an officer is at the time of the confirmation, should be restored to him provided such increments have otherwise been earned. He will therefore be placed on the salary point he would have reached had those increments been allowed, but he will not be paid any arrears of increments."
- (h) "12:10:5 An Old entrant officer should be exempted from passing an examination in the second language provided he has already passed an examination in either Tamil or Sinhala of the standard necessary for the Senior School Certificate Examination. Exemption under this section can only be granted if the subject of the examination passed is a subject stipulated in the scheme of recruitment/service minute for such exemption."
- (i) "12:10:6 Where any old entrant officer has lost the benefit of a salary increase as a result of the operation of the second language requirement, such lost benefits should be restored to him without arrears with effect from 9th July, 1980."

(j) "12:11 Every officer who is appointed subject to a period of probation or in an acting capacity with a view to confirmation and who has been admitted to the Public Service in any Medium other than Tamil or Sinhala will be required to acquire a working knowledge of the official languages during such period."

(k) "12:11:1 The concession granted to an officer reference to which is given in sub-sections 7:1:1, 12:9, 12:10, 12:10:1, 12:10:2, 12:10:3, and 12:11 will take effect from 23.12.1988."

04. Appendix 3, 4 and 5 will be amended as follows :—

(i) Replace Section 4(c) (ii) of specimen I of Appendix 3 with the following section :

" (ii) has passed the G.C.E. (Ordinary Level) Examination in six subjects including Arithmetic or Mathematics and Sinhala, Tamil or a language of his choice at not more than two sittings or ;"

(ii) Replace Section 5(e) of specimen II of Appendix 3 with the following section :

" (e) Certificate of highest examination passed in Sinhala or Tamil."

(iii) Replace Sections 14, 15, 16 and 17 of specimen I of Appendix 4 with the following sections :—

(a) "14. If your medium of entry is not one of the official Languages you should acquire a working knowledge of one of the official languages (i.e. either Sinhala or Tamil) during the period of probation and your confirmation in the appointment will depend, *inter alia*, on the passing of prescribed proficiency tests either in Sinhala or Tamil."

(b) "15. If your services are unsatisfactory while you are on probation and or you fail to reach the requisite standard of proficiency either in Sinhala or Tamil you are liable to be discontinued at any time during the period of probation or at the end of it."

(c) "16. If your services during the period of probation have been satisfactory, (and) if you have reached the requisite standard of proficiency either in Sinhala or Tamil and if you have satisfied the conditions stipulated in paragraph 17 you will be confirmed in your appointment at the end thereof under Section II of Chapter II of the Establishments Code."

(d) "17. You will be required to subscribe to the conditions that you will conform to the provisions of the Chapter IV of the Constitution of Democratic Socialist Republic of Sri Lanka and any other laws, regulations or rules that may be made from time to time to give effect to the Language Policy of the Government."

(iv) Replace Section 14 of specimen II of Appendix 4 with the following section :

"14. You will be required to subscribe to the conditions that you will conform to the provisions of the Chapter IV of the Constitution of Democratic Socialist Republic of Sri Lanka and

any other laws, regulations or rules that may be made from time to time to give effect to the Language Policy of the Government."

(v) Replace Section 14 of specimen III of Appendix 4 with the following section :

"14. You will be required to subscribe to the conditions that you will conform to the provisions of the Chapter IV of the Constitution of Democratic Socialist Republic of Sri Lanka and any other laws, regulations or rules that may be made from time to time to give effect to the Language Policy of the Government."

(vi) Replace Sections 13 and 14 of specimen IV of Appendix 4 with the following sections :—

(a) "13. Unless your appointment is terminated earlier you should pass prescribed proficiency tests either in Sinhala or Tamil within the prescribed period."

(b) "14. You will be required to subscribe to the conditions that you will conform to the provisions of the Chapter IV of the Constitution of Democratic Socialist Republic of Sri Lanka and any other laws, regulations or rules that may be made from time to time to give effect to the Language Policy of the Government."

(vii) Replace Section 3(VI) of specimen V of Appendix 4 with the following section :

"3(VI). You will be required to subscribe to the conditions that you will conform to the provisions of the Chapter IV of the Constitution of Democratic Socialist Republic of Sri Lanka and any other laws, regulations or rules that may be made from time to time to give effect to the Language Policy of the Government."

(viii) Replace Section II of specimen VI of Appendix 4 with the following section :

"II. You will be required to subscribe to the conditions that you will conform to the provisions of the Chapter IV of the Constitution of Democratic Socialist Republic of Sri Lanka and any other laws, regulations or rules that may be made from time to time to give effect to the Language Policy of the Government."

(ix) Replace Appendix 5 with Chapter IV of the Constitution of Democratic Socialist Republic of Sri Lanka as amended by 13th and 16th amendments. Amended Chapter IV has been reproduced in Public Administration Circular No. 25/89 of 18 04.1989.

5. Insert Section numbers 7:1:1, 12:10, 12:10:1, 12:10:2, 12:10:4, 12:11 and 12:11:1 too under the words "Official Language Policy" in the index of the Establishments Code.



Secretary,
Ministry of Public Administration,
Provincial Councils and Home Affairs.