

WHAT'S KEPT IN A LANGUAGE?: THE CONTROVERSY OF THE NATIONAL LANGUAGE IN INDIA

Written by **Priya Misra**

Assistant Professor, National Law School of India University, Bangalore

This paper is meant to analyze the debate on the issue of national language under the Indian Constitution and its significance in bringing about social transformation. It discusses the controversy of the official languages and attempts to find a solution to the semantic debate.

India has a rich heritage in terms of languages and every language spoken, even by the most remote areas, is respected by the Constitution through the likes of Article 29 and Schedule VIII. "History demonstrates that, from times immemorial, India has been a multilingual country, each language having a certain region in which it was supreme, but none of these regions truly constituted unilingual kingdom or principality."¹

Broadly speaking, there are four major groups of Indian languages:

- 1) Indo-Aryan: Sanskrit, Hindi, Marathi, Bengali, Oriya, Assamese, Kashmiri, Nepali, Konkani, Punjabi and Urdu.
- 2) Dravidian: Telugu, Tamil, Kannada, Malayalam and Tulu.
- 3) Mongoloid: Manipuri, Tripura, Garo, and Bodo.
- 4) Tribal Language and Dialects: Gond, Oraon, Santal, Mundari, etc.²

In ancient India, Sanskrit was the most prevalent language especially during the period of Aryans who introduced it. There are evidences which show that Sanskrit was spoken by elite while the 'low order' people used Pali as a means of communication. With the arrival of Islamic rulers, the language became Persian in most of the regions of the then India. At the regional level, local dialects became popular which borrowed words from other main prevalent

¹ S.M. Katre, cited by T.K. Oomen, *Sociology*, Lucknow: Eastern Book Co., 1993, p.331, as cited in P. Ishwara Bhat, *Law & Social Transformation*, Lucknow: Eastern Book Co., 1 edn, 2009, p.271.

² Suniti Kumar Chatterjee, *Linguistic Survey of India: Languages and Scripts*, Cultural Heritage in India, Vol I, Calcutta: Ramakrishna Mission, 2ndedn, 2001, pp.55-65, as cited in P. Ishwara Bhat, *Law & Social Transformation*, Lucknow: Eastern Book Co., 1 edn, 2009, p.272. See also S. Srinivasa Rao, *India's Language Debate and Education of Linguistic Minorities*, Vol 43, E.P.W., p 64, Sep 6, 2008.

languages like Persian, Turkish, Arabic, etc. Gradually Urdu developed as a confluence of Persian speaking classes/foreigners and Sanskrit speaking locals.³

A few years later (1837), the British settled in India and English language overpowered Persian. Hindi and Urdu started to be used in courts for local residents. Initially, the British experimented with vernacular languages in courts and other Indian matters but later they found it more convenient to switch over to English.

The then prevalent classical languages-Sanskrit, Arabic and other indigenous languages suffered a drastic blow with the introduction of '*Minute of 1835*' by Thomas Babington Macaulay as it injected English language in the Indian system and it trained the Indians to become hegemonic.⁴ Most of the governmental functions began to be carried out in English too. Some eminent personalities of India also supported the introduction of English into the Indian system. For instance, Raja Ram Mohan Roy supported the introduction of English system of education so that an access could be gained into modern science and liberal education of Britain. But the tyranny of the British made Indians rebel in every respect. National language began to be seen as a symbol of unity and national pride and started to be considered as an important part of freedom struggle.

After independence, debate was mainly among three popular languages, viz. Hindi, Urdu and Hindustani. "*Most of the regional languages like Bengali, Tamil, Marathi, etc were found to be not suitable in spite of their literary accomplishments, owing to geographical restrictions.*"⁵ These languages were not spread beyond a province/state.

³ It was later observed that *The notion of Hindi and Urdu as two distinct languages crystallized at Fort William College in first half of 19th century and was given official endorsement in an order promulgated by NWP and Oudh government in 1900 requiring provincial officers to know both* as quoted in Santosh Kumar Khare, *Truth about Language in India*, Vol 37, E.P.W., p.4993, Dec 14, 2002.

⁴S. Srinivasa Rao, *India's Language Debates & Educations Linguistic Minorities*, Vol 43, E.P.W., p.65, Sept 6, 2008.

⁵SalilMisra, *The Urdu that was Hindi*, The Times of India, editorial opinion page, New Delhi, July 14, 2005, as cited in *Id.*

It was proposed that Hindi should be made the official language of the country because it was the mother tongue of around forty percent of the people living in India and was understood by a large proportion of non-Hindi speaking population as well. This proposal ignited debates in non-Hindi states. Soon, it gave rise to agitations throughout the country. They argued why Hindi was being selected as the official language and why not any other languages like Tamil, etc, which had a considerable following as well. This was discussed in detail in the Constituent Assembly.

