

CPA welcomes positive steps in the Implementation of the Official Language Policy by the Consumer Affairs Authority and the National Medicines Regulatory Authority

22 June 2020, Colombo, The Centre for Policy Alternatives (CPA) welcomes the steps taken by the Consumer Affairs Authority (CAA) to give effect to the Official Language Policy by issuing Gazette No. 2135/53 dated 07.08.2019 which was amended by Gazette No. 2156/16 dated 31.12.2019. In terms of the said gazettes, the CAA has directed all manufacturers, importers, distributors and traders to print important information regarding the product in Sinhala, Tamil and English languages on all packs, containers or on the wrappers of all articles/goods. These directions will be applicable to 76 separate categories of consumer goods.

Between 2013 and 2018 CPA filed over 150 complaints to the Human Rights Commission of Sri Lanka (HRCSL) and the Official Languages Commission on the basis that important information regarding consumer goods are not provided in accordance with the Official Language Policy. A majority of the goods identified in the complaints made by CPA have been addressed in the above mentioned gazettes. Consequently, all consumers will be entitled to access the essential information regarding these consumer goods in all three languages from 01.09.2020, which is the effective date of the gazettes.

In this day and age, it is of utmost importance that consumers are able to access at least the basic information regarding products in order to ensure that such goods are appropriate and suitable for their consumption. As such providing such information in a language the consumer comprehends, will not only protect the individual's right of access to instruction in the medium of his mother tongue (Sinhala and Tamil) but will also have a direct bearing on the consumers physical health and wellbeing.

Since 2013 CPA has demonstrated to the CAA that essential information on the labels of the consumer goods, namely; product name, maximum retail price, date of expiry, date of manufacture, net weight / volume, country of origin/country of manufacture etc.. were printed in only the English language. The Sri Lankan Constitution recognizes that both Sinhala and Tamil are official and national languages of Sri Lanka, with English recognized as a link language. Therefore, printing information on consumer goods in only English or in only one official language (Sinhala or Tamil) is a violation of the consumer's right to access to information. CPA's complaints to the CAA since 2013, were on the basis that the CAA had the power and responsibility to redress this situation and to uphold the Official Language Policy of Sri Lanka.

Despite CPA's complaints and the numerous investigations conducted by the HRCSL and the Official Languages Commission over the years in response to these complaints, no significant progress was achieved until recently.

In 29.01.2020 CPA sought information from the CAA, in terms of the Right to Information Act No. 12 of 2016, on the progress the CAA had made in relation to CPA's complaints. From the responses received to these RTI requests, CPA was made aware of Section 01 of the Direction No. 68 published in the Gazette No. 2135/53 dated 07.08.2019 stipulating that the specified information had to be printed in all three languages; Sinhala, Tamil and English languages. However, the date of operation of Direction No. 68 has been amended under the Direction No. 71 published in the Gazette No. 2156/16 dated 31.12.2019, and the Directive will thus be effective from 01.09.2020 as opposed to the originally planned 01.01.2020

In its endeavor to ensure the implementation of the Official Languages Policy, CPA has also complained against the National Medicines Regulatory Authority (NMRA), for not taking steps to ensure that the packaging of pharmaceutical drugs conform to the Official Languages Policy. In this regard CPA has made representations to the NMRA, filed complaints to the HRCSL and filed a Fundamental Rights case [SCFR/102/16]. In a progressive development in this regard, the NMRA issued the Gazette No. 2145/01 dated on 14.10.2019 directing that from 01.01.2020 the packing of a selected number of pharmaceutical drugs should be printed in all three languages.

Whilst these gazettes signify an important forward step in implementing the Official Language Policy and providing consumers with critical information, CPA recognizes that there is no guarantee that these bold and welcome decisions will be put into action. CPA understands that the Ceylon Chamber of Commerce (Food and Beverage Division) has informed the CAA of several practical difficulties that may arise, as a result of printing all information and instructions in all three languages. CPA also recognizes that the implementation of these directives have been delayed once already and that there is a potential for further delay.

As such CPA calls on all stakeholders to act in a responsible manner to uphold the rights and wellbeing of consumers. For its part CPA will continue its work undertaken over several years to monitor the practical implementation of the Official Language Policy in order to ensure these achievements are positively and formally sustained at all levels.