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***Title: One Nation One Language: A Facilitator or An Inhibitor?,
Authored By: Suparna Mukherjee, Assistant Professor (Law), Christ
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I. INTRODUCTION:

Language is the medium through which one conveys his opinions, emotions, and feelings to the others. Starting from sign language of the Early men to the hieroglyphics of the people of ancient civilizations to the present world having approximately 6900+ languages¹, our interactive potential has progressed much. Our effective words decide how much influential our opinions will be. Language connects people, not difficult at all, especially in a country that shows near homogeneity in language, i.e., countries having one or a few languages accepted and spoken by all its population have a better chance of putting up a unified front. However, a country showing an intense heterogeneity in language can be a tough nut to crack when it comes to choosing a common language from the vast number of diverse languages spoken within its territorial jurisdiction. India is one such epitome of heterogeneity in language with currently 22 recognised major languages included in the 8th Schedule of the Constitution of India, and over 720 local dialects.

Having such diversity as the background, the Constituent Assembly took up the mammoth task of drafting a constitution that would uphold the unity, integrity, and dignity of India on the face of the world. When India gained independence, it comprised of more than 500 princely states and a vast number of additional zamindaris. Over the plague of partition, communal riots and violence, the monumental task of accession of all those princely states to form the Union of India was undertaken with the help of timely strategies, persuasions, and sometimes inevitable threats.² Even before India's independence in 1947, the Constituent Assembly was already formed and the members met for the first time in December, 1946;³ Dr. Rajendra Prasad was

¹ Stephen R. Anderson, How Many Languages Are There in the World, LINGUISTIC SOCIETY OF AMERICA (December, 13, 2020, 21:00), <https://www.linguisticsociety.org/content/how-many-languages-are-there-world>

² Sanchari Pal, The Making of a Nation: How Sardar Patel Integrated 562 Princely States, THE BETTER INDIA (December, 13, 2020, 21:15), <https://www.thebetterindia.com/124500/sardar-patel-vp-menon-integration-princely-states-india-independence/>.

³ Aruna, Indian Polity: Framing the Constitution (1946-1950), AFFAIRS CLOUD (December, 15, 2020, 23:23), <https://affairsccloud.com/indian-polity-framing-the-constitution-1946-1950/>.

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elected as its President and under the Chairmanship of Dr. B.R. Ambedkar, the Drafting Committee was entrusted with task of framing the Supreme Law of Independent India. A thorough perusal of the Constituent Assembly Debates proves the hard work, dedication, devotion, and determination invested by the members of the Constituent Assembly in framing our Constitution. Only when consensus and unanimity regarding each provision in our Constitution were achieved, was the provision accepted and finalised.

II. THE EARLY CONSTITUENT ASSEMBLY DEBATES:

After being ruled over by the Britishers for over 200 years, English had become pervasive in almost all aspects of Indian political and legal systems. However, what India needed at that crucial point was to restore its lost confidence by having an indigenous language, overruling English, which was a thorn in the throat as it reminded the people that we were the slaves of the Colonial Masters. Moreover, the Britishers introduced English in the educational, legal, and political fields merely to have better command over their subjects. Eliminating such a language was what struck in the minds of the framers of the Constitution. Amidst the vast number of languages, choosing one for the status of national language proved to be quite difficult and troublesome. The prime apple of discord was the idea of Hindi as the new common and national language applicable to all after replacing English. This idea caused the Constituent Assembly to divide into the proponents of Hindi speakers and those of the non-Hindi speakers. Neither wanted to yield to the arguments of the other. Among the Hindi speaking group too, there were the Extremists on one hand, who were adamant about only having Hindi in Sanskritised version to be declared as the National Language and completely replacing English in one go; and on the other hand, were the Moderates who thought that till a pre-defined future date, English shall serve as a supplementary official language alongside Hindi, so that the transition would not come as a shock to the people. However, there was a mammoth gap between the consensus of the Hindi-speaking and the non-Hindi speaking people of India. The only midway possible to solve this dilemma was to opt for Hindustani, a language influenced by Sanskritised Hindi, Persianized Urdu as well as some other languages. Not only was this