DEBATE FOR A SINGLE LANGUAGE

When the Indian Constitution was being framed in the Constituent Assembly, the question of choosing one language as the official language arose in the minds of the Constitution makers. The official language of the Central government was the single most divisive official issue in the Indian Constituent Assembly⁶. There were two problems regarding Hindi being the official language: a) the dialect of Hindi; and b) the other languages existing in India.

Hindi is spoken in around 13 different dialects. This is so because India was called *Hind* in ancient times. So every language spoken in *Hind* was referred to as Hindi. Gradually, Indians also started calling their languages Hindi which eventually led to the development of various dialects of Hindi. So debate arose as to which of the dialect was to be chosen as the official Hindi dialect. Later, Hindi dialect that was adopted was the one spoken in Delhi-Agra region with Sanskrit vocabulary.

However, that was a minor issue. The key issue which was to be tackled with before this was which language was to be chosen as the official language of the country.

Most of the members of Constituent Assembly wanted to fulfill Mahatma Gandhi's dream who had opined that there should be a national language which would give a distinct identity to the nation. Dr. N.G. Ayyangar says in one of his speeches at the Assembly, "*There was one thing about which we reached a fairly unanimous conclusion that we should select one of the*

⁶ Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, New Delhi: Oxford University Press, 1966, as cited at

<http://login.westlawindia.com/maf/wlin/app/document?&src=rl&srguid=ia744cc6400000131ce27adcdcb804fb4&docguid=1254B83C0DBD011DEAB98F31DF62ADCB6&hitguid=1254B83C0DBD011DEAB98F31DF62ADCB6&spoc=15&epos=15&td=15&crumb-action=append&context=9&resolvein=true>, last visited on Aug 15, 2016.

languages in India as the common language of the whole of India, the language that should be used for the official purposes of the Union.”⁷

They chose the most popular language of the country to be crowned as the official language of the Union of India. But the solution and road to that solution was not that simple. As soon as the proposal was laid down before the Assembly, many members of the assembly opposed it on the ground of it being unfair for the non-Hindi speaking population who'll suffer in terms of employment opportunities, education and public services because of their non-Hindi background. Several arguments were raised for the inclusion and non-inclusion of Hindi language. Some of the members of the Constituent Assembly including L.K.Maitra and N.G.Ayyangar demanded that the regional languages should also be recognized (at State level) and the chosen national language should not be made exclusive. There were others like Lokamanya Tilak, Gandhiji, C. Rajagopalachari, Subhash Bose and Sardar Patel who demanded that Hindi should be used throughout India without any exceptions and the states should also resort to the use of Hindi language because it would promote integration.

There were other members who wanted Sanskrit to become the official language of the nation due to its antiquity and rich vocabulary. Also it was found that most of the Indian regional languages prevalent at that time were somehow connected to Sanskrit which is known as the mother of all languages. But the idea was not accepted by all. Some even proposed Urdu for the station but it was of no avail. This was so because as soon as the partition of India and Pakistan was announced, the supporters of Hindi were emboldened and since Pakistanis claimed Urdu as their language, the Hindi supporters coined the title of 'language of secession' to Urdu and made the demand to make Hindi, written in Devanagari, the national language.

Thus, the whole assembly was divided into two groups, one which supported Hindi and wanted it to become the official language and the other which did not favour Hindi to become the official language. The assembly was at loggerheads.

Introducing multiple languages as official languages was not considered feasible. Dr. B.R. Ambedkar was quoted as saying, *“One language can unite people. Two languages are sure to divide people. This is an inexorable law. Culture is conserved by language. Since Indians wish*

⁷N. GopalaswamiAyyangar, Constitutional Assembly Debates, Vol IX, pp.1317-21, Sept 12, 1949.

to unite and develop a common culture, it is bounden duty of all Indians to own up Hindi as their official language.”⁸

Ultimately, when the Constituent Assembly was on the verge of losing its unity, a compromise called Munshi-Ayyangar formula was adopted without dissent. It was a half-hearted compromise because no group got what it wanted.⁹ According to this formula, English was to continue as the official language of India along with Hindi for a period of fifteen years but the limit was elastic and the power of extension was given to the Parliament. A statute titled ‘Official Languages Act, 1963’ was enacted when the period of fifteen years was about to expire in an attempt to prevent agitation in the non-Hindi speaking States. But the provisions of the Act could not satisfy the views of the protestors.

Here, reference to Shastri’s stand on national language is necessary. Lal Bahadur Shastri, Nehru’s successor as prime minister, did not pay much heed to the opinion of non-Hindi groups. He, instead of effectively countering the fears of non-Hindi groups that Hindi would become the sole official language, declared that he was considering making Hindi an alternative medium in public service examinations which meant that although the non-Hindi speakers would still be able to compete in the all-India services in English medium, the Hindi speakers would have an added advantage of being able to use their own mother tongue Hindi as a medium. This increased the fury of the non-Hindi groups and they became more anti-Hindi and later also raised and popularized the slogan of ‘*Hindi never, English ever*’. Thus Lal Bahadur Shastri only gave air to the blazing agitation of the non-Hindi groups against Hindi.

