



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

OFFICIAL LANGUAGES COMMISSION
ACT, No. 18 OF 1991

[Certified on 27th March, 1991]

Printed on the Orders of Government

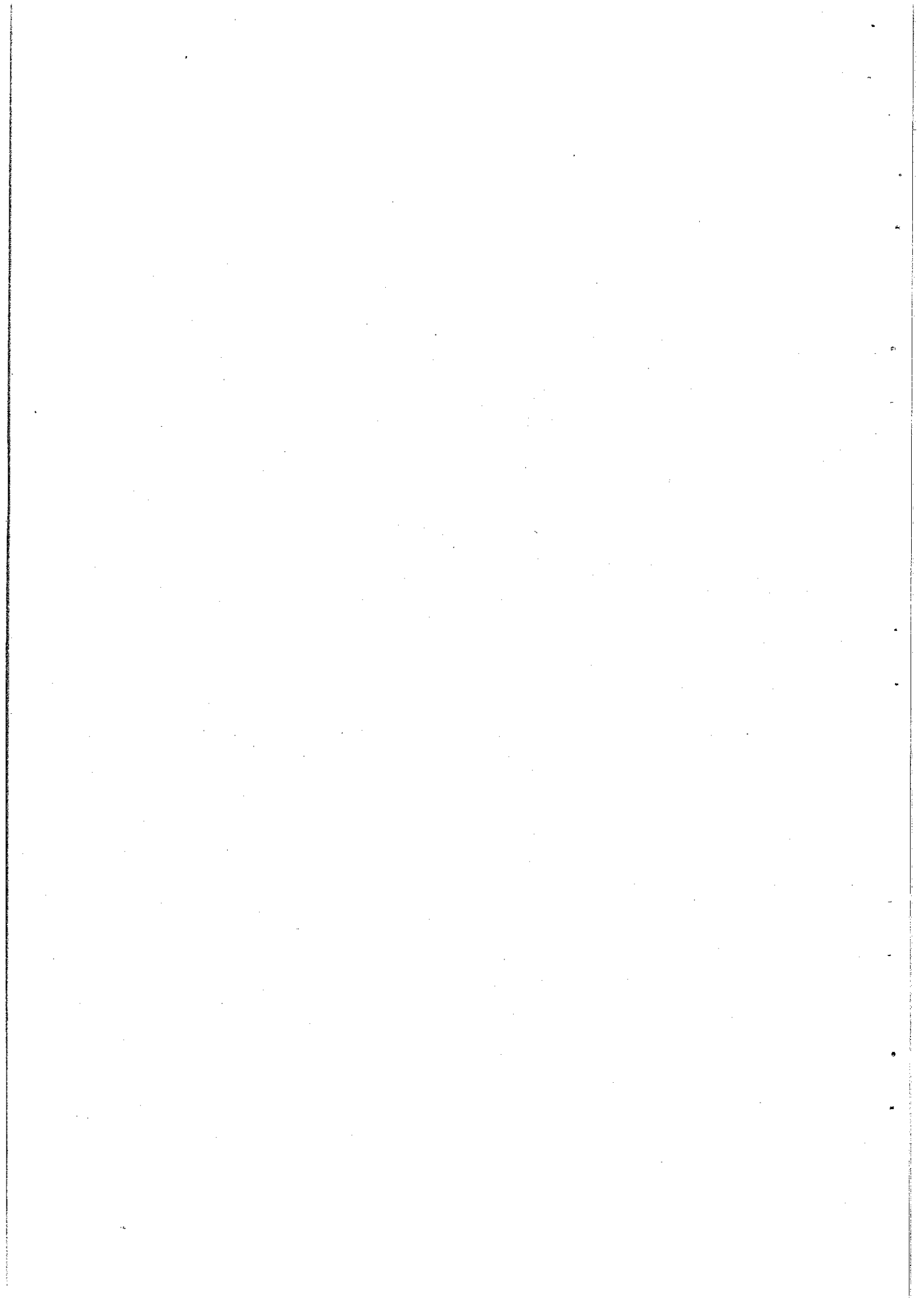
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Official Languages Commission
Act, No. 18 of 1991

[Certified on 26th, March 1991]

L. D.—070/89

AN ACT TO ESTABLISH THE OFFICIAL LANGUAGES COMMISSION OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA ; AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Official Languages Commission Act, No. 18 of 1991 and shall come into operation in respect of all or any of its provisions on such date or dates as the Minister may appoint by Order published in the *Gazette*.

