

## LANGUAGES AND THE CONSTITUTION: A DETAILED ANALYSIS

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*How shall we promote the unity of India and yet preserve the rich diversity of our inheritance?*

- Jawaharlal Nehru<sup>1</sup>

### ABSTRACT

Unity was what India most needed. A single language would most effectively unite her. However, India had a dozen distinct regional languages, each written in a different script, and none were spoken by the majority of the population. Only about 45 percent of the populace spoke Hindustani, which was described broadly as a bazaar language composed of Hindi, Urdu, Punjabi, and vocabulary from other Indian languages as well as English. The conqueror's language, English, was the common tongue of India in 1946. This in-depth research article will outline the history of the language clause in the Indian Constitution, the official and scheduled languages that are recognized by it, and other important details.

### INTRODUCTION

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*'When people are enslaved, as long as they hold fast to their language it is as if they had the key to their prison.'*

India was a British colony that reigned for a sufficiently long length of time solely for economic reasons. That is why, during an Oxford Union debate, Dr. Shashi Tharoor referred to India as "Britain's biggest cash cow".<sup>2</sup>

When Britain took over India, it enacted laws for its gain, used divide and rule tactics, and even subjected the population to terrible hunger. It could not, however, reign in Indians' mother tongue. Indians decided to preserve their indigenous languages because it was the only way they could feel self-sufficient. The conqueror's language, English, was the common tongue of India in 1946. The emotional power of a national language, an Indian language for Indians,

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<sup>1</sup> The Discovery of India, Jawaharlal Nehru, Penguin Pub. House, 2021

<sup>2</sup> Britain must pay reparations to India. (<https://www.bbc.com/news/world-asia-india-33618621>)

could not be denied. Despite the apparent difficulties of the task, it was politically and psychologically important for the Assembly to find a solution. Not only did the emotional emptiness have to be filled, but Indians had to be able to connect and speakers of each of the regional languages were clamoring for their languages' recognition and status. According to the [1951 Indian Census](#)<sup>3</sup>, almost 150 million people, or roughly 42% of the population, claimed to speak Eastern and Western Hindi, Urdu, Hindustani, and Punjabi, collectively known as Hindustani. In addition, India contains approximately 700 minor languages and dialects. More than 121 languages are still spoken in India, according to the Registrar General and Census Commissioner. The subjects of official language and scheduled languages are addressed in Chapter XVII and the Eighth Schedule of the Indian Constitution, respectively. The Eighth Schedule recognizes 22 scheduled languages in India, which are spoken by about 97 percent of households, according to the 2011 census.

#### **NATIONAL LANGUAGE VS. OFFICIAL LANGUAGE:**

A nation's national language has restrictions to account for different identities and their variances. This is sometimes linked to the nation's goal of having "[One Nation, One Language](#)."<sup>4</sup> Compared to official languages, it is different. Given that Hindi is widely believed to be India's national language, there may be confusion over the distinction between the national and official language in that country. Hindi is listed as one of our regional languages in the Constitution's Eighth Schedule. India does not have a national language; hence it is not our national language. In the case of [Suresh Bhai vs. Union of India](#)<sup>5</sup> in the year 2010, the Gujarat High Court observed, "There is no official record to imply that any provision has been made to consider Hindi as the national language of the country, despite the fact that the majority of people have embraced it as such and that many speak and write in Devanagari." In 1976, the [42nd Constitutional Amendment](#)<sup>6</sup> included the word "Secular". That does not, however, imply that the Indian Constitution was not previously secular. From its inception, it has been secular both in spirit and in the letter. The secular provisions of the Indian Constitution, which are a part of the Basic Structure Doctrine discovered in the case of [Kesavananda Bharati v. the State of Kerala](#)<sup>7</sup>, in the year 1964, are reaffirmed in the [Preamble](#)<sup>8</sup>. In the case of [S.R. Bommai v.](#)

