



## **Inclusion of Linguistic Minorities in Education: The Indian Dilemma**

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### **Abstract**

*This paper examines the provision for inclusion of linguistic minorities in India by presenting an overview of the existing linguistic diversity in India and the historical background that has contributed to the present diversity. It also examines the National Language Policy and the States Re-organisation which have contributed to the political identification of majority-minority linguistic groups. In addition to this it also outlines the Constitutional rights and safeguards guaranteed by the Constitution.*

*What lies at the core of Indian Constitution is that all communities should co-exist as equals despite cultural backgrounds. But, just by granting equality to people would by no means solve the problem. The minority communities needed special Constitutional rights to lead a life of liberty in order to follow and to protect their own cultural identity. For instance, the minority religious communities and linguistic minority communities needed liberty and protection to follow their own religious practices and beliefs and to promote their identity through their respective languages. Therefore the Constitution linked "equality for the individual with equality for diverse communities".*

**Keywords:** *Linguistic Minority, Constitutionally rights, Language Policy.*

Participation of minorities in various areas of life is essential for the development of a truly inclusive society. It is through effective participation that a person belonging to a religious minority expresses and protects her or his identity. Measures required to improve participation of minorities in social, cultural and political life are to take into account the historical, cultural and religious contexts of a given country. Notwithstanding distinctions in circumstances, certain practices or initiatives that work in a given context may be drawn upon in another, and prove to be effective.

Language is one of the most debated topics in Indian education. Being a democratic, multilingual country, India and its educators are constantly grappling with the issue of what languages should be the media of instruction, particularly with reference to speakers of

minority languages, some of which lack standardized written forms. India's linguistic diversity can be attributed to:

- (i) Different waves of invasion and colonialization (the Aryans, the Mughal, the Portuguese, the British)
- (ii) Free migrations within and between the different states and union territories;
- (iii) Political influences leading to the linguistic reorganization of states following Indian Independence in 1947; and
- (iv) Presence of different ethnic and religious minorities distributed throughout India (Buddhists Jains, Sikhs, Muslims, Christians, Zoroastrians, and others).

In a democracy such as India, where people are divided in terms of religion, language, caste, race, culture, and socio-economic factors, one of the tasks of the framers of the Constitution of India was to devise safeguards for the country's different minorities. At the time (1950), the demographic scene presented a peculiar composition. There were politically recognized minorities, often with religious identities, such as the Sikhs, Muslims, Christians, Parsees and Anglo-Indians (born of mixed marriages between the English and Indians). In addition, a very large number of other cultural and linguistic groups, could be distinguished within the population and often demanded to be recognized as scheduled castes and tribes.

In the case of India, in addition to religious and ethnic minorities, one can also identify different types of linguistic minorities:

- (i) Speakers of minor languages (languages not included in schedule VIII of the Constitution);
- (ii) Speakers of major languages who become minorities as a result of migration (e.g., Telugu migrants in the Kannada-speaking state of Karnataka);
- (iii) Speakers belonging to scheduled castes and tribes (e.g., Gondi, Santhali, etc.);
- (iv) Religious minorities, e.g., Urdu speaking Muslims all over India
- (v) Linguistic minorities who speak major languages but are a minority because they lack numerical strength in their jurisdiction of residence (e.g., speakers of Sindhi, Kashmiri, etc.); and, finally,
- (vi) Ethnic minorities (e.g., Anglo-Indians, many of whom claim English as their native language).