Short title and date of operation.

PART I

ESTABLISHMENT OF THE OFFICIAL LANGUAGES COMMISSION

2. There shall be established an Official Languages Commission (hereinafter referred to as the "Commission") which shall consist of the persons who are for the time being members of the Commission under subsection (1) of section 5.

Establishment of the Official Languages Commission.

3. The Commission shall by the name assigned to it by section 2, be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

The Commission to be a body corporate.

4. The seal of the Commission may be determined and devised by the Commission, and may be altered in such manner as may be determined by the Commission.

Seal of the Commission.

5. (1) The Commission shall consist of six members to be appointed by the President, one of whom shall be nominated by the President to be the Chairman of the Commission (hereinafter referred to as the "Chairman").

Members of the Commission.

(2) The Commissioner of the Official Language Department, shall be the Secretary to the Commission.

6. The general objects of the Commission shall be—

(a) to recommend principles of policy, relating to the use of the Official Languages, and to monitor and supervise compliance with the provisions contained in Chapter IV of the Constitution ;

Objects of the Commission.

Official Languages Commission
Act, No. 18 of 1991

- (b) to take all such actions and measures as are necessary to ensure the use of the languages referred to in Article 18 of the Constitution (hereinafter referred to as "the relevant languages") in accordance with the spirit and intent of Chapter IV of the Constitution ;
- (c) to promote the appreciation of the Official Languages and the acceptance, maintenance, and continuance of their status, equality and right of use ;
- (d) to conduct investigations, both on its own initiative, and in response to any complaints received, and to take remedial action as provided for, by the provisions of this Act.

**Powers
of the
Commission.**

7. The Commission shall have the power to—
- (a) initiate reviews of any regulations, directives, or administrative practices, which affect, or may affect, the status or use of any of the relevant languages ;
 - (b) issue or commission such studies or policy papers on the status or use of the relevant languages as it may deem necessary or desirable ;
 - (c) undertake such public educational activities, including, sponsoring or initiating publications or other media presentations, on the status or use of the relevant languages as it may consider desirable ;
 - (d) acquire, by way of purchase or otherwise, and to hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property ; and
 - (e) do all such other things as are necessary for, or incidental to, the attainment of the objects of the Commission or necessary for or incidental to, the exercise of any powers of the Commission.

**Appointment
of Com-
mittees.**

8. (1) The Commission may, from time to time, appoint such Committees as may be necessary to assist the Commission in the performance of its duties consisting of such number of members as may be determined by the Commission, provided that the Chairman of any such Committee shall be a member of the Commission.

(2) The Commission may delegate to a Committee appointed under subsection (1) such of its powers (other than the power conferred on it by this subsection) as it may deem fit, but may notwithstanding such delegation, exercise any such power.

9. (1) Every member of the Commission including the Chairman shall unless he vacates office earlier, by death or resignation hold office for a term of three years from the date of his appointment, and shall be eligible for reappointment :

Term
of office
of the
members
of the
Commission.

Provided, that a member appointed in place of a member who had vacated office by death or resignation, shall hold office for the unexpired term of office of the member whom he succeeds.

10. (1) A member of the Commission may at any time resign from his office by letter under his hand to that effect addressed to the President, and such resignation shall take effect upon it being accepted by the President in writing.

Resignation
and tempo-
rary absence
from
Sri Lanka.

(2) If the Chairman, or any other member of the Commission, is, by reason of illness, infirmity or absence from Sri Lanka or other cause is temporarily unable to perform the duties of his office it shall be the duty of such member to inform the President in writing of such inability. The President may thereupon appoint another member to act for such Chairman, or a fit person to act in the place of such other member, as the case may be.

11. The Chairman and other members of the Commission may be paid such remuneration and allowances as the Minister, in consultation with the Minister in charge of the subject of Finance, shall determine.

Remunera-
tion.