The Official Languages Act was ultimately amended in the year 1967 by Indira Gandhi’s government which provided for indefinite usage of English and Hindi as the official languages of the country. There were subsequent agitations in 1968 as well as in 1986 but they were limited to certain states only.

As far as the numerals are concerned, the international form of Indian numerals were chosen after a debate and a proviso was attached to it that after a period of fifteen years, the Parliament could replace the system by Devanagari form of numerals.

⁸ V.K.R.V. Rao, *National Integration: Some Unresolved Issues*, Bombay: Bhartiya Vidya Bhavan, p.8, 1985, as cited in P. Ishwara Bhat, *Law & Social Transformation*, Lucknow: Eastern Book Co., 1 edn, p.290, 2009.

⁹ H.M. Seervai, *Official language, Constitutional Law of India*, Vol 3, 4 ed., Delhi: Universal Book Trust, p.2581, 2008.

CONSTITUTION IN RELATION TO LANGUAGE

India is a multilingual country. So the fathers of our Constitution felt the need to specify the languages to be used in the state functions. Therefore, Part XVII of the Indian Constitution came into existence which not only provides for the official language of the Union (Article 343-344) and official languages of the states (Article 345) but also the language of interstate-communication (Article 346-347), language to be used in the courts and in legislative processes (Article 348). Apart from these provisions, there are some special directives too (Article 350-351). Actually, this chapter is based on Munshi-Ayyangar formula and accordingly the language policy has been provided in four parts: Language of the Union, Regional languages, Languages of the Courts and Special directives.

Language of the Union: As per Article 343, the official language of the Union of India is Hindi in Devanagari script. It had always been the intention of the Constitution makers to replace English with Hindi as and when Hindi is developed enough to be able to replace English in all the aspects where it was being used at that point of time since last 100 years. But a period of 15 years, from the date of commencement of the Constitution, was provided as an interim period for its usage as official language after which Hindi was to be the sole official language of the Union. However, when the period of 15 years was about to end, the Parliament found that the time was not still ripe to enforce Hindi as the only official language. Also, there were probabilities of violence in Southern India where people were still not ready to accept Hindi as the national language. So, the Parliament, in exercise of its powers under Article 343(3) and 120(2), passed the Official Languages Act 1963 which provided for the continuation of English as the official language in addition to Hindi for all executive functions of the Union and for all legislative functions of the Parliament¹⁰. But this Act does not restrict in any way the progressive use of Hindi and its promotion as the official language.

¹⁰Article 3 of the Official Languages Act, 1963.

In the case of *Union of India v. Murasoli Maran*¹¹ the Supreme Court held that extending the time for the usage of English language does not amount to abandonment of progress in the use of Hindi as the official language of the Union. It also upheld the Presidential order which required the administrative personnel to undergo in-service training in Hindi before a certain date, free of cost and with no penalty for failure to undergo such training, as a valid exercise of power provided under Article 343(2) for the promotion of Hindi. The Court said that such order did not impose disability or unreasonable obligation on any class. Instead, it insisted on equal efficiency in occupations.

Since the proviso under Article 343 provides that the President may issue orders for the use of Hindi, the same was exercised by the President from time to time as following:

- 1952: Through this order, Hindi was authorized to be used in addition to English for the purpose of issuing warrants of appointment of Governor of a state and judges of Supreme Court and High Court.
- 1955: Order was issued for the use of Hindi in addition to English for the purpose of “correspondence with the public, preparation of reports of administration, office journals and reports to parliament, government resolutions, recommendations and legislative enactments, correspondence with state governments that have adopted Hindi as official language, treaties and agreements, correspondence with foreign officials and envoys and consular representatives and Indian representatives to international organizations.”¹²
- 1960: The order provided for the usage of Hindi language in the training of administrative personnel.

Since Hindi was not considered adequate to replace English, provision was made for its development under Article 344 which provides for the constitution of a Commission on Official Language with the function of making recommendations to the President about the progressiveness of Hindi language for the official purpose of the Union, restrictions on the use of English, language to be used in courts and for Acts, Bills, etc. Sub-clause (3) of Article 344 indirectly shows the difficulties involved in the transition process from English to Hindi as

¹¹ (1977) 2 SCC 416: AIR 1977 SC 225

¹² T.K. Tope, *Official language, Constitutional Law of India*, 1992 edn, Lucknow: EBC Publishing Ltd., p.920.

miscommunication was easily possible. Even the Constitution of India could not be translated in Hindi at that point of time.¹³ For this purpose due regard was to be given to the cultural and scientific advancements of India, and the just claims and the interests of persons belonging to the non-Hindu speaking areas by the Commission. Also, a parliamentary committee, consisting of thirty members (twenty members from the Lok Sabha and ten from the Rajya Sabha) elected by the respective houses, was to be formed for examining the recommendations of the Commission and to report their opinion to the President.