<sup>3</sup> Census of India, 1951, Paper No. 1, Gopaldaswami, R. A

<sup>4</sup> One Nation, One Language ; Legal Services India

<sup>5</sup> GUJ HC, 2010

<sup>6</sup> 42<sup>nd</sup> Amendment , ( <https://legislative.gov.in/constitution-forty-second-amendment-act-1976> )

<sup>7</sup> AIR 1973 SC 961

<sup>8</sup> The Preamble, Constitution of India, Lexis-Nexis, 2021

[Union of India](#)<sup>9</sup>, in the year 1994, secularism was later defined as a component of the fundamental structure. The only reason it wasn't added at the outset by the Drafting Committee was that the people who created the constitution were concerned that the term might be abused to ignore the history of Indian nationalism.

### **OFFICIAL LANGUAGE UNDER PART XVII OF THE CONSTITUTION:**

The official language of the Union, i.e. India, shall be Hindi in Devanagari script together with the international form of the Indian numerals, according to [Article 343](#)<sup>10</sup> of [Part XVII](#) of the Constitution. Nevertheless, English will continue to be used for all official Union purposes for a period of fifteen years starting with the Constitution's inception, or until January 25th, 1965. In addition, the President has the authority to permit the use of Hindi in addition to English for Union government business. It is stated that the parliament may pass legislation allowing for the continued use of the English language for predetermined purposes after the 1967 amendment's addition of a fifteen-year transitional period. The [Constitution \(Amendment\) Bill, 2019](#)<sup>11</sup> was a private bill that was introduced in parliament with the goal of amending Article 343 of the Constitution to include the 22 languages listed in the Eighth Schedule. In addition to Hindi, the 22 scheduled languages were to get the status of official languages.

### **DEVELOPMENTS FOR THE OFFICIAL LANGUAGE OF INDIA:**

At first, there was no language provision in the draught Constitution. However, on September 12, 1948, Constituent Assembly member Shri N. Gopakaswami Ayyangar made a motion to include language provisions. The Consistent Assembly debated the discrepancies in recognizing Hindi as the official language in [Draft Article 301A](#) because people in South India did not speak it as well or as fluently as those in North India did. After the Constitution's inauguration, Ayyangar suggested keeping English as the Union's official language for a while. The linguistic clause was generally referred to as the "[Munshi-Ayyangar formula](#)"<sup>12</sup> after additional discussion of this idea by Constituent Assembly member K.M. Munshi. Hindustani was also discussed as a possible replacement for Hindi in the Assembly since several of the members were impressed with the adaptability and morality of the language. Intense debates were placed over whether or not to embrace international numerals. Some sides argued that

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<sup>9</sup> 1994 AIR 1918, 1994 SCC (3)

<sup>10</sup> PRS India, Constitution (Amendment) Bill, 2019

<sup>11</sup> Constituent Assemble Debates, Article 301 A

<sup>12</sup> The Forgotten Founders of India, The Economic Times, Vikram Raghavan , 2020

doing so would promote universality, while others insisted that national numerals should be presented to the world first in order to gain support on a worldwide scale. Sanskrit was also considered the official language at the same time because it predominates in Hindi. As a result, a transitional period of fifteen years was inserted to allow English to be replaced with Hindi. In the end, the house decided to preserve Hindi as the official language with the Devanagari script rather than outright reject its usage for official Union purposes. The Union is required to support the development of the Hindi language in order for it to be used as a means of expression for cultural assimilation, which is another goal that is supported by [Article 351](#).<sup>13</sup> Additionally, under the condition that two or more states agree, [Article 346](#)<sup>14</sup> of the Constitution permits Hindi to be used in interstate communications. The language that is authorized for use in the Union for official purposes is typically the language of communication between the states and the Union. The English language must continue to be used for official purposes until otherwise allowed by law under [Article 345](#).<sup>15</sup> Within the state, the Legislature may adopt any one or more of the languages or Hindi for its official purposes. However, the President may still order the use of other languages that are significantly spoken by a significant section of the population in accordance with [Article 347](#).<sup>16</sup>

