

ISSN: 2582 - 2942



LEX FORTI

LEGAL JOURNAL

VOL- I ISSUE- V

JUNE 2020

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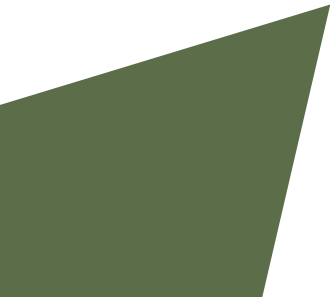
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**The issue of National/Official Language: Arguing for the repeal of Part
XVII of the Constitution**

Kumar Shubham

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SCOPE OF RESEARCH

The research work is strictly restricted to the topic ‘THE ISSUE OF NATIONAL/OFFICIAL LANGUAGE: ARGUING FOR THE REPEAL OF PART XVII OF THE CONSTITUTION’

Here I will analyze how the idea of single language affected the idea of federation in India.

RESEARCH METHODOLOGY

The research work will be completed in adherence to the doctrinal method of research and will rely on both the primary and secondary sources. It shall be descriptive in nature and will also follow an analytical approach, i.e. use the analysis of the facts to reach out the conclusion based on legal reasoning. This research work shall endeavor to review the existing format and establish a relationship with the subject format. The mode of citation is OSCOLA.

CITATION

The literally meaning of citing is to acknowledge the author, article, journal, book and another source from where we have taken references for our research work. The citation format adopted in this research project work is Oscola. The citation is uniform throughout the project.

RESEARCH QUESTIONS

- What are the hindrances in adopting a single language in India?
- Needs & Efforts for the National language in India?

HISTORICAL SIGNIFICANCE & RELEVANCE

INCEPTION

The subject of national language choice, affirmation, headway, and improvement has raised a great deal of conflict in India. The dispute is related to the status and limit of the national language, Hindi, and the ex-common language, English, from one perspective, and Hindi and other Indian lingos on the other. One discontinuous component of the national language in most creating nations has been its association with the freedom struggle. The national language was seen as a picture of national character and reputation.

The ascent of Hindi as a national language in its hidden stages as portrayed by the uniqueness among Urdu and Hindi, a principal part of the chronicled background of their source and progression. Hindi got affirmation and status unprecedented in 1900 when it was articulated an identical position language with Urdu in the United Provinces (directly Uttar Pradesh), Bihar, and Central Provinces (by and by Madhya Pradesh), under British principle. This move was a delayed consequence of the Hindi advancement, which had been moved by leaders, for example, Madan Mohan Malviya, Bhartendu Harish Chandra, and others. The competition among Hindi and Urdu prompted the advancement of their individual language advancing association.. These organizations affiliated themselves with national leaders and freedom fighters who promoted the cause of Hindi. others engaged themselves in educational activities and developed an extensive network of exams to spread Hindi. Some religious leaders, personalities etc. promoted Hindi language and pointed that it could become “a good symbol of Indian unity and Indian Nationality”. Gandhi too played a significant role in the propagation of the language of Hindi, when in 1925 constitution of the Indian National Congress was amended Gandhi suggested it should be conducted in Hindi as far as possible”¹.

NEED OF NATIONAL LANGUAGE

“India is a nation including people from different establishments, religions, vernaculars, and social orders. In such a diverse nation, there is a consistent interest to find a common characteristic that ties people together into a lone character. Right now, it is oftentimes constrained on people by governments. There are likewise contentions that our suppositions towards the Constitution, the national flag and the anthem that bind us together. These feelings cut over the boundaries of

¹ Hans R. Dua, ‘the National Language and the Ex-Colonial Language as Rivals: The Case of India’ (1993) 14 IPSR 293.

ethnicity, language, and religion. It is because of these suppositions that individuals turn up in millions, regardless of the sweltering warmth, to cast a vote in elections”².

But years before India’s independence from British rule, English was the language which was used for official purposes. “The pioneers of the planned autonomous Indian country looked to build up a solitary Indian national language through which to bind together the individuals and advance national coordination. In spite of the fact that at first the frontier language-English-joined the tip top and political pioneers for a national development, a typical language was viewed as basic for bringing together the nation, assembling the majority, and creating national literature”³. “Gandhi proposed five requirements for any National language:-

- It should be easy to learn for government officials.
- It should be capable of serving as a medium of religious, economic & 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 country.
- In choosing this language, consideration of temporary or passing interests should not count”⁴.