Regional Languages: Articles 345 to 347 provide for the recognition of the regional languages by the States in the official functions. These Articles become significant because India has been redrawn on linguistic basis and therefore regional languages are prominent in all the states. Article 345 gives the authority to the state to choose and adopt any regional language for its official use. Such language may or may not be enlisted in the Eighth Schedule. Also till such law is made, English shall be language of such state.

Article 345 is permissive because it does not prohibit English after the adoption of Hindi and therefore it does not render void an order already made or any other official proceedings just because they were done in English language. But this can happen if the State legislature makes a provision in this respect barring the usage of English.¹⁴ For the purpose of inter-governmental communications, English was to be used but for communication between Centre and State, official language was to be used. Conversely, the states could agree to use Hindi with each other. In other words, language adopted for official use in the Union was also the language to be used among the states for communication. However, if two or more states decided to use Hindi as a language of communication between them, they could do so. Article 347 provided that, “*where on demand being made in that behalf the President is satisfied that a substantial proportion of the population of a state desires the use of any language spoken by them to be recognized by the state, he may direct that such language shall also be officially recognized throughout that state or any part thereof for such purposes as he may specify.*” In resolving the majority – minority tussle in the matter of language at the regional level arising from limitations

¹³ Granville Austin, *The Indian Constitution-Cornerstone of a Nation*, pp.281-283, as cited in H.M. Seervai, *Official Language*, Constitutional Law of India, Vol 3, 4 ed., Delhi: Universal Book Trust, p.2582, 2008.

¹⁴ Dayabhai v. Natwarlal, AIR 1957 MP as cited in M.P. Jain, *The Federal System: Official Language*, Indian Constitutional Law, p.429.

of linguistic organization of states, this provision is instrumental. It helps in ensuring bilingual policy.

The use of the words 'shall' and 'may' in Articles 343 and 345 respectively, has created a controversy. On one hand, Article 343 states that "the official language of the Union shall be Hindi", on the other hand, Article 345 provides discretionary power to the States and provides that "the legislature of the State may by law adopt any one or more of the languages in use in the State or Hindi ...for all or any of the official purposes of the State". Thus providing two contradictory provisions, a situation of conflict has been created among the States and between the States and the Union on the use of the language of Hindi as the official language.

Special Directives: Chapter IV of the Indian Constitution deals with special directives intended to protect the interest of the minorities in terms of languages. Article 350 provides that a person can submit a representation for the redressal of his grievance in any language of the Union or the State no matter to which officer of the Union or State it is addressed to. Article 350A issues a directive to the State and the local authorities within its limits, to make an endeavour to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups. This Article was added incorporated in the Constitution through the seventh amendment.¹⁵

Article 350B provides a directive for the appointment of a special officer by the President for linguistic minorities to investigate matters relating to safeguards to which the linguistic minorities are entitled as per the Constitution provision. Article 351 provides for the development and promotion of Hindi language as a medium of expression for the composite cultures of India and to draw vocabulary from Sanskrit and other languages. Thus, there were two aspects: a) efforts for the promotion and spread of Hindi b) it should be broad to include linguistic elements from other regional languages to symbolize the 'composite culture of India'. Pt. Jawaharlal Nehru¹⁶ said regarding this provision that he would not have accepted Hindi as the official language if this provision relating to Hindi not excluding Hindustani and borrowing vocabulary from other languages would not have been there.

¹⁵ Constitution (Seventh Amendment) Act, 1956, Section 21.

¹⁶ As cited in H.M. Seervai, *Official Language*, Constitutional Law of India, Vol 3, 4 ed., Delhi: Universal Book Trust, p.2581, 2008.

Language of the Courts: Chapter III of the Constitution of India provides for the language to be used the Supreme Court and High Courts as well as for Acts, Bills, etc. Article 348 says that the language of the courts shall be English though the Governor can authorize the use of Hindi or any other language for the official purpose of the State and for the proceedings before the aforesaid courts. But the judgments, decrees and orders of the courts shall be in English. It was analyzed that “by virtue of Article 348 (1) (b) since authoritative text of all orders, rules, regulations and bye-laws issued under Constitution or laws and all the Acts, bills, ordinances promulgated by the President or Governor shall be in English Language for the purpose of proceedings before the Supreme Court and High Court, Article 394-A does not put Hindi version on a pedestal equal to that of English text for the application in courts.”¹⁷ The courts were to continue using English. The reason was mentioned by Mr. Ayyangar who said,

*“Our courts are accustomed to English; they have been accustomed to laws drafted in English; they have been accustomed to interpret in English. It is not always possible to find proper equivalent to an English word in the Hindi Language and then proceed to interpret it with all the precedents and rulings which refer only to the English words and not the Hindi words.”*¹⁸

Also it must be noted that the time boundation of 15 years for the replacement of English by Hindi was not applicable to the proceedings of Supreme Courts and High Courts.