12. (1) The Chairman, if present shall preside at all meetings of the Commission. In the absence of the Chairman from any such meeting, the members present shall elect one of the members present, to preside at such meeting.

Meetings.

(2) The quorum for a meeting of the Commission shall be four members.

(3) The Commission shall meet as often as necessary, and in any case, atleast once in each month, at such time and place as the Commission may determine, and shall,

subject to the provisions of this section, regulate the procedure in regard to the meetings of the Commission and the transaction of business at such meetings.

PART II

STAFF OF THE COMMISSION

Chief
executive
officer.

13. (1) The Chairman shall be the Chief executive officer of the Commission.

(2) The Commission may by resolution, delegate to the Chairman any of the powers, conferred on it by this Act other than the power conferred on it by this subsection, and in the exercise of such powers delegated to him, the Chairman shall be subject to the general or special direction of the Commission.

(3) The Chairman shall, notwithstanding that he is the chief executive officer of the Commission, be deemed not to be a member of the staff of the Commission.

(4) The Chairman may designate a member or any officer of the Commission to be in control of the day to day administration of the affairs of the Commission.

Appointment
&c.
of the
staff of the
Commission.

14. (1) The Commission may appoint such officers and servants as the Commission may deem necessary for the proper and efficient conduct of its business.

(2) Subject to the other provisions of this Act, the Commission may—

- (a) exercise disciplinary control over or dismiss, any officer or servant of the Commission;
- (b) fix the wages or salaries or other remuneration of such officers and servants in consultation with the Director of Establishments and the Director (Budget) of the General Treasury;
- (c) determine the terms and conditions of service of such officers and servants; and
- (d) establish and regulate a provident fund and any other welfare schemes for the benefit of the officers and servants of the Commission and may make, contributions to any such fund or scheme.

15. (1) At the request of the Commission, any officer in the public service may, with the consent of that officer and the Secretary to the Ministry by or under which that officer is employed and the Secretary to the Ministry of the Minister in charge of the subject of Public Administration be temporarily appointed to the staff of the Commission for such period as may be determined by the Commission with like consent, or be permanently appointed to such staff.

Appointment of public officers to the staff of the Commission.

(2) Where any officer in the public service is temporarily appointed to the staff of the Commission, the provisions of subsection (2) of section 13 of the Transport Board Law, No. 19 of 1978, shall, *mutatis mutandis*, apply to, and in relation to, such officer.

(3) Where any officer in the public service is permanently appointed to the staff of the Commission, the provisions of subsection (3) of section 13 of the Transport Board Law, No. 19 of 1978, shall, *mutatis mutandis*, apply to, and in relation to, such officer.

(4) Where the Commission employs any person who has entered into any contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Commission by that person shall be regarded as service to the Government for the purpose of discharging his obligations under such contract.

16. The Government shall make available to the Commission, adequate funds for the purpose of enabling the Commission to exercise its powers and discharge its functions under this Act.

Government to provide adequate funds.

17. (1) The financial year of the Commission shall be the same as the financial year of the Government.

Financial year and the audit of accounts.

(2) The Commission shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Commission.

(3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Commission.

PART III

INVESTIGATION OF COMPLAINTS BY THE COMMISSION

18. Subject to provisions contained in this Act, the Commission shall investigate every complaint submitted to it, arising from any act done omitted to be done in the adminis-

Investigation of complaints.

tration of the affairs of any public institution, relating to the status and use of any of the relevant languages and in particular, where such complaint discloses that—

- (a) the status of an official language is not, or was not being recognized; or
- (b) a right to the use of, or a duty to use, any of the relevant languages in the manner set out in Articles 20 to 24 (both inclusive) of the Constitution, is or was not, being recognized or complied with; or
- (c) any provision of any Act of Parliament or any regulation, rule, order, notification or by-law made thereunder, relating to the status or use of any of the relevant languages or any directive given by a public institution or any administrative practice thereof, in compliance with Chapter IV of the Constitution, is not, or was not being, complied with; or
- (d) the objectives and intent of Chapter IV of the Constitution, is, or was not being, respected or complied with.

Commission may refuse or cease to investigate.

