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CROSS CULTURE COMMUNICATION AND THE SINGLE MARKET: A COMPARATIVE STUDY OF LINGUISTIC DIVERSITY COOPERATION IN THE EU AND INDIA

AUTHORED BY - ANANYA KOCHHAR

ABSTRACT

Cultural imperialism has historically favoured “Hindi” as the official language of the Indian subcontinent. While linguistic diversity is advocated through the unique multilingualism prevalent in both India and the European Union (EU), there is a lack of an all-inclusive strategic framework, solely on linguistic grounds. This research note attempts to review the current policies, principles and legal statutes that promote synergy of linguistic diversity in the EU and India. It provides a comparison analysis as to how formal endeavours have been made by both entities to preserve linguistic and, by extension, cultural rights in multifarious grounds, including intellectual property, minority languages, education, and healthcare.

INTRODUCTION

In order to understand the extent of contrast between the linguistic diversity and conservation between the European Union and India, it is worthwhile to mention the historical and political organisation of the two entities. While Indian constituent states have cohered and abide by a constitution since Independence, the EU, despite having a constitution, is not a state.

Both entities showcase analogous aspirations in matters of linguistic diversity. The European Union, according to Article 3(3) of TEU (Treaty of European Union¹), aims to protect linguistic diversity and avert any form of language-based discrimination (Article 21, Charter of Fundamental Rights).² Likewise, various legal precedents such as *Union of India v. Murasoli Maran*³ and *Kanhaiya Lal Sethia & Another Versus Union Of India & Another*⁴, and

¹ European Union, Treaty on European Union (Consolidated Version), ART. 3(3), Treaty of Maastricht, Official Journal of the European Communities C 325/5; 24 December 2002, 7 February 1992

² CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, art. 21, 2012/C 326/02

³ Union Of India & Ors. Vs. Murasoli Maran, (1977) 2 SCC 416

⁴ Kanhaiya Lal Sethia & Another Versus Union Of India & Another, (1997) 6 SCC 573

constitutional safeguards in the Indian Constitution including the VII⁵ and VIII Schedule⁶, Article 343-348 of the Indian Constitution⁷ and the preservation of the script, culture and *language* within its territories under Article 29⁸ and 30⁹.

Moreover, both the *Indian state and the EU are multilingual institutions* in the sense that both are working towards the progress of multiliteracies and pluralism, in languages, educational discourse, globalisation and state action¹⁰. While the EU preserves multilingualism by virtue of **Articles 2-6 of the TFEU**¹¹ (Treaty of the Functioning of the EU), India does the same through the lists mentioned under **Schedule VII (union, state, concurrent)**.

To prevent language from being used as an instrument of *categorical class-based discriminatory classification*, linguistic inclusion in public policy, domains of power and technological adaptation are necessitated.

CRITICAL ANALYSIS

Preservation of language and culture, by extension, is the preservation of linguistic and cultural minorities. Language being one of the most rudimentary bases of one's identity, it is only safe to assume that the state and the union take proactive measures to protect one's right to life and personal liberty¹²¹³, and the manner in which one intends to express themselves. This section of the essay primarily streamlines itself to provide a comparative account of language policy between India and the EU in 4 aspects, namely:

- a) Intellectual Property
- b) Legal Protection of minority languages
- c) Education
- d) Healthcare

⁵ INDIA CONST. Schedule VII

⁶ INDIA CONST. Schedule VIII

⁷ INDIA CONST. art. 343-348

⁸ INDIA CONST. art. 29

⁹ INDIA CONST. art. 30

¹⁰ Dendrinis, B. (2018). Multilingualism language policy in the EU today: A paradigm shift in language education. *Training, Language and Culture*, 2(3), 9-28. doi: 10.29366/2018tlc.2.3.1

¹¹ Consolidated Version of TFEU, ART. 2-6., 2008/C 115/01 (2007)

¹² Convention for the Protection of Human Rights and Fundamental Freedoms, ART. 6, 213 UNTS. 222, 3 September 1953.