#### **Protection offered to Linguistic minorities in the Indian Constitution**

The problem of the minority arises only in a democracy, observed Professor Humayun Kabir, "... There can be no question of minorities except in a democracy. Unless there is a democracy the problem would not arise in that form at all" (quoted in Kumar 1985: 9). The

framers of the Indian Constitution were well aware of the complexity of the minority problem in India, and the divisiveness that could result in a newly independent country if the safeguards for the minorities were not clearly spelled out. The fundamental rights are guaranteed to the citizens as a whole. This means that these fundamental rights (including the right of all citizens to maintain their languages, establish their own schools, etc), are available to every citizen of India regardless of their caste, creed, sex, language, race, or culture. Political and social rights are guaranteed to all the citizens. In order that no section of citizens suffer by whims and caprices of the majority, the Constitution has further provided not only basic rights to the minorities but also such rights as would help them conserve their religion, culture and language (Imam 1972: 81). Special rights for the minorities have been designed in the constitution to bring about equality by ensuring the preservation of the minorities institutions and by guaranteeing to the minorities autonomy in the matter of the administration of these institutions. Measures taken for protecting minorities are important.

**Article 29 :** Article 29 promises protection of interests of minorities by declaring that the minorities have a right to conserve their culture, language and script. It also prohibits any kind of discrimination on the basis of religion, race, caste and language.

***Protection of interests of minorities***

1. Any section of the 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.
2. No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them (Benedikter, 2009: 65).

**Article 30:** Article 30 provides protection against discrimination in receiving government grants for the purpose of education. It also guarantees religious and linguistic groups the right to set up and provide education in their own languages. This article also enables the linguistic minorities to claim state aid in order to set up and run educational institutions effectively.

***Right of minorities to establish and administer educational institutions:*** All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

In making any law providing for the compulsory acquisition of any property of any educational institution established and administered by a minority, referred to in clause 1, the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause. The State shall not, in granting aid to educational institutions, discriminate against any

educational institution on the ground that it is under the management of a minority, whether based on religion or language (Benedikter, 2009: 66).

Owing to the ambiguity of this article, The Supreme Court of India on October 31, 2002 decided that 'minority' within the meaning of Article 30 is as follows, "for the purpose of determining the minority, the unit will be the State and not the whole of India. Thus, religious and linguistic minorities, who have been put at par in Article 30, have to be considered State-wise" (Mallikarjun, 2004).

Article 30 is a special right conferred on the religious and linguistic minorities because of their numerical handicap and to instill in them a sense of security and confidence, even though the minorities cannot be per se regarded as weaker sections or underprivileged segments of the society (Mallikarjun, 2004).

However, unfortunately both these articles provide linguistic minorities with minimal protection. Furthermore, the articles are only declarative in nature therefore it does not mean that states must recognise that language. Hence, there is no official pressure whatsoever on the states to either establish educational institutions or provide education to linguistic minorities through their mother tongue (Benedikter, 2009:66).

**Article 347:** Article 347 specifies that if there is a demand from a linguistic minority community, then the President can invite the respective State to recognise their language as a co-official language, but does not clearly explain what is meant by a "substantial proportion". This article also declares that minority languages can also be used for official purposes (Benedikter, 2009: 67).

***Special provision relating to language spoken by a section of the population of a State***

On a demand being made in that behalf the President may, if he is satisfied that a substantial proportion of the population of a State desires the use of any language spoken by them to be recognised by that State, such language shall also be officially recognised throughout that State or any part thereof for such purpose as he may specify (Benedikter, 2009: 67).

***Article 350***

***Language to be used in representations for redress of grievances:*** This article guarantees the linguistic minorities the right to use a language they understand for redress of grievances.

Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be

In addition to this right, in 1956, through the 7th Amendment, two articles addressing the linguistic minority issues were further added.

**Article 350 (A)**

**Facilities for instruction in mother-tongue at primary stage:** It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities (Benedikter, 2009: 68).

**Article 350 (B)**

**Special Officer for linguistic minorities**

1. There shall be a Special Officer for linguistic minorities to be appointed by the President.
2. It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Governments of the States concerned (Benedikter, 2009: 68).