19. (1) The Commission in the exercise of its discretion, may refuse to investigate or cease to investigate any complaint if it is satisfied that—

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious, or its not made in good faith;
- (c) the subject matter of the complaint does not, for any reason fall within its powers; or
- (d) the initiation of an investigation, or its continuation would for any reason, be unnecessary.

(2) In the event that the Commission decides to refuse to investigate or to cease investigating any complaint, the Commission shall within fourteen days of the making of such decision inform the complainant of the decision and provide a written copy of the reasons therefor.

Procedure to be followed in carrying out investigation.

20. (1) Subject to the provisions of this section, the Commission may determine the procedures to be followed in carrying out any investigation under this Act.

(2) A complaint may be made to the Commission by any person or groups of person, who may be directly affected by the act or omission to which the complaint relates or who may be parties acting *bona fide* in bringing to the attention of the Commission, an act or omission which in his or their opinion, requires investigation by the Commission.

(3) The complaint shall be treated as a confidential communication and the investigation shall endeavour to protect the privacy of the individuals concerned.

(4) Before investigating a complaint under this Act, the Commission shall notify the head of the public institution to which the complaint relates of its intention to conduct such an investigation and the Commission shall not divulge to any person, the identity of the complainant, unless the Commission has the complainants's prior consent therefor.

(5) The Commission may delegate the conduct of an investigation of an individual complaint, to the Secretary to the Commission.

21. In relation to the conduct of an investigation or review under this Act, the Commission shall have the power to—

- (a) summon witnesses and compel the production of all documents that it may deem necessary ;
- (b) administer oaths, and compel witnesses to give oral or written evidence under oath ;
- (c) receive, accept and consider any other form of information or evidence, as the Commission may in its discretion see fit regardless of the evidentiary value of such information or evidence in a court of law ;
- (d) conduct such investigations in the premises of any public institution as it may deem fit.

Powers
of the Com-
mission
in relation
to the con-
duct of
investi-
gations.

22. (1) In the conduct of an investigation or review or study under this Act, the Commission shall not be required to hold any hearings, and no individual or public institution shall be entitled to be heard as a matter of right.

No right
to be
heard as
a matter of
right.

(2) If, during the course of any investigation or review the Commission finds that sufficient grounds exist to make a report or recommendation which may adversely reflect upon, or adversely affect, any individual or public institution, the Commission shall, before completing the investigation, take all reasonable measures as may be necessary to afford such individual and institution an opportunity to respond effectively to any comments on, and criticisms of, such individual or public institution.

Commission
to make a
report
of its
investi-
gation.

23. (1) If after carrying out an investigation under this Act, the Commission is of the opinion that—

- (a) the act or omission which was the subject matter of an investigation should be referred to the public institution concerned for consideration and action ;
or
- (b) any directive of a public institution should be reconsidered or any practice that leads or is likely to lead to a contravention of Chapter IV of the Constitution, should be altered or discontinued ; or
- (c) any other action should be taken,

the Commission shall report that opinion and the reasons therefor to the head of such public institution.

(2) If after carrying out an investigation under this Act the Commission is satisfied that the complaint is not made out it shall report that opinion, and the reasons therefor, to the complainant.

(3) The Commission shall make its report within sixty days of the making of the complaint, and if the investigation cannot be concluded for reasons beyond the control of the Commission, the Commission shall file an interim report within sixty days outlining the reasons for the delay.

(4) Notwithstanding the provisions of subsection (3) the final report shall be available within one hundred and twenty days of the making of the complaint, and the Commission shall make available forthwith, a copy of such report to the complainant.

(5) The Commission may in the report to be filed under subsection (3), make such recommendations as the Commission thinks fit, and direct the head of the public institution concerned, to notify the Commission within a specified time of the action, if any, that the institution proposes to take, to give effect to, those recommendations.

24. (1) Where any person has made a complaint to the Commission under this Act and the Commission has—

Petition
to be made
to the
Supreme
Court in
certain
circumstances

- (a) not informed him of the results of the investigation within one hundred and twenty days of the making of the complaint ; or
- (b) informed him of its decision to refuse to investigate, or ceasing to investigate, under subsection (2) of section 19 ; or
- (c) informed him, under subsection (2) of section 23 that the complaint is not made out to the satisfaction of the Commission,

he may apply to the Supreme Court within thirty days of the expiry of the period referred to in paragraph (a) or after the receipt of the communication referred to in paragraphs (b) or (c), as the case may be, for relief or redress under section 27.