In *Mathura Prasad v. State of Bihar*¹⁹, the High Court of Patna held that non publication of English translation of a statute, which was originally in Hindi did not violate article 348 (1) (b)(iii). A recent Law Commission Report (216)²⁰ has also recommended the continuance of English in courts.

Article 349 provides for a special procedure to be followed for the enactment of certain laws relating to language whereby the President shall not give permission to the introduction of a bill relating to language except after considering commission and committee formed under Article 344. While the provisions for languages to be used in the legislatures have been

¹⁷ P. IshwaraBhat, *Law & Social Transformation*, Lucknow: Eastern Book Co., 1 edn, p.312, 2009.

¹⁸ Sri N. GopalaswamiAyyangar, *Constitutional Assembly Debates*, Vol IV, p.1321, 1949.

¹⁹ AIR 1973 Patna 295.

²⁰ <http://lawcommissionofindia.nic.in/reports/report216.pdf>.

provided under Article 120 and 210, the languages to be used by the judiciary and executive functions have been provided in the Part XVII of the Constitution of India.

Eighth Schedule: Eighth Schedule is the result of Munshi-Ayyangar Formula which recommended the Language Commission should include all the regional language in order to give them equal respect and to prevent them from being ignored. Eighth Schedule contains the name of the languages which have been recognized as the official languages. Two languages have been recently added through the 92nd Amendment²¹ and at present there are twenty-two languages enumerated in the Schedule. This Schedule serves two purposes:

- 1) These languages are to be represented in the Official Commission.
- 2) Vocabulary can be taken from these languages for the development of Hindi as provided under Article 51.²²

These regional languages gained importance after the reorganization of the states on the basis of languages during the period between 1956-1966. Though there's no specific explicit criterion for the entry of a language in to the Schedule, following unwritten criteria is used:-

- 1) Existence of separate literary traditions
- 2) Possession of separate script
- 3) Concentration of large number of speakers of the language preferably over a continuous geographical area or in widely dispersed situation, being medium of expression of culture and heritage so that it may become a resource language for modernization of other literary languages.²³

Inclusion of these languages in the Schedule gives an identity as well as emotional satisfaction to the speakers and supporters of those languages.

In the case of *Kanhaiya Lal Sethia v. Union of India*²⁴, the Supreme Court said that “to include and not to include a particular language in 8th Schedule is a policy matter of the Central

²¹ Constitution (Ninety Second Amendment) Act, 2003, Section 2(a).

²² M.P. Jain, *The Federal System: Official Language*, Indian Constitutional Law, 4 ed., Nagpur: Wadhwa and Co. Law Publishers, p.428, 1994.

²³ P. Ishwara Bhat, *Law & Social Transformation*, Lucknow: Eastern Book Company, 1st edn, p.307, 2009.

²⁴ *Kanhaiya Lal Sethia v. Union of India* (1997) 6 SCC 573: AIR 1998 SC 365.

government and the court cannot interfere in the matter.” Further, it was observed that no one has any fundamental right to compel the Center to include a particular language.

ENGLISH v. HINDI- The Debate

India has still not been able to materialize its dream of arriving at a single language which could identify with the whole nation and one which is acceptable to each citizen.

Many scholars have suggested that English should be adopted as the sole official language of the nation as it is being used in official functions of the Union since last 162 years approximately and Indians are accustomed to the language. Also, “*English knowing intelligentsia has contributed much not only to the formation of those modern institutions we value today but to the modern ideas of equality, liberty or progress.*”²⁵ Thus, English language has the following benefits which may lead it to become the Official language of the land:

- It is an international language and is spoken in maximum countries of the world. So, in India, English is looked up to as a carrier of liberal thoughts and western values. People associate it with employment and empowerment.
- The knowledge sources are extensively available in English in each and every field.
- Indian languages cannot compete with English in the fields of social and physical sciences.
- All around the world, higher education is provided in English most of the time. “It is the persistence and almost complete monopoly of English as a medium of instruction at the reaches of higher education that generate pressure acting downwards on parents to enroll their children in English medium schools at an earlier age so that the children can withstand competition in higher education and gets access to quality jobs.”²⁶

Also, as far as language of courts is concerned, the Law Commission’s Report (No.216) recommended the continuation of English in the Courts to secure uniformity. Some of the recommendations are given below:

²⁵ Andre Beteille, *Language and Civilization*, The Hindu, June 20, 2000, as cited in Prem Singh, *In Defence of ‘Bhasha’ vis-à-vis the English Language*, Vol 40, Mainstream, p.30, Mar 16, 2002.

²⁶ Mahesh Gavaskar, *Politics of Language*, Vol 37, E.P.W., p.5274, Dec 28, 2002.