¹³ INDIA CONST. art. 21

a. Intellectual Property

European Union

In accordance with **Article 118(2) of the TFEU**¹⁴, a formal institutionalisation of language policies requires a unanimous and undivided support from the European Council, following consultation with the European Parliament. This provision also formulates a different legal substructure for the establishment of European Intellectual property rights. The EU's inherent capacity to take action for an inclusive language policy for IPR arrangements is dependent upon whether there are any impediments that can hinder it from fulfilling its responsibilities. On 4th December 2009, the EC provided for an **“Enhanced Patent System in Europe.”**¹⁵ Any regulation to be adopted under this system requires a unanimous approval of the council in accordance with Article 118(2) of the TFEU.

India

Although India is considered a land of vibrant cultural and lingual diversity, with equal recognition to the culture and script of all its states, it fails to hide its inclination towards Hindi and English, providing a subordinate status to the other linguistic identities. Prevalence of IP laws, but not an explicit protection of IPR under the Constitution, disregards one of the most fundamental protections that needs to be democratised and accessible to the citizens today¹⁶. To date, Intellectual Property Rights can only be registered in two languages, Hindi and English. The question that arises from this paradox is that *where does the boundary lie? What area, according to lawmakers, is conceived to desire a linguistically inclusive dimension?*

b. Legal Protection of minority languages

European Union

The **CFR (Charter of Fundamental Rights)** forbids linguistic discrimination under **Article 21**¹⁷; however, challenges will arise. Apart from the CFR, the European Charter for Regional and Minority Rights (ECRMR) lacks legal enforceability and proceeds to

¹⁴ Consolidated Version of TFEU, ART. 118(2)., 2008/C 115/01 (2007)

¹⁵ Lamping, (2011), *A Proper Approach to Market Integration in the Field of Unitary Patent Protection?*, International review of Intellectual Property and Competition Law, Vol. 42, Pg. 5

¹⁶ Hirsh, J., *Populism and the Global Governance of Intellectual Property. New Thinking on Innovation*, p.143.

¹⁷ CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, art. 21, 2012/C 326/02

exclude immigrant languages.¹⁸ The **Roma community** continues to face persecution on linguistic grounds on the behest of Greece's policy to prohibit Pomaks and Roma from receiving education in their respective languages.¹⁹ This accentuates the cause of an enhanced enforcement mechanism aimed at safeguarding the rights of linguistic minorities. Preserving one's language is enshrined under **Article 1 of the Universal Declaration of Human Rights**.²⁰ Further, **Article 27**²¹ of the UDHR enshrines the right to freely participate in the cultural life of the community and the arts.

India

Article 350B of the Indian Constitution²² provides for the appointment of an officer for the preservation of linguistic minorities in India. **Articles 29 and 30** preserve the right of minorities to "have a distinct language, script and culture"²³ of their own. The *rationalisation* of languages, which disregards smaller languages over ones that are widely spoken, marginalises communities and creates cultural divides. Through projects like **SPPEL (Scheme for Protection and Preservation of Endangered Languages)**, the Government of India is attempting to provide legal protections for safeguarding minority languages.

c. Education

European Union

The terminologies used to distinguish a language of higher status than others by the use of '**foreign languages**', '**official languages**' or '**community languages**' is in itself a problematic concept.²⁴ There has been a shift towards multilingualism as evidenced by initiatives like **Erasmus+**²⁵ and the **MT+2 policy**. The EU's CEFR (Common European Framework on Languages) focuses on plurilingual education, incentivising

¹⁸ Mainstreaming Equality and Diversity in European Union Law and Policy Current Legal Problems (2005) 58 (1): 255

¹⁹ *The Right of Roma Children to Education*, 2011, UNICEF, Available At:

<https://www.unicef.org/eca/media/1566/file/Roma%20education%20postition%20paper.pdf>

²⁰ art. 1, Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948); *hereinafter*, UDHR.

²¹ art. 7, Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948); *hereinafter*, UDHR.

²² INDIA CONST. art. 350B

²³ INDIA CONST. art. 29

²⁴ Antunes F (2016) Economising education: From the silent revolution to rethinking education. A new moment of Europeanisation of education? *European Educational Research Journal* 15(4): 410– 427.

²⁵ Oborune, K., 2013. Becoming more European after Erasmus? The impact of the Erasmus programme on political and cultural identity. *Epiphany. Journal of transdisciplinary studies*, 6(1), pp.182-202.

lingual diversity and its inclusion.