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language an embodiment of unification of diversities, but also it provided for being available in both Devanagari and Urdu scripts. Before independence, the issue of language was not a bone of contention so much so because nobody was forced to come to terms with and adopt any one language as their National Language⁴. However, 1937 witnessed a violent anti-Hindi protest in Madras when Hindustani was introduced as a compulsory subject in the schools, by Rajagopalachari and P. Subbarayan. It was also contented that giving Hindustani the status of National Language will take away the powers from the hands of the non-Hindi speakers aka the South Indians and shift it into the hands of the North Indians. A debate for determining the official language, inadvertently transformed into a cold war between the North and South. Many amendments were suggested by both the lobbies to strengthen their arguments and points of view. The Hindi-wallahs (the strong proponents of Hindi in the Sanskritised form) suggested that Hindi, not Hindustani be declared as the Official language and English be completely wiped out. Provincial languages were given some chance based on the decision of the provincial legislatures, but that too for few limited years after the commencement of the Constitution. Due to the fresh wound of partition on the Nation's mind, Hindustani, in Persianized Urdu almost became a taboo. Since the people majorly speaking Urdu were given out an entire country based on their religion and language, it was not felt necessary to mandate Hindustani to be written in Persianized Urdu to declare it an Official Language.

III. THE INITIAL TRADE-OFF:

The primary dilemma lied in the definition of Hindustani language. According to Gandhi, Hindustani should neither be exclusively Sanskritised Hindi nor Persianized Urdu, but rather a delightful blend of both, simultaneously admitting words from other languages freely whenever necessary, because to keep oneself restricted to only Hindi or Urdu is an offence against the

⁴ Granville Austin, *The Indian Constitution: Cornerstone of a Nation*; 341 (first published in 1972, 32nd impression, OUP 2018).

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meaning and concept of patriotism.⁵ Thus, it was suggested by Rajagopalachari that the use of Hindustani language be widened by allowing it to be written both in Devanagari and Urdu scripts, thereby paving the path towards making it a National language; because it would then be a language of the majority. However, this measure also encountered a problem. Even though Hindustani was a language of the masses, it was not effectively developed enough to meet the ends of science, politics, and technology. In comparison, Bengali and Tamil appeared to be more developed and suitable to meet the demands of the task but were not widely spoken. The question, thus, faced by the Constituent Assembly was whether to choose a language more widely spoken but less developed or vice-versa.⁶ Hindustani, written in Urdu, was out of the question now. After thorough deliberations and major arguments, the Constituent Assembly realised the fact that while the nation had already split into two based on linguistic basis, there was no need to divide even the Assembly, due to the same disagreement over the language. Thus, as a compromise when the Draft Constitution was presented in the year 1948, English and Hindi were both declared to be the language of the Parliament which could be used in the Provincial legislatures as an alternate option to the respective provincial languages if they chose to do so⁷. Part XVII of the Constitution laid down the provisions related to the official language within the territory of India as a whole and as the Union of States having separate linguistic backgrounds. The provisions clearly stated that Hindi in Devanagari script was declared as the official language of the Union of India⁸ and English shall continue as the second official language for a period of fifteen years after the commencement of the Constitution for the purposes of the Union as it was used before the Constitution came into being.⁹ However the period for the continued usage of English language was allowed to be extended if the

⁵ Volume 8, D. G. Tendulkar, Mahatma; 20 (The Publications Division, Ministry of Information and Broadcasting, Government of India, 1st Edition, January 1954).

⁶ Supra 4, pg. 339.

⁷ Supra 4, pg. 346

⁸ Constitution of India; art. 343, cl. 1.

⁹ Constitution of India; art. 343, cl. 2.

