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IMPOSITION OF OFFICIAL LANGUAGE IN THE FACE OF LINGUISTIC DIVERSITY.

1. INTRODUCTION.

Language can be identified as the expression and identity of the people of a nation. Many nations have vast diversity in their culture and languages and dialects, forming the essence of communication and expression within the nation and internationally as well. For a group of people to identify as a nation, the recognition of one or more than one official language may not be an “indispensable requisite”¹. Is a single linguistic identity instrumental in the unification of people in a nation? Language does provide “inter-subjective relation”² but is such relation governed by using one language. States worldwide have shown linguistic diversity, by incorporating two or more official languages.³ It may seem as a desirable option to have a common linguistic approach as it brings together the people of a nation, often forming a bond that is easy to identify.⁴

In theory it can be said that linguistic homogeneity may not have any apparent controversy, but it is neither a necessary nor a sufficient element.⁵ A territory can have language of the sovereign states, or a third one, or all three if need be and expression so required.

¹ Núñez JE, *Sovereignty Conflicts and International Law and Politics: A Distributive Justice Issue* (Routledge, Taylor et Francis Group 2017) p 144.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

India has no national language, but emphasis has been laid on official language, with the Constitution providing for Articles on official language and dividing the provisions into language of the Union and regional languages.

2. INDIAN PROVISIONS

In 1835, English became the medium of education in schools and colleges as designated by the British Government.⁶ The Constitution of India itself was deliberately written in English, while Article 343 of the Constitution designated Hindi as the official language of the Union, it also provided for a fifteen-year period, where English would be used for official Union purposes.⁷

Article 343(1) sets the official language of the Union that is the central government as Hindi, however in Article 343(2) it immediately provides that English will be the language for official purpose of the Union, for a period of 15 years that is 1965. Under Article 343(3) it has been expressly provided that the fifteen-year limit can be extended indefinitely to phase out the use of English from central government.⁸ Article 348 has provided that the language of the Supreme Court and high courts be English, with no time limit on the provision and empowers the Parliament to bring any changes, the Article also provides for English to be the language of legislative enactments.

When it comes to the provision for the states Article 345 authorized state legislatures to “adopt any one or more of the languages in use in the State or Hindi”. “Provided that, until the Legislature of the State otherwise provides by law, the English language shall continue to be used for those official purposes within the State for which it was being used immediately before the commencement of this Constitution.” Article 346 stated that communication between states for official purposes will be the official language of the Union, provided they decide to communicate in Hindi. Finally, Article 347 has provided that the President can direct that any

⁶ Bhaskarrao P (*abd*) <<https://www.accu.or.jp/appreb/report/abd/33-2/abd3322.html>> accessed May 25, 2020.

⁷ *Ibid.*

⁸ Choudhry S, “Managing Linguistic Nationalism through Constitutional Design: Lessons from South Asia” (*OUP Academic* October 1, 2009) <<https://academic.oup.com/icon/article/7/4/577/733731>> accessed May 25, 2020 p 585.

other language decided by that state, condition to satisfaction, shall recognize that language to be spoken in the communications of the state.

Most important though is Article 351 which directs the promotion and spread of Hindi serving as a medium to express the cultural composite of India, without interference in other languages and expressions contained therein.

3. EFFECT OF COLONIAL FOOTPRINT AND NATIONALIST THOUGHT NOTWITHSTANDING DIVERSITY.

India wanted to move from the colonial footprint laid by the British government in 1835 and wanted to express the diverse expression of the Indian community through linguistic homogeneity, however what may have become lost is the expression of certain regions, maybe the Constituent Assembly did not see the long-term ramifications of the language in the Articles above.

On 7th June 1955 the Commission under late Shri B.G. Kher observed that Hindi had been made compulsory till a certain stage in schools and colleges in the States, education being under the jurisdiction of the States.⁹ The Commission may have shown certain bias by substituting the term “a medium” in Article 351 with “the medium” explaining the confusion that Hindi is the national language.¹⁰ There has been apprehension that has passed on to non-Hindi speaking people that in the framework lies an imposition of Hindi or “Hindi imperialism”, consequently leading to a dominant class, identified in north India, as it would not be a neutral language like English.¹¹

The question is whether a neutral language like English could remove the ‘bias’ of official language in the Constitution. The Official Languages Act of 1963 continued with English as the official language in public administration.¹² This was in contradiction to accelerated transition to Hindi in the inside working of the government. The effect of this was seen in Tamil

⁹ Sen KC, “The Official Language of the Union” (1957) 9 Economic and Political Weekly.