Although till now India doesn’t have a national language it has come a long way officiating both English and Hindi languages and going forward in the path of development with its different diverse languages.

DEBATES IN CONSTITUENT ASSEMBLY

The Indian Constituent Assembly was established in December 1946 so as to draft a Constitution of India. The issue of selection of a national language was furiously debated by the individuals of the Constituent Assembly. As the interest for Pakistan got conspicuous, Urdu was lined up with Muslim character and was disposed of for additional thought. After the partition and the consequent migration of a huge number of Muslims, Hindu pioneers in Congress saw a little requirement for Gandhi’s concessions to Muslims. Presently in the field, two groups were left: on one side was the individual’s from the Hindi/Hindustani talking northern states of India and on the opposite side were the individuals’ from the non-Hindi/Hindustani talking southern states of India.

²Arunav Kaul, ‘India Doesn’t Need Hindi to Unify the Masses’ (The Wire, 18 June 2019) <<https://thewire.in/rights/education-policy-hindi-national-language>> accessed 3 February 2020.

³ Lakhani Gusain, ‘The Effectiveness of Establishing Hindi as a National Language’ (2012) 13 GJIA 43.

⁴ Jyotirindra Dasgupta, ‘Language Conflict and National Development’ [1970] BUCP 109.

“Following three years of discussion, the assembly arrived at a compromise. This 1949 trade-off, called the Munshi-Ayyangar equation, found some kind of harmony between the requests all things considered. The name of the language was acknowledged as Hindi yet the protagonists of Hindustani were helped with a mandate provision”⁵.

“Part XVII of the Indian Constitution was drafted by this compromise. It made no notice of a national language. Rather, it characterized just the official Languages of the Union. The Constitution of India, which became effective on 26 January 1950, expressed that the official Language of the Union will be Hindi in Devanagari content, with the expectation that it would encourage provincial correspondence and empower national solidarity”⁶.

The target of this arrangement was to supplant English by gradually phasing in Hindi. Soon after the constitution was enacted on 26 January 1950, efforts were made to propagate Hindi. It

was targeted by the government that Hindi would become the sole working language of the Central government while the state would be allowed to function with language of their choice. As per the fifteen-year plan, directions were given to proceed with the phonetic changeover.

Correspondence between the Center and the states was to be in Hindi, aside from the non-Hindi states, which would get a going with English interpretation ⁷.

HINDRANCES IN ADOPTING A SINGLE LANGUAGE

DIFFERENCE BETWEEN OTHER MULTILINGUAL COUNTRIES AND INDIA

So many languages are distinct and there are many more languages which stem out of those distinct languages. With passing time each language develops its own literature and

establishes a link with the past of the people who speak it. The problem arises in places or countries having a lot of languages such as in eastern countries like India, there are 22

scheduled languages in India and more than thousands of languages which have stemmed out of those scheduled languages. To understand the contradiction better we need to see a comparative analysis between Asian multilingual countries and India, in Asian multilingual countries there is long list of languages which are spoken but these languages there don't have a long literary tradition

⁶ ‘Constitution of India/Part XVII’ <http://en.wikisource.org/wiki/Constitution_of_India/Part_XVII> accessed on 3 February 2020.

⁷Bipan Chandra, *India after independence*, (Penguin Books, 1989).

but in India several languages are there and all have some degree of literary tradition but no language can claim a distinct dominance over the other language.

ESTABLISHMENT OF HINDI AS A NATIONAL LANGUAGE

Now a valid argument arises as to the dominance of Hindi as a language in India, but it also has complexities as to why it can't be made the sole national language of the country. Firstly that the northern belt of India specifically the UP, Bihar, Uttarakhand etc. belt are mainly Hindi speaking but the southern belt such as Kerala, Chennai, Andhra Pradesh there is no prevalence of Hindi as such. So what happens is that if the government tries to make Hindi the national language, a major section of people of our country living in the southern side are unaware of the language, they can't understand it or write it. The problem doesn't end here it is more deep rooted and complex coupled with the politics which is played around the issue on a mass basis. Adding to the issue let us take up Hindi which is spoken by a lot of people, it has two origins first Sanskrit Based Hindi and the second is Dravidian Hindi, the first consists of examples like Bengali, Gujarati, Marathi and the second one consists of languages like Tamil, Telugu, Kannad, Malayalam etc. thus signifying the complexities as to which origin should we adopt as the official language. This should be made clear that the opinion of non-Hindi speaking states is not

against Hindi but it is to resent what appears to them as the imposition of one language over the whole country and over a vast number of people who were not acquainted with the language.