India:

The language policy in India has undergone a transformation not solely through the Union's policies, but also according to the societal aspirations and growing demands. While there is a **Three Language Formula (TLF)** in India²⁶, which is sort of similar to the ML+2 policy of the EU, *English and Hindi* are still the mandated languages in the educational curricula, with the third language being the regional mother tongue of the state. Constitutional safeguards include **Article 350(a)**, which provides for linguistic minorities to be taught in their mother tongue during primary education²⁷. **Articles 29 and 30** also protect the regional language of a state, allowing minority groups to establish and run institutions in their own medium of instruction.

d. Healthcare

European Union

Healthcare, like in the Indian union, is a 'state' subject in the EU. This implies that in EU, the member states have autonomy over their language policy that governs the healthcare system in their territories.²⁸ **European Council Directive number 93/42/EEC**²⁹ gives authority to the EU member states to make medical services available in the national language of the country or any other EU language. However, the language of information has to be communicated and notified to ascertained bodies. The directive is, however, ambiguous regarding the governing principles that influence the linguistic choices of the notified entities.³⁰

India

Widespread poverty and illiteracy in the Indian subcontinent give **prominence to regional minority languages** being referred to over Hindi or English³¹. The language

²⁶ Pattanayak, D. P. (1984). Multilingualism And Language Politics In India. *India International Centre Quarterly*, 11(2), 125–131. <http://www.jstor.org/stable/23001652>

²⁷ INDIA CONST. art. 350A

²⁸ Mainstreaming Equality and Diversity in European Union Law and Policy *Current Legal Problems* (2005) 58 (1): 255

²⁹ European Council Directive number 93/42/EEC

³⁰ KRISZTIÁN, Anna, The legal regulation of linguistic diversity in the European Union : between rights and governance, Florence : European University Institute, 2024, EUI, LAW, PhD Thesis - <https://hdl.handle.net/1814/76738>

³¹ Narayan L. Addressing language barriers to healthcare in India. *Natl Med J India*. 2013 Jul-Aug;26(4):236-8. PMID: 24758452.

of instruction in medical schools has, however, been primarily English. This created a language barrier as students who have not been taught in an English medium school have to grapple with multiple obstacles: understanding a language they're insecure about and getting accustomed to the cast syllabi.³²

SUGGESTIONS AND CONCLUSION

Media, as an upcoming means of social awareness, has been utilised by the EU and India to propagate the linguistic ideologies using legal and financial measures. However, the recent **polarisation of communities**, be it at the national level or international level, brings party politics to the heart of language preservation.³³

There needs to be a **shift from the monolingual prototypes** in the education system. In fact, a reformed pedagogical system needs to be put in place, which;

- a) prepares the citizens, both at the national and EU levels, to cultivate the languages they are already equipped with as their regional identity, and
- b) and where they are being educated on as a means to an end, preparing, not enforcing upon them, language that will provide them a competitive edge in this fast-paced century.

The **role of media** to provide diversified and inclusive multilingual content, including folklore, cinema and music, is pertinent to make them mainstream. The government at both levels should invest in cultural programs and competitions, leveraging international cooperation and harmony among states. The **power of social media** should be harnessed for the better. Celebrities and influencers, especially those who are representatives of minority lingual groups, should use their platforms and outreach to spread the message of the importance of diverse languages and the necessity to preserve them.

Vocational training programs should be organised to tailor various dialects and vernaculars which is ubiquitous to a region, thereby preserving the heritage and opening doors for more economic opportunities.

³² Smitha Nahir, *Why medical courses in non-English languages will burden students and create barriers?* Scroll.in, 29 Oct 2022. Available at: <https://scroll.in/article/1036104/interview-why-medical-courses-in-non-english-languages-will-burden-students-and-create-barriers>

³³ Friedrich, P. (1962). Language and Politics in India. *Daedalus*, 91(3), 543–559. <http://www.jstor.org/stable/20026727>

For future generations, policy makers must prioritise the preservation and promotion of linguistic rights, stemming from legal instruments such as **Article 27 of the ICCPR (International Covenant of Civil and Political Rights)**³⁴, which prescribes that minorities to profess and propagate their own culture and language. Such historical statutes should not go obsolete, but should serve as the foundational principles for the contemporary generations to build upon.

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³⁴ ART. 27, UN General Assembly, *International Covenant on Civil and Political Rights*, United Nations, Treaty Series, , vol. 999, p. 171, 16 December 1966, <https://www.refworld.org/legal/agreements/unga/1966/en/17703>

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