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Parliament deemed it fit. Also, the President was given the power to authorise the usage of Hindi in Devanagari script on top of English language for the official purposes of the Union.¹⁰ It was decided by the Constituent Assembly members that over the period of the next fifteen years, every positive attempt would be made to make progressive advancement in the usage of Hindi language so that it may replace English soon. A Commission was proposed to be formed after the expiration of the said fifteen years, comprising members representing different languages, to make recommendations to the President regarding various aspects and usages of Hindi as the Official language and to limit the use of English as the same for the purposes of the Union and the purposes mentioned under the various provisions of the Constitutions. Also, regional languages along with Hindi were given preference in their respective regions for the official purposes; with the power to the State Legislatures to declare that the usage of English may continue for the same. However, the language of communication among the States or in the High Courts and the Supreme Court proceeding was declared to be the one decided by the Union as the language to be used for official purpose, in other words English. Also, the Governors of the States were empowered to declare either Hindi or any regional language as language for official purposes. Additionally, it was allowed to the citizens to bring forth their grievances in any of the languages spoken within the territory of India and it was directed to the States to not only promote the usage of Hindi as an Official Language but also to assist the people to find their way through the official requirements even when they are using their mother tongues; so that the linguistic minorities could be protected against the avalanche of the majority speakers of one language. Furthermore, Part III of the Constitution¹¹ provided for fundamental cultural and educational rights which included the linguistic minorities and aids in establishing minority language schools. Article 29 ensures the right to the citizens to conserve any distinct language, script, or culture of theirs in any part of India,¹² while Article

¹⁰ Constitution of India; art. 343, proviso clause.

¹¹ The Fundamental Rights.

¹² Article 29(1) says, "Any section of citizens residing in the territory of India or any part thereof having a distinct language, script, or culture of its own shall have the right to conserve the same.

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30 provides for the establishment and administration of educational institutions by the minorities, whether regional or linguistic.¹³

IV. THE INTERMEDIARY ENCUMBRANCES:

Oddly, a language that was considered foreign and a tool that helped the imperials to rule us, was decided to be used as a bridge to unite the Hindi speakers and the non-Hindi speakers. When the debate began to declare or not, Hindi as the official language, Hindustani was found to be the language spoken by the majority of the people; that is approximately 45 per cent of the Indian populace.¹⁴ At the beginning, the Constituent Assembly members were enthusiastic about having an indigenous language to mark the triumph of India over our invaders and hence were least bothered about the types of complications that may crop up once they dive into the technicalities. At a subsequent stage, the nation came face to face with yet another impediment. The debates regarding the status of the official languages aided in the mobilisation and reorganisation of the states on a linguistic basis. What apparently was seen as a struggle to maintain the cultural and linguistic diversity, later became clarified to be really a fight for economic competition. Although there exists a nexus between language and culture, in Indian scenario the impasse related to an official language arose out of the field of white-collar public-sector employment,¹⁵ as it was generally assumed that once a language is bestowed with the status of official language, it must be used across all aspects of activities of the government. The most intense disagreement arose over the language in which the Civil Service Examinations were going to be conducted. Apart from working in the central bureaucracy, these public servants get assigned to work in different state government departments as well, that too at the most senior posts. At the time of India's independence, the civil service

¹³ Article 30(1) says, "All minorities, whether based on religion or language, shall have the right to establish and administer educational institution of their choice.

¹⁴ Census of India, 1951 which reported Hindustani, deriving words from Hindi, Urdu, Punjabi, and many other regional languages of India and also English, spoken by almost 150 million people in India.

¹⁵ Sujit Choudhry, *The Oxford Handbook of Indian Constitution*; 186 (Sujit Choudhry, Madhav Khosla and Pratap Bhanu Mehta, 1st edn, Oxford University Press 2016)

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examinations were held in English. However, the Kher Commission in its report made the recommendation that Hindi should be gradually brought into picture to become the sole language of the examination. This recommendation faced vehement protests from the dissenters who feared that a new form of colonialism of Hindi speakers will plague the country if it is done so, especially in the non-Hindi speaking regions; because of the pivotal functions undertaken by the Civil Servants in the bureaucracy of the States. As the time for the implementation of Article 343 of the Constitution¹⁶ drew nearer, the language of the civil service examination became a bigger bone of contention. Violent anti-Hindi protests were held by the college students in Tamil Nadu, which engendered riots thereby killing approximately 60 people. Although the dissenters have always claimed their arguments to be based on democratic grounds, the controversies mostly surrounding only the language of the Civil Service Examinations prove that such protests had deep roots in economic reasons. The public sector employments were highly in demand from even before the independence. Post-independence, such demands and opportunities increased because of increased level of education, social mobilisation due to jobs, etc. Migration to the urban places for seeking jobs also caused a major shift in the economic paradigm. As such, the choice of a language for getting into a public sector employment created inequality in terms of access and opportunities for those who did not know the language.¹⁷