## THE EIGHTH SCHEDULE

The Constitution's [Eighth Schedule](#)<sup>17</sup> and [Article 344](#)<sup>18</sup> adequately represent and recognize India's linguistic diversity. The 22 languages as recognized by the Eighth Schedule are:

<b>Languages of India</b>					
<b>Schedule 8 of the Constitution of India</b>					
<b>As per Articles 344(1) and 351 of the Indian Constitution, the eighth schedule includes the recognition of the following 22 languages</b>					
<b>Sr.</b>	<b>Language</b>	<b>SR</b>	<b>Language</b>	<b>SR</b>	<b>Language</b>
1	Assamese	8	Kashmiri	15	Odia
2	Bengali	9	Konkani	16	Punjabi
3	Bodo	10	Maithili	17	Sanskrit
4	Dogri	11	Malayalam	18	Santhali
5	Gujarati	12	Meital (Manipuri)	19	Sindhi
6	Hindi	13	Marathi	20	Tamil
7	Kannada	14	Nepali	21	Telugu
22	Urdu				

TS.27.11.2020

<sup>13</sup> The Constitution of India, Lexis-Nexis, 2021

<sup>14</sup> *Ibid*

<sup>15</sup> *Ibid*

<sup>16</sup> *Ibid*

<sup>17</sup> 8<sup>th</sup> Schedule, The Constitution of India, Lexis-Nexis, 2021

<sup>18</sup> *Ibid*

According to linguistic criteria, these languages have been included. The same reason has been used to exclude others. According to Article 344 of the Constitution, the President shall, by order, establish a Commission, consisting of a Chairman and such other members representing the various languages indicated in the Eighth Schedule, five years after the Constitution's inception and ten years after such inception.

The Commission has been given the responsibility to advise the President on a variety of issues, including the gradual adoption of Hindi for official Union purposes, restrictions on the use of English for all or any of those purposes, and issues pertaining to the use of official languages for interstate and intrastate communication, to name a few. As long as the claims of the non-Hindi speaking population are taken into account, and proper consideration is given to India's advancements in industry, culture, and science. The fact that English is not listed as one of the languages in the Eighth Schedule is important to note. Before the Constitution was put into effect, the official business of the Union was conducted in English, the colonizers' language. This was something the constitutional framers wanted to keep going. The English language was well-known in other regions of the world at the time the Constitution was written, thus this was not the sole factor.

### **WHY OFFICIAL LANGUAGES IN INDIA NEED TO BE RECOGNIZED?**

The Constituent Assembly agreed to the Munshi-Ayyangar formula as a sort of compromise since, in the first place, it was required in contrast to the demands of the various communities to have their language recognized. Second, this compromise provided stability at a time when the nation was struggling to regain the independence and identity that colonization had long since robbed it of. The nation had only recently declared its independence from British authority. This meant that rather than a rapid acknowledgment of many regional languages, the objective was to settle on one language that was spoken and understood by the majority. At the same time, it was not possible to instantly forget and abandon English, the foreign language and the language of the colonizers. The need for English was established because now India had to stand firmly on a global stage as well. It is crucial to accord them the recognition they deserve because, in many areas of the country, the inhabitants may be identified by their own linguistic identity. With more than 121 crore people living in India, there may be conflict amongst the communities due to the non-recognition of their language due to the diversity of languages and mother tongues. Understanding that cultural and linguistic norms may coexist

goes a long way toward achieving national stability, which was the dream of our framers of the constitution.

In addition, India chose the **Three-Language System**<sup>19</sup> to allow for the flexibility that comes with recognizing Hindi, English, and a modern Indian language in a state where Hindi is the primary language and substituting the Indian language for Hindi and English in a state where Hindi is not the primary language. The **National Education Policy of 1968**<sup>20</sup> allowed for its addition.