- Arguments are generally made in higher courts in English and the basic literature under the Indian system is primarily based on English and American text books and case laws. Thus, Judges at the higher level should be left free to evolve their own pattern of delivering judgments.
- Every Court has the right to understand the law laid down finally by the Apex Court and at present, one should appreciate that such a language is only English.
- The use of English language also facilitates the movement of lawyers from High Courts to the Apex Court since they are not confronted with any linguistic problems and English remains the language at both the levels.²⁷

On the other hand, the supporters of Hindi language allege that for a part of the population of India, English is still a “symbol of slavery”. Dr. Ram Manohar Lohia said that English divides the nation into 2 castes: the English speaking, i.e. the powerful elite and the Bhasha-speaking, i.e. the vulnerable masses.

According to Ralph Fasold, *“former colonial language is an absolutely atrocious choice as national language. Nothing could be a worse symbol of a new nation’s self-awareness than the language of a country from which it had just achieved independence.”*²⁸ Therefore, Hindi is a better option as it is an indigenous language and identifies with a large proportion of the population of India. It has a rich vocabulary and is the successor of one of most ancient languages of the world, Sanskrit. Also Hindi is one of the most developed languages in India. The Official Language Commission’s report contained that Hindi was being chosen *“not because it is better developed than the other regional languages; not because a greater or more varied wealth of literary output is available in it; not because it has presently a large availability of books in sciences and in different other branches of modern knowledge. It was chosen...because it happens to be understood and spoken by the largest number of people.”*²⁹

According to the 1951 Census, number of Hindi speakers in India was 149 million, i.e. 42% of the total population of the nation. But in this figure, Hindi, Urdu, Hindustani, and Punjabi

²⁷ <http://lawcommissionofindia.nic.in/reports/report216.pdf>.

²⁸ Ralph Fasold, *What National Languages are Good For*, With Forked Tongues: What Are National Languages Good For? In Coulmas (edn), Singapore: Karoma Publishers, p.182, as cited at <http://www.ling.upenn.edu/~jason2/papers/natlang.htm>.

²⁹ Report of Official Language Commission, New Delhi: Government of India Press, 1956, as cited in B.Laxmi Bai, *Development of Hindi: Policy and Promotion*, Language Education in Multilingual India, New Delhi: UNESCO, p.266, 2001.

were combined. This was the basis of the report of Official Language Commission, 1956. In 1961, there were 133 million speakers of Hindi exclusively which formed around 30% of the population of India (Annexure 1). The Census of 1971 provided that 38% of the population spoke Hindi which increased to 42.9% in 1981.³⁰

But it could not be taken up as the only official language of India because of the following reasons:

- Politicians at play (Dravida Munnetra Kazhagam (DMK) came to power in Tamil Nadu because of its anti-Hindi protests).
- Hindi was being imposed initially on the non-Hindi states. (Forcing them to learn Hindi which angered the people of these states).
- Pro-Hindi enthusiasts who tried to push the issue to the extreme. Mr. Jawaharlal Nehru himself declared in the Parliament that it was the over enthusiasm of the leaders of the pro-Hindi groups which became a hurdle in the spread of Hindi.
- Organization of the states on linguistic basis also created an obstacle in the path of Hindi as national language.

Therefore, Hindi had to share the title with English which still holds its position strong in every aspect of administrative arena. According to the 2001 census, According to the 2001 Census, about 422 million people speaking Hindi in its various dialects accounted for 41.03 per cent of the national population.³¹ But Indians have learnt to adjust to both languages in this era of globalization. They use English for ideas, business and abstraction and use Hindi for daily communication like Nehru, who used Hindi with voters and to the nation in English.

For the promotion of Hindi, Department of Official Languages has been formed which formulates policies and annual programs and aids their implementation.

INTERNATIONAL SCENARIO

³⁰*Id* at p.267.

³¹S. Viswanathan, *Language Issue Again: The Need for a Clear-headed Policy* available at <http://www.thehindu.com/opinion/Readers-Editor/article61129.ece>.

Multilingualism is not a feature unique to India. There are other countries in the world too which have multilingualism prevalent in their States and they also face problems in dealing with the issue of multilingualism as in India. They have come up with policies to tackle the problem of multilingualism and offer a common language of communication in official matters.

As far as France is concerned, French is the official language of the country but it is limited to the official purpose of the State and not to publications by writers. Though there are several regional languages existing in France, they have not been provided any protection by the government. France is fighting for cultural diversity against the flourishing empire of English in international arena. The French believe that all *citizens* are equal and thus, no *groups* can exercise extra rights over others which is totally different and opposite with the former ideology whereby the different ethnic groups were given protection and privileges.