¹⁶ Article 343 says, “(1) The official language of the Union shall be Hindi in Devanagari script The form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals (2) Notwithstanding anything in clause (1), for a period of fifteen years from the commencement of this Constitution, the English language shall continue to be used for all the official purposes of the Union for which it was being used immediately before such commencement: Provided that the president may, during the said period, by order authorise the use of the Hindi language in addition to the English language and of the Devanagari form of numerals in addition to the international form of Indian numerals for any of the official purposes of the Union (3) Notwithstanding anything in this article, Parliament may by law provide for the use, after the said period of fifteen years of (a) the English language, or (b) the Devanagari form of numerals, for such purposes as may be specified in the law.”

¹⁷ Supra 15.

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V. THE REMEDY:

As a result, a general decision was taken to delay the implementation of Article 343 and Hindi was not adopted as the exclusive language of the civil service examinations. Also, English was retained as an official language notwithstanding the expiry of fifteen years,¹⁸ and a statutory veto was granted on the continued usage of English to the non-Hindi speaking states. After such a remedial measure, very less litigations were seen as to what the language for the inner workings of the Government was. For example, even when English was continued as the language of the IAS examination, the training in Hindi language was still imparted to the civil servants, and even when cases were filed against such training, the Courts have shown no interference by stating that it is not against the Official Languages Act.¹⁹ In fact, since the retention of English was ensured by a Constitutional provision, the Courts also turned down challenges of the Hindi speakers against compulsory English Examination in the Civil Services Examinations.²⁰

VI. THE 3-LANGUAGE FORMULA:

This formula to be applied to the education system was created in 1968 by the Government of India's Ministry of Education and articulated by the National Policy Resolution. Under this policy, it was recommended that in the Hindi speaking states, English, Hindi, and a contemporary Indian Language be taken up; and in the non-Hindi speaking states, English, Hindi, and the regional language be taught. The 3-Language Formula was brought up as a reply to the protests of the non-Hindi speaking states of the South namely, Karnataka, Andhra Pradesh, and mainly Tamil Nadu and when the phrase "contemporary Indian language" was used, it was intended to mean preferably one of the languages of Southern India.²¹ The 3-Language formula traces its origin in the policy made by the University Education Commission in 1948-49. Taking up references from multi-lingual countries like Belgium and Switzerland,

¹⁸ The Official Languages Act, 1967; s. 3.

¹⁹ Union of India v. Murasoli Maran (1977) 2 SCC 416.

²⁰ Dinanath Batra v. Union of India (2019) SCC Online Del 2261.

²¹ "Three Language Formula". Government of India, Ministry of Human Resource Development, Department of Education. Archived from the original on 17 December 2020. Retrieved 19 December 2020.

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the Commission acknowledged the fact that the requirement to study three distinct language is not an exaggerated demand and while modern Hindi had a shorter History and literature content as compared to other languages like Bengali, Punjabi, Malayalam, Marathi, Kannada, Tamil, Telugu and Gujarati; and lacked superiority over them, there was still probability of Hindi gradually overthrowing the reign of English language. Thus, a common language would be available for all to participate in the functions of the nation.²² In 1972, the Gujral Committee, under the Chairmanship of I. K. Gujral, recommended modifications in the formula adopted in the 1968 to protect the interests of the Urdu speaking minorities. The modified proposals were passed on to the state governments in 1984. Subsequently in 1990, the Gujral Committee recommendations were re-examined, and modifications were made. The modifications made were that the languages to be adopted under the 3-Language Formula in the Hindi speaking States to be: (a) Hindi (with Sanskrit as part of the composite course); (b) Urdu or any other modern Indian language and (c) English or any other modern European language. In non-Hindi speaking States, they were: (a) the regional language; (b) Hindi; (c) Urdu or any other modern Indian language excluding (a) and (b); and (d) English or any other modern European language."²³

VII. THE CURRENT SCENARIO:

There were certain flaws in the formula as noted by various academicians. According to Harold F. Schiffman,²⁴ the absence of a concrete National Language will eventually pave way for English to take over as the indispensably instrumental language of India. Similarly, Brian Weinstein, a Political Scientist of Howard University observed that the formula or its directive was followed by neither the Hindi speaking States nor the non-Hindi speaking States. On one hand, Tamil Nadu refused to implement the formula altogether due to the determined attempts

²² Report of the University Education Commission (December 1948 – August 1949) Volume I" (PDF). Ministry of Education, Government of India. 1962. p. 280. Retrieved 19 December 2020. "Every boy and girl must obviously know the regional language; at the same time, he should be acquainted with the Federal language and should acquire the ability to read books in English."