## ISSUES WITH THE ADOPTION OF DIFFERENT LANGUAGES

### 1. Linguistic Chauvinism:

With the adoption of different languages, the idea of “One Nation, One Language”<sup>21</sup> surfaced and it even questioned the federal structure of India. The National Education Policy 2020 has also advocated for maintaining the three-language approach. But Tamil Nadu has refused to accept this formula because language is a state topic. Tamil and English are the official languages of the state of Tamil Nadu, and the administration of that state has been operating under this dual-language policy. The majority of states have rejected this formula, which may have been viewed as a means of preserving interstate contact.

### 2. The English-Hindi class divide:

English is thought of as the language of the wealthy and a symbol of prestige, which is a predetermined assumption. Although English is widely acknowledged throughout the world, it is connected to privilege in education and upper-class status in India. Since not everyone in India has access to a decent education, it is unreasonable to expect everyone to speak English well or at all.

At the same time, the social and economic disadvantages people face due to this English-Hindi divide are very normal to see. Almost every other job, post, or vacancy asks for English proficiency, at least for the understanding part and some to the extent of speaking and writing the language as well. Those who are not well-versed with the language or have never spoken

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<sup>19</sup> Three-Language Formula, K. Venkataraman, The Hindu - 2019

<sup>20</sup> NEP, 1968 – Ministry of Education, Govt. of India

<sup>21</sup> One Nation, One Language, Legal Services India, 2019



or understood it find it difficult to survive in these present times and this creates a social fear in the minds as well.

### 3. Criteria for “Official language” as per Eighth Schedule:

There are additional problems with the designation of scheduled languages, such as the lack of uniform standards for determining which languages should be given constitutional protection. As long as this persists, refusing to recognize other languages like Bhojpuri, Gujjar, English, and Rajasthani, to name a few, becomes discriminatory. Since the Indian Constitution does not support majoritarianism, individuals in India speak these languages regardless of whether there are a majority or minority of speakers<sup>22</sup>.

## CONNECTING DEMONETIZATION WITH LANGUAGE IMPERIALISM

On 8<sup>th</sup> November 2016, demonetization<sup>23</sup> was announced in India. All the banknotes of the Mahatma Gandhi series valuing Rs. 500 and Rs. 1000 were stripped of the status of legal tender in India. The announcement of a change of national currency and new notes and coins was done. The government claimed that these banknotes were demonetized to combat corruption and the inflow of black money into the market. Finally, new banknotes with Devanagari numbers alongside international numerals were launched into the market. People were outraged by this decision because Devanagari numerals had never been used before. The reason for this outrage was that the Indian Constitution's Drafting Committee advised using international numerals for uniformity. The Devanagari script was employed on the new banknotes even though the government hasn't discontinued the usage of [international numerals](#).<sup>24</sup> In India, special recognition for a particular language has not been granted for a very long time, which has led to tensions within the community. However, this action goes against what the Constitution's creators intended. The new action represents cultural imperialism.

## CONCLUSION

India is a country noted for embracing various linguistic and cultural identities. The delicate balance between pleasing everyone and insulting no one has been upheld up until now. On the other hand, recent moves to include Devanagari numbers in the new notes appear to have

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<sup>22</sup> PRS Legislative India

<sup>23</sup> Demonetization in India, Drishti IAS, 2020

<sup>24</sup> Demonetization's impact by the numbers, The Mint, 2016

political undertones. The non-usage of Devanagari numerals is a new problem because their usage of it raises concerns since it implies preferential treatment, which has long been discouraged by the Munshi-Ayyangar formula. The only rational way to preserve diversity, according to the constitutional frameworks, was to envision India, or Bharat, as homogenous. In order to provide impartiality and uniformity, it is also recommended that the government create criteria for choosing a particular language to be included in the Eighth Schedule. As a result of having to meet the requirements for such recognition, this will also help quell demands from groups seeking constitutional recognition of their language. For the time being, it is reasonable to expect the administration not to upset the long-established equilibrium enshrined in the Constitution.