THE NORTH INDIAN LANGUAGE IRONY

Now coming to the North Indian problem of language, as India is a secular country it has a large number of religions which are living under the roof of one country, some religions are also associated with specific languages, which creates a problem in north India as to prefer which language over the other Hindi or Urdu. It is an issue which is problematic in its very

nature as well as is worsened by the politics played around it. All these barriers mentioned above as to the establishment of Hindi as official language can be considered to be the tip of the iceberg the real issue is so vast and roots deeper than can be expressed in this paper.

ESTABLISHMENT OF ENGLISH AS A NATIONAL LANGUAGE

Many people come with an opinion, as there is no local language which can be given the status of official language we can simply continue with English as the official and national language of the country. This is a very excellent solution to all the problems, no harm, no gain as English is something everyone is learning regardless of the language they speak. But the answer as to why English can't be made our official language is more philosophical than logical. Quoting what

Gandhi said “Our love of the English language in preference to our mother tongue has caused a deep chasm between the educated and the politically minded classes and the masses”. To understand this more clearly we need to realize that the language English is something which does not have origin in our country but it is a language which was used by our oppressors who once ruled us. They forcefully fed us this language so as to help them in governing our own country and making that language the national language of our country does nothing, but showcases our dependence on our oppressors even after more than 70 years of Independence.

CONSTITUTIONAL PROVISION – OFFICIAL LANGUAGE OF INDIA.

Part XVII⁸ of the Indian Constitution consists of provisions which deal with the Official language of the Republic of India. Part XVII consists of the Article 343 to Article 351. The main provisions that deal with the Official language of the state are made in Articles 343 and 344 of the Constitution of India.

OFFICIAL LANGUAGE OF THE UNION.

Chapter 1 consists of Articles 343 and 344. According to Article 343(1)⁹ of the Constitution of India, the Hindi which is written in Devanagari script is to be recognized as the Official language of India. It also states that international form of Indian numerals should be used for the Official purposes of the Union. The Hindi has been chosen as the Official language and not the national language because not only Hindi but all the regional languages of the country are considered to be national language and not foreign language. Hindi was not instituted instantly by the constitution makers but they fixed a period of transition which was to be of fifteen years and it was envisaged that after January 26, 1965, Hindi would be declared as the Official language. Meanwhile, English language could be used by the Union for all Official purposes. Article 343(2)¹⁰ provides for the continuing use of English language for all Official and other various purposes of the Union for a period of fifteen years from the day the Constitution is enacted. This period has been regarded as the absolute deadline but also some flexibility has been inserted within the plan. The Article also provides that the President of India can authorize the use of Hindi language in addition to English, during the said period, by Order, for any of the Official purposes of the Union. Article 343(3)¹¹ lays down the

⁸ The Constitution of India 1950.

⁹ Article 343, The Constitution of India 1950.

¹⁰ Ibid

¹¹ Ibid

provision that Parliament may produce a law to provide for the utilization of English language after the said period of fifteen years for some of the official business of the union.

OFFICIAL LANGUAGE COMMISSION

Article 344(1) lays down the provision about the constitution of Official Language Commission by the President¹², after five years from the commencement of the constitution and thereafter ten years from such commencement. The Commission consists of a Chairman and such other members who shall represent the various languages that are enshrined in the Eighth Schedule¹³ of the Constitution. All the appointments are to be made by the President and his Order shall define the procedure that should be followed by the Commission. The duty of the Commission has been laid down in Article 344(2)¹⁴. According to this article, the Commission's duty is to make or give recommendations to the President as to-

1. Consistent and progressive use of Hindi for all official purposes of the Union.
2. Restrictions on the use of English for all or any official purpose of the Union.
3. The language to be used for Supreme Court and High Courts¹⁵ proceedings and also for legislative purposes.