These provisions are unique in their thoroughness and seek to accommodate the interest of linguistic minorities. When provisions under Articles 29 and 30 are considered along with other provisions in the Chapter of Fundamental Rights and elsewhere in the Constitution safeguarding the rights of religious, linguistic and racial minorities, it becomes clear that the sole purpose of these provisions is to give linguistic minorities the right to preserve and develop their language and to facilitate teaching in mother tongue to their children in early ages. But the minority status of the language in an area does not have a bearing on the social and economic status of those who speak the minority language. In fact every State has speakers of minority languages though the percentage of speakers varies greatly from State to State. For example, 30 percent of the population of Tripura speaks minority languages but in Kerala they constitute a small percentage. Some States have no regional/principal language. Thus, Nagaland and Arunachal Pradesh have a large number of languages but none of them is in a position to claim the title of regional/principal language. Meghalaya has two nearly balanced languages, Khasi and Garo, along with other minority languages. The States have usually declared the majority language as their official language and a State may have more than one official language, with each language serving a specifically designated purpose or being used in a certain specified region.

The Indian Union consists of 28 States and 7 Union Territories with a population of approximately more than one billion. Language Census has been a part of Indian Census and Census 1991 lists 216 mother tongues with a total number of speakers of 10000 or more at all India level grouped into 114 languages. The question of reorganisation of States of the Indian Union on linguistic basis led to the appointment of States' Reorganisation Commission on 29.12.1953. Based on the report of this Commission, a number of unilingual States were formed in the year 1956. It seems the main motivating force behind this scheme of re-distribution of States' territories was the idea of reducing the number of linguistic minorities by bringing people together who speak a common language. However, the reorganisation of States on linguistic basis could not solve all the problems of linguistic minorities simply because different States are basically multi-lingual.

The reorganisation of States as political and administrative units on linguistic basis also failed to reduce the conflict between the majority language speakers and minority language speakers. In fact, as reflected in the First Report of the Commissioner for Linguistic Minorities:

“The division of States on linguistic basis has given rise to the inevitable result that the regional language should gain prominence and should in course of time become the official language of the State. The other languages which are the mother-tongue of the minority communities living in the State, naturally do not get equal prominence or status. The result is that those whose mother-tongue is the minority language have not only a sentimental grievance but also certain practical difficulties and inconveniences from which they suffer”.

**Conclusion:** It was speculated that linguistic diversity would lead to a breakup of India in the 1960's and 1970's because it was believed by many political analysts that such a linguistically diverse environment, and the political and religious division which it both mirrored and encouraged would overwhelm any unifying sense of nationhood (Mahajan, 2010: 112). It was believed that political compromises (such as the Linguistic Re-organisation of the states) provided only a “thin sort of unity” to groups. If the pessimistic predictions of the analysts have been proven wrong it is only because the presence of diversity has not only been acknowledged but deeply valued by the Indian government (Mahajan, 2010: 112).

Although the framers of the Constitution of India always intended to make room for all of its linguistically, religiously and ethnically diverse communities and to make special provisions related to language (Mahajan, 2010: 112), the initial proposition to promote Hindi as a National Language was not only unpopular but dangerous (leading to many riots) because

many people in the south and other parts of India believed that it would impose on them a northern identity. The government responded by modifying the National Language Policy. Hindi was made an “Official” rather than the National Language; English was made an Associate Official Language; and other regional languages were given official language status in order for them to exist equally along with the other two official languages (Amrithavalli and Jayasheelan, 2007: 81). The Linguistic Re-organisation of states into linguistic entities was another step towards promoting and maintaining linguistic diversity, so that linguistic minorities should be offered opportunities for political and economic growth with no feeling of discrimination or neglect (Sengupta, 2009: 19). Another initiative (a result of many years of planning) was the Three Language Formula (TLF) in education, devised in order to encourage and preserve linguistic diversity by providing linguistic minorities means to acquire link languages and also to guarantee them the right to education in their own mother tongue. Therefore, it can be concluded that formulation of rights and provisions in the Constitution, formation of states on the linguistic principle and also the formulation of the education policy were all at least moderately successful attempts by the Indian government to ensure effective integration of linguistic minorities into the mainstream by guaranteeing them equal rights.

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