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² Choudhry S, “Managing Linguistic Nationalism through Constitutional Design: Lessons from South Asia” (*OUP Academic* October 1, 2009) <<https://academic.oup.com/icon/article/7/4/577/733731>> accessed May 25, 2020, p 614.

Nadu, being a state created on linguistic differences, saw major disruptions in universities and the adoption of Hindi for IAS examination under Article 343 did not succeed.¹³ Strengthening the position of English was the Official Languages Act 1967 which provided the preservation of English in the center and for IAS exams, a statutory veto was granted for continuing the use of English in the non-Hindi states.¹⁴ As David Laitin argues

*“This outcome was likely the result of the manner in which the Congress Party, regional elites, and the central bureaucracy played the game of linguistic rationalization”*¹⁵.

The continuance of English after the stipulated period of 15 years is the footprint of colonialism still present in India, or is it, as argued above, the neutral language which is known to most Indians since 1835, the national language of homogenic communication the Constitution looking for. However, English is not included in the list of recognised languages.

Some have argued that the language of Article 343 and 351 have has been pro-Hindu as evident in the language used by the makers of our Constitution, the question was balancing national unity with unified Indian nationalism.¹⁶

It is impossible to incorporate all regional languages as official languages, as it would create multiple zones through federalism in the public sector.¹⁷ Although white collar employment opportunities could break out of the zero-sum game through linguistic federalism, providing a strengthened relation with the states.¹⁸

4. THE CANADIAN PERSPECTIVE

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Singh P, “Hindu Bias in India’s ‘Secular’ Constitution: Probing Flaws in the Instruments of Governance” (2005) 26 Third World Quarterly 909, p 918.

¹⁷ Choudhry S, “Managing Linguistic Nationalism through Constitutional Design: Lessons from South Asia” (*OUP Academic* October 1, 2009) <<https://academic.oup.com/icon/article/7/4/577/733731>> accessed May 25, 2020, p 608.

¹⁸ *Ibid.*

The legal protection of English and French is given in s. 133 of the British North American Act, allowing their usage in Parliament and Court proceedings. Followed by a formal framework by the federal government in the Official Languages Act and recognizing and envisaging language rights in the Constitution in 1982 formed an evolution of language rights.¹⁹ These have given rise to conflicts between linguistic minorities and provincial governments. It has given rise to the misconception that the bilingualism is imposed on all Canadians.²⁰ The Official Languages Act 1988 made one change from the Act of 1969 and made it enforceable instead of declaratory.²¹ The nature of this Act is the same as in India when it comes to Parliamentary proceedings and public sector dealings.

Section 41 of the OLA²² sets out the federal government's commitment to

*“Enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development and fostering the full recognition and use of both English and French in Canadian society.”*²³

The promotion of English and French finally received assent on 25th November 2005, giving clear directives to the federal government in three directives primarily promoting positive measures to implement section 41.²⁴

Since 1970, cooperation of the federal government provinces has helped official language minorities to study in their own language, and French and Canadian be a second language.²⁵

¹⁹ “Research Publications” (*Official Languages in Canada: Federal Policy*) <https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201170E#a1> accessed May 25, 2020.

²⁰ *Ibid.*

²¹ *Ibid.*

²² Official Languages Act 1988.

²³ “Research Publications” (*Official Languages in Canada: Federal Policy*) <https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201170E#a1> accessed May 25, 2020.

²⁴ *Ibid.*

²⁵ *Ibid.*

The Department of Canadian Heritage also promotes linguistic duality and harmony between those who speak French and the English speaking, it also raises funds for the same.

Thus, Canada though having less linguistic diversity has probably taken more steps than India in ensuring linguistic harmony, through their Constitution, OLA, and the Department of Canadian Heritage also strengthened through action plans, renewed road maps and reviews.

5. CONCLUSION

India is yet to achieve linguistic harmony and as many have suggested English might be the way forward, as it is impossible to give official status to all languages. It will be a symbolic step if English can be part of the recognized languages in India²⁶ on account of it being a more spoken language and would reduce the apprehensions of non-Hindi states and gradually remove the pre-eminence of English.²⁷ If the identification of the problem of linguistic harmonization can rise above the shadow of colonialism or the weapon of imposed nationalism, with recurrent and enterprising steps, as in the case of Canada, it would be very interesting to see, what is the language of politics on the politics of language.

²⁶ Sen KC, "The Official Language of the Union" (1957) 9 Economic and Political Weekly, p 1365.

²⁷ Ibid, p 1367.