²³ Supra 21.

²⁴ An expert on Dravidian culture at the University of Pennsylvania

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of the former Chief Minister C. N. Annadurai unless the other states adopted it as well, on the other hand the Hindi speaking states bypassed the formula by adopting Sanskrit as the third language to be taught alongside English and Hindi. The old debate over the choice of Hindi as National Language got revived when the Draft of the New Education Policy of 2019 talked about mandating the teaching of Hindi in non-Hindi speaking states. Tamil Nadu was once again swept by stout objections and the Central Government had to drop the reference to Hindi in order to tranquilise the raging beast of hostility.²⁵ The provision was then changed to mean that the students would have the option of changing their language preference in Grades 6 or 7, as long as they are proficient in three separate languages in their Board examinations during secondary schooling; with proficiency at literature level in at least one of the languages. The opinions of the government leaders during the Parliamentary session as well as on the social media in 2021 and subsequently after that, appealing to the citizens to have a harmonisation of Hindi as their “rajbhasha” and their “matribhasha”, to make Hindi as much popular as possible and to accept Hindi as the bridge that connects all the Indians, have also roused angst of the non- Hindi speaking people. However, clarifications have been made to the effect that Hindi should encouraged as a substitute of English and not the regional languages.²⁶

VIII. CONCLUSION:

Since materialistic interests were at the core of such disagreements and not difference in the cultural backgrounds, the Indian Constitution learnt to adapt and the role of English as the peace maker between Hindi and non-Hindi speakers was realised. Also, currently the Eighth Schedule houses 22 languages as Official Language. However, the inclusion or exclusion of any language to and from the Eighth Schedule respectively hardly have any practical impact; for English, although not mentioned in the list, still enjoys the status of Official Language. Similarly, most of the Statutes are required to be maintained in either Hindi or English

²⁵ K. Venkataramanan, What is the Three-Language formula?, THE HINDU (December, 16, 2020, 16:23), <https://www.thehindu.com/news/national/what-is-the-three-language-formula/article27698700.ece> .

²⁶ 37th Meeting of the Parliamentary Official Language Committee, April 7, 2022.

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Languages, and in case of any inability to interpret the true meanings of the provisions, the interpretation gained from the English Language shall prevail. Even in examinations held in primary and secondary, let alone higher, education clearly give the instructions that the meaning of the English language shall be considered in case of any confusion. As such English has clearly become a necessary evil in India since it is not of indigenous origin yet inevitable in the current scenario. The celebrations of Hindi Diwas in India on September 14 and Vishwa Hindi Diwas on January 10 have proved to be the ways to commemorate the increasing influence and impact of Hindi not only in India, but also around the world. However, with the new agenda of “One Nation, One Election” making its rounds across the nation, the debates related to one language are bound to resurface, especially when such measures are taken by many to be the suppression of the diversity existing in India. In a distant future, if we aspire to have a common language which is of home origin, the three-language formula can work if implemented in an effective way. The formula can provide for English, the local language of the state, and “a language unanimously voted for without any regional or linguistic angst, to be the three languages to be taught in school from the primary level. Additionally, if the third language chosen for uniform application is same as the local language of the State, that State should be required to choose a separate distinct language as their third language. The local language can also vary from region to region based upon the dialect used, but the first and third language taught in the schools shall be made uniform throughout the entire territory of India, i.e., English and the voted common Language. In this way, even if the present generations do not have a common language to communicate smoothly, the future generations can be taught to have a common language to express themselves wherever they travel within India. Eventually, after decades of trials and errors, we may have a language known to all Indians which is finally not a foreign one and a reminiscence of our slavery.