The constitutional provision provides that the main function of the Commission is facilitating the use of Hindi language over English during the transition period so that when changeover takes place, it is smooth for everything and everyone to change from English to Hindi. It was a good deal for the non-Hindi community as they were in the majority to change from English language to Hindi. The Commission has to keep in view the industrialist and cultural advancement of the country¹⁶ and should recognize the problems of the non-Hindi speaking people so that they can quickly adapt to Hindi from English. There shall be a parliamentary committee consisting of thirty members of which 10 should be from Lok Sabha and 20 should be from Rajya Sabha, who should be elected by proportional representation system.¹⁷ The Committee is duty bound to examine the recommendations of the constituted Commission¹⁸ and then report it to the President. The President can give direction to whole or any part of the report notwithstanding anything in article 343¹⁹ i.e. restricting the use of English Language and promoting Hindi Language.

¹² Article 344, The Constitution of India, 1950.

¹³ Schedule 8, The Constitution of India, 1950.

¹⁴ Article 344, The Constitution of India, 1950.

¹⁵ Article 348, The Constitution of India, 1950.

¹⁶ Article 344(3), The Constitution of India, 1950.

¹⁷ Article 344(4), The Constitution of India, 1950.

¹⁸ Article 344(1), The Constitution of India, 1950.

¹⁹ 'Official language Commission' (Official language Commission and Central Administrative Tribunal 11 July

PROVISION FOR INTERGOVERNMENTAL COMMUNICATION

India is a land of many tongues. The constitution makers wanted to devise a formula concerning the language which shall be used for inter-governmental communications. It was also necessary because there was a possibility of the different states adopting their own different official language. Therefore, Article 345²⁰ provides that for the purpose of communication between 2 states or between the center and a state, the official language of the center shall be used. Article 345 and Article 347²¹ provide for procedures for the declaration of official language but the procedure is totally different. Article 345 deals with the state legislature powers while Article 347 deals with the power of the President.

DIRECTIVE FOR THE DEVELOPMENT OF HINDI

Hindi language needed to be developed before it could replace English. The Article 351²² duty bounds the Central government to work towards the promotion and development of Hindi and help spread it. The Article 351²³ also throws light on the future form which Hindi shall take, like Hindi Language should be developed so that it can serve as the medium of expression for people of all diverse cultures in the country, without interfering in the forms which different people follow. It is quite sure that Hindi that will be developed on the grounds of Article 351 would be very much different from its present form.

REGIONAL LANGUAGES IN INDIA

The people who were framing the constitution were faced with the important question regarding the future role of regional language in India²⁴. They took into account that the regional languages should also be so that they can play a defining role in the future setup of India. Article 350(a) and 350(b)²⁵ were inserted by the Constitutional Amendment Act of 1956²⁶ to work for the protection of the linguistic minorities.

To achieve the given objectives, the constitution provides 22 regional languages in the 8th schedule²⁷ of The Indian constitution. They are –

2016) <<https://www.sscadda.com/study-notes-on-official-language>> as accessed on 7 Feb 2020.

²⁰ Article 345, The Constitution of India, 1950

²¹ Article 347, The Constitution of India, 1950

²² Article 351, The Constitution of India, 1950

²³ Ibid

²⁴ 'Official Language' (*Know India*) <<http://knowindia.gov.in/profile/the-union/official-language.php>> as accessed on 10 Feb 2020.

²⁵ Article 350, The Constitution of India, 1950

²⁶ The Constitutional Amendment Act, 1956

²⁷ Schedule 8, The Constitution of India, 1950

“Assamese-Bengali-B0d0-D0gri-Gujrati-Hindi-Kannada-Kashmiri-K0nkani-Maithali-Malyalam-Manipuri-Marathi-Nepali-Odia-Punjabi-Sanskrit-Santhali-Sindhi-Tamil-Telgu-Urdu”²⁸

There appears two purposes underlying list of these regional languages-

1. These languages are going to be represented on the official language commission to be appointed under Article 344(1).²⁹
2. From these languages, words are to be taken for developing Hindi as future developed regional language in Article 351³⁰

²⁸ Ibid

²⁹ Hari Narayan 'India, a Land of Many Tongues' *The Hindu*, 7 August 2017
<<https://www.thehindu.com/thread/arts-culture-society/india-a-land-of-many-tongues/article19445187.ece>> as accessed on 10 Feb 2020.

³⁰ 'official language' (*Regional language*) <<http://onlineshoppingpaper.blogspot.com>> as accessed on 10 Feb 2020.

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