(2) Every such application shall be made by petition in writing addressed to the Supreme Court, in accordance with such rules as may be in force, praying for relief or redress. Such petition may be proceeded with only with leave to proceed first had and obtained from the Supreme Court.

25. (1) Where a person has made a complaint to the Commission under this Act and the Commission has in a report made recommendations under subsection (5) of section 23 in relation to such complaint and the head of the public institution concerned has not given effect to such recommendations within a period of ninety days on receipt by him of such report, then such person or the Commissioner of the Official Languages Department, after informing the Attorney-General in writing, may apply within ninety days of the expiry of the period within which the recommendations were required to be given effect to, for a direction under section 27, to the High Court established under Article 154P of the Constitution for the Province in which the person making the complaint resides.

Application
to be made
to the
High Court
of the
Province
in certain
circumstances.

(2) Every such application shall be made by petition in writing addressed to such High Court and shall be heard and determined in accordance with the procedure laid down in Chapter XXIV of the Civil Procedure Code.

Supreme Court to direct High Court of a Province to transfer any application to it.

26. The Supreme Court, on the application of the Attorney-General or the Commission, may, where the public interest so requires, direct any High Court established for a Province to transfer to the Supreme Court, any application which has been made to such High Court under this Act and which is pending before it. The application shall, upon such direction, be transferred to the Supreme Court which shall thereupon hear and determine such application.

Court to grant relief as it considers just and equitable.

27. Where in proceedings instituted—

(a) in the Supreme Court under section 24 or 26, the Supreme Court determines that a public institution has failed to comply with Chapter IV of the Constitution or the provisions of any law implementing the provisions of Chapter IV of the Constitution, the Supreme Court may grant such relief or make such directions as it considers just and equitable or appropriate in all the circumstances of the case ; or

(b) in the High Court under section 25 and the High Court determines that the head of a public institution has not given effect to the recommendations of the Commission, the High Court shall direct the implementation of the recommendations contained in the report of the Commission.

Public officers required to perform official duties in any relevant language to be guilty of an offence in certain circumstances.

28. (1) Where a public officer who is required in the performance of his official duties to transact business relating to such duties, or to receive or make any communication, issue any copy or extract from any register, record, publication or other document, in any particular relevant language, wilfully fails or neglects to transact such business, receive or make such communication, or issue such copy or extracts in such relevant language, shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one thousand rupees or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) No prosecution under subsection (1) shall be instituted except with the prior sanction of the Attorney-General.

PART IV

MISCELLANEOUS PROVISIONS

29. (1) Nothing contained in this Act, shall prejudice, or derogate from, any other right of action a person may have, in any court of law or any other forum, in relation to any act or omission in respect which a complaint may be made to the Commission under this Act.

Provisions of this Act not to prejudice a right of action in any court or forum.

(2) The Commission, with the permission of the court, may appear in any judicial or similar hearing relating to the status or use of any relevant language in any public institution as an independent body, if the Commission considers that such an appearance would serve the public interest.

30. (1) The Commission shall have the power on its own initiative to undertake periodic investigations or reviews to monitor the compliance by public institutions with the provisions of Chapter IV of the Constitution and may further undertake follow up investigations or reviews to monitor the implementation of its recommendations made in relation to such earlier investigation.

Commission to have power to undertake investigation on its own initiative.

(2) The conclusions and recommendations made under the provisions of Part III of this Act may be included either in the annual reports of the Commission, or in its special reports, or issued in special publications whichever form the Commission considers most appropriate.

31. Nothing in this Act shall be read or construed as restricting the Commission from preparing, or commissioning or issuing policy papers or studies on any matter relating to the status or use of either of the official languages which it may consider necessary or desirable, and in particular nothing in this Act shall be read or construed as restricting the Commission, where the public interest so requires, from addressing, and making recommendations on, any matter relating to Chapter IV of the Constitution and its application or extension to institutions which do not fall within the definition of public institution.