The problem of multi-lingualism has been tackled in Europe through the European Charter for Regional or Minority Languages. It is European treaty which was adopted in 1992 by the Council of Europe for protection and promotion of historical regional and minority languages in Europe. What actions can be taken by the state parties for protection and promotion of historical regional and minority languages has been provided in the charter. Few, among many, languages protected under the European Charter for Regional or Minority Languages are Greek, Russian, Romani, Czech, Hungarian, Italian, German, Polish, Turkish, Serbian, etc. Thus, the Charter guarantees the right of the minority language speakers to use their language fully and freely. Interestingly, this treaty was not signed by France for the fear of disintegration and division of the country.

Multilingualism is not a novel concept in U.S.A too. The legislation of Canada is in French as well as in English. According to Article 111 of the Charter of U.N.1945, all the legislations are to be in five languages and all are considered authoritative texts and held in equal importance. Rule of harmonious interpretation is to be applied in case of conflict between these authoritative texts.³²

“Language conflicts can be brought about by changes in an expanding social system when there is contact between different language groups. Belgium and French Canada are examples

³²D.D.Basu, *Official Language*, Shorter Constitution of India, 14 ed., Vol.2, Delhi: Lexis Nexis Butterworths Wadhwa, p.2149, 2009.

of this. The reasons for such a situation are the following: a dominant language group (French in Belgium, English in Canada) controls the crucial authority in the areas of administration, politics and the economy, and gives employment preference to those applicants who have command of the dominant language.”³³ Therefore the oppressed class retaliates by resistance.

China is fortunate in this matter. There are around 56 ethnic groups in China, of which Hans, who speak Chinese language, form 91.96 per cent of the national population. On the other hand, from among the 55 minority ethnic groups, who speak other regional languages, only the Zhuang constitute more than 15 million speakers.³⁴

The idea which can be gathered from the above analysis is that even if a country has a national language, it needs to provide for the protection of regional language because national language cannot be imposed on people otherwise there are chances of disruption of peace and this may prevent social transformation in a nation.

Significance of a National Language

A very important question which surfaces as soon as the topic of national language comes up, is what is the need of national language and what is all the hue and cry for.

The role of national language in the social transformation is of great value. It is the national language through which the society is sewn together into a compact and close built entity. The existence of a single language brings about togetherness and attachment in the society. Law Commission in its 216th Report (2008) agrees in the very first point that Language is a highly emotional issue for the citizens of any nation. It has a great unifying force and is a powerful instrument for national integration.³⁵ It is a very strong and influential instrument of social change. It has the ability to affect the thinking and social behavior of the people.

The aim of the Constitution makers in attempting to make India a monolingual nation was not to promote monopoly of Hindi by overthrowing other Indian languages. Instead they wanted

³³Peter Hans Nelde, Language Conflict available at www.univie.ac.at/europaeistik/LanguageConflict.DOC .

³⁴S. Viswanathan, *Language Issue Again: The Need for a Clear-headed Policy* available at <http://www.thehindu.com/opinion/Readers-Editor/article61129.ece>.

³⁵<http://lawcommissionofindia.nic.in/reports/report216.pdf>.

to introduce 'a pan-Indian language' which could be used for governing India and which the citizens could use to communicate with others who did not speak their language.

Also, opting for national language brings about uniformity in the society. In Indian context use of a single language in executive and judicial functions can help to bring about uniformity and integrity in the country. Explaining the importance of a national language, the President of Constituent Assembly said-

*"There is no other item in the whole Constitution which will be required to be implemented from day to day, from hour to hour, I may almost say from minute to minute in practice. Even if we succeed in getting a particular proposition passed by a majority, if it does not meet with the approval of any considerable section of the people in the country whether in the north or in the south, the implementation of the Constitution would become the most difficult problem."*³⁶

India has a unified judicial system whereby most of the laws are common throughout the nation and one High Court cites the judgments of other High Courts. Therefore uniformity is required in terms of language for easy interpretation and precedents.

According to Gandhi (Presidential Speech, Second Gujarat Educational Conference, Baroach, 1917), there were five requirements which needed to be fulfilled by a language to become a national language. These are:-

- It should be easy to learn for government officials.
- It should be capable of surviving as a medium of religious, economic and political intercourse throughout India.
- It should be the speech of the majority of the inhabitants of India.
- It should be easy to learn for the whole of the country.³⁷

³⁶T.K.Tope, *Constitutional Law of India*, 1992 edn, Lucknow: EBC Publishing Ltd., p.920.

³⁷Jyotindra Das Gupta, *Language Conflict and National Development*, Berkley and Los Angeles: University of California Press, p.109, 1970, as referred to at <http://www.ling.upenn.edu/~jason2/papers/natleng.htm>. See also B.LaxmiBai, *Development of Hindi : Policy and Promotion*, Language Education in Multilingual India, New Delhi: UNESCO, p.275, 2001.

Gandhi considered the removal of English language from the official desks as of national importance. He wrote, “*We should no more neglect thus destroy our own language. The English insist on speaking their mother tongue and using it for all their purposes. Let us do the same and thus raise Hindi to the high status of a national language.*”³⁸

Anthropological Survey of India’s study titled ‘Peoples of India’ came to the conclusion that language is chiefly, the business of the citizens and not the government and linguistic integration needs to be attained at the popular level, rather than official level.

Basically, a national language is required to bring together, diverse cultures and ethnicities under a single roof so that a nation can develop easily and speedily with least friction. A close knit and integrated society develops at a faster rate as compared to a disintegrated society. Therefore, more internal conflicts imply slow social transformation and mono-lingualism goes to a great extent in minimizing internal conflicts.

CONCLUSION

The issue of national language has grown more complex than what the constitution makers had thought it to be. The issue of continuing the official language left over by the colonial masters and the choice of alternative/s in order to have indigenous identity and distinct national image become intricate question amidst complex public opinion and divided views.³⁹ The recent separation of Telangana as a separate state from Andhra Pradesh is also a result of lingual conflict. It is evident from this instance that a language has the power to make or break a country. People develop an attachment towards those who speak their language.

But the emphasis on national language cannot sideline the fact that regional languages should be given importance too and steps must be taken for their protection. After all, they signify different cultures of a nation and help preserving the ethnicity of a society. Gandhi ji also

³⁸M.K.Gandhi, *Thoughts on National Language*, Ahmedabad: Navajivan Publishing House, p.9, 1945 (English 1956)B.LaxmiBai, *Development of Hindi: Policy and Promotion*, Language Education in Multilingual India, New Delhi: UNESCO, p.276, 2001.

³⁹ P. IshwaraBhat, *Law & Social Transformation*, Lucknow: Eastern Book Co., I edn, p.289, 2009.

voiced his thoughts in this regard and said “*Unless we give Hindi its natural status and Provincial languages their due place in the life of the people, all talk of Swaraj is useless.*”⁴⁰

It is with this view that Article 2(2) of the International Covenant on Economic, Social and Cultural Rights, 1966, prohibits discrimination on the ground of language. International covenant on Civil & Political Rights, 1966 also provides that “in those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language.”⁴¹

Even the Indian Constitution provides for protection of scripts and languages under Article 29 and prohibits discrimination of any kind on the basis of language under Article 14 and 16. In the case of *V.N. Sunanda Reddy v. State of Andhra Pradesh*⁴², Supreme Court said that in cases where discrimination was made on the basis of language in the matter of access to public employment, it amounted to violation of right to equality under Article 16(1).

But caution must be taken not to emphasize too much on regional language as to put on stake, the integrity of a nation. H.M. Seervai says that Constitution is founded on emphatic rejection of the two-nation theory (which led to the formation of Pakistan) whereby difference in race, religion and language was sufficient to demand for a separate state. And it would be an irony if after rejecting such theory we end up accepting ten-twelve nation theory founded on the basis only of language.⁴³

Though India has been unsuccessful so far as implementation of a single language as official language is concerned, the policy of bilingualism has somehow helped in restoring social harmony and national unity in so far as language is concerned.

But the truth remains that English is not the language of the masses. It was just a compromise to prevent disintegration of the country. It can never become the national language though it

⁴⁰M.K. Gandhi, *Thoughts on National Language*, Ahmedabad: Navajivan Publishing House, p.13, 1945 (English 1956), as cited in B. Laxmi Bai, *Development of Hindi: Policy and Promotion*, Language Education in Multilingual India, New Delhi: UNESCO, p.265, 2001.

⁴¹ International Covenant on Civil & Political Rights, 1966, Article 27.

⁴² 1995 Supp (2) SCC 235.

⁴³ H.M. Seervai, *Official Language*, Constitutional Law of India, Vol 3.4 ed., Delhi: Universal Book Trust, p.2586, 2008.

has played a vital role in bringing about social transformation in India. During the 19th century, English language gave political unity to India. This political unity strengthened the freedom movement. Nevertheless, English can never make up the national identity as an indigenous language can.

The Preamble to the Constitution of India specifically provides for unity and integrity of the nation. Therefore, nothing should be done that would be inconsistent with the ideal. Thus, a harmonious incorporation of the two forces alone can lead to social development of the nation. It was with this reason that the 'Three language formula' was introduced in the Indian education system. The Three Language Formula is "*a compromise between the demands of the various pressure groups and has been hailed as a masterly-if imperfect-solution to a complicated problem. It seeks to accommodate the interests of group identity (mother tongues and regional languages), national pride and unity (Hindi), and administrative efficiency and technological progress (English).*"⁴⁴ Though it has not been very successful, the attempt to establish harmony among conflicting groups is commendable.

One can only hope that one day India will have a national language of its own. It will help the country carve a niche for itself in the world as a unique example of 'unity in diversity' and act as a catalyst in bringing about social transformation.

⁴⁴<http://www.ling.upenn.edu/~jason2/papers/natlang.htm>.