Commission to issue policy papers on any matters relating to use of either official Languages.

32. The Commission shall, at the end of each financial year submit a report containing, *inter alia*, the recommendations made by such Commission under subsection (5) of section 23 during that year to the Minister who shall cause such report to be laid before Parliament.

Commission to submit an annual report.

Members,
officers
and servants
of the
Commission
deemed to be
public
servants.

Commission
deemed to be
a Scheduled
institution
within the
meaning of
the Bribery
Act.

Protection of
members and
officers of the
Commission.
for action
taken under
this Act on
the direction
of the
Commission.

No writ to
issue
against
person or
property of
a member.
Offences.

33. All members, officers and servants of the Commission shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

34. The Commission shall be deemed to be a Scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

35. (1) No suit or prosecution shall lie against the Commission or any member of the Commission or any officer or servant thereof for any act which in good faith is done by him under this Act or on the direction of the Commission.

(2) Any expense incurred by the Commission in any suit or prosecution brought by, or against, the Commission before any court shall be paid by the Commission, and any costs paid to, or recovered by, the Commission in any such suit or prosecution shall be credited to the Consolidated Fund.

(3) Any expense incurred by any such person as is referred to in subsection (1) in any suit or prosecution brought against him before any court, in respect of any act which is done or purported to be done by him under this Act or on the direction of the Commission, shall, if the court holds that the act was done in good faith, be paid by the Commission, unless such expense is recovered by him in such suit or prosecution.

36. No writ against person or property shall be issued against a member of the Commission in action brought against the Commission.

37. Any person who—

(a) without sufficient reason, publishes any statement or does any thing that brings the Commission or any member thereof into disrepute, during the progress or after the conclusion, of an investigation or review under this Act ;

(b) interferes with the process of the Commission ;

(c) resists or obstructs a member, officer or servant of the Commission in the exercise by such member, officer or servant, of any power conferred on him by this Act ;

(d) in the course of any investigation or review under this Act—

(i) fails without cause, which in the opinion of the Commission is reasonable, to appear before the Commission at the place and time mentioned in any summons issued by the Commission ;

(ii) refuses to be sworn, or having been duly sworn, refuses or fails without cause, which in the opinion of the Commission is reasonable, to answer question put to him touching the matters being investigated by the Commission ;

(iii) refuses or fails without cause which in the opinion of the Commission is reasonable, to produce and show to the Commission any document or other thing which is in his possession or power and which is in the opinion of the Commission necessary for arriving at the truth of the matters being investigated by the Commission,

shall be guilty of an offence under this Act and shall on conviction, after summary trial before a Magistrate, to a fine not exceeding ten thousand rupees or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(2) In any prosecution for an offence under this Act, a certificate under the hand of the Secretary to the Commission, setting out the facts alleged to constitute such offence shall be received in evidence and deemed to be such certificate without further proof, unless the contrary is proved, and shall be *prima facie* proof of the facts stated therein.

38. In the case of any offence under this Act committed by a body of persons—

Offences by
by bodies
of persons.

(a) where such body of persons is a body corporate, every director, secretary and officer of that body corporate shall each be deemed to be guilty of that offence ;

(b) where that body of persons is a firm, every partner of that firm shall be deemed to be guilty of that offence :

Provided that no such person shall be deemed to be guilty of an offence under this Act if he proves that the offence was committed without his knowledge or that he exercised all diligence to prevent the commission of the offence.

Interpre-
tation.

39. In this Act, unless the context otherwise requires—

“local authority” means any Municipal Council, Urban Council, or Pradeshiya Sabha and includes any authority created or established by, or under, any law to exercise, perform and discharge, powers, duties and functions corresponding to, or similar to, the powers, duties and functions exercised, performed or discharged by any such Council or Sabha ;

“public institution” means—

- (a) any Ministry and any department under such Ministry ;
- (b) any public corporation, or statutory institution ;
- (c) any Provincial Council or local authority ; and
- (d) any business undertaking, firm, company or other institution vested in the Government or owned wholly by, or on behalf, of the Government.

Sinhala
text to
prevail in
case of in-
consistency.

40. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.