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# **LANGUAGE AND DIVISIVE POLITICS: A STUDY IN THE REALM OF LAW**

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## **Abstract**

Diversity in the field of culture, religion, ethnicity and language is the biggest characteristic of India. The main reason for this is India's long history and being home to different cultures, castes and religions. Historical development has increased India's diversity in all fields. In a multilingual society like India, many languages are used in daily life. One language may be preferred in the domestic and friendship sphere, another for administration and work, and a third for religious discourse. Another characteristic of languages in India is that, generally, there is no direct relationship between languages and religions and subcultures. As a mixture of different cultures, there is no particular language that can be considered dominant in every state of the country. Thus, India has no national language. However, the languages spoken in different regions play important roles socially and economically in the lives of people. In this paper, I will discuss language as a divisive factor.

**Keywords: Culture, religion, language, Constitution, Constituent assembly**

## **Introduction:**

India is known in the world since ancient times because of its brotherhood, unity and integrity. The language of any country is the identity of its civilization. The progress of a country is judged on the basis of language and literature. Language is the basis of human emotions in our feelings. It is the best medium to increase friendship and brotherhood. It is because of language that our society, our country and the whole world are tied together. Language is the string of pearls which is stringing the entire world. Just as the string breaks and the pearls scatter. Similarly, when there is any dispute due to language, our country also starts disintegrating. Because India is a country of unity in diversity, people of different caste, religion and culture live here, due to which it is natural to have diversity in their languages. There are many people in our country. Languages are

spoken, especially Hindi, Urdu, English, Tamil, Telugu, Kannada, Malayalam, Gujarati etc. and all people are free to promote and preserve their language. Unity in diversity is a truth in India, similarly, a bitter truth is that on the basis of language, But the country was divided into many separate states and many states came into existence on the basis of language. There were many disputes between the northern and southern states on the question of language. Many violent and non-violent movements also took place due to language. To achieve independence, Later, the reorganization of states proved fatal for the national unity and integrity of our country. Due to linguistic demand, Andhra Pradesh, Maharashtra, Punjab were divided and linguistic provinces like Gujarat, Tamil Nadu, Andhra Pradesh, Orissa, Kerala, Kolkata were formed.

MC Roy says that the trend of linguism has started in the country, it is a lion which has come on the way, either it should be killed or it will destroy the Indian nation.

### **National Movement and Language:**

During the colonization of India by the British in the 18th century, English became a common language and in 1835, it was made the official language at both the central and provincial or state levels. However, English was not used throughout the administrative system. Some regional languages were used in the lower level administration. As nationalists began to fight against British colonialism, the Congress Party, the leader of the national movement in India, drew attention to the languages of Indians as signs of national identity. In fact, the Congress Party had organized itself on the basis of linguistic and cultural areas. The leaders of the national movement were very sensitive towards the use of indigenous language.

### **Linguistic Policy after Independence:**

Before independence in 1947, Congress was committed to redrawing state boundaries on the basis of languages. At the Nagpur session in 1920, Congress formally accepted the principle of linguistic states. However, after independence in 1947, the Indian government decided not to implement this policy; Due to the very bad experience of partition of India on religious basis.

### **Discussion in the Constituent Assembly:**

The Constituent Assembly was concerned with the issue of linguistic states in India. One of the major issues debated in the Constituent Assembly was the linguistic division of India, which Nehru had opposed. Other language related issues that were debated in the Constituent Assembly

also included the national language, the official language and its script. However, the Constituent Assembly could not reach any conclusion and ultimately the matter was left to the Parliament on the basis of Article 3 of the Constitution of India.

The Constitution of India also contemplates provisions related to language policy. But at the time of making the Constitution, the language dispute came to the fore. The debates in the Constituent Assembly show that there was a substantial amount of consensus on two basic points: (1) at some stage, the English language should be displaced from its dominant position; And (2) Hindi should replace it.

In 1948, the Dar Commission was appointed by the Government of India under the chairmanship of SK Dar. The Commission did not recommend the creation of states on linguistic basis. This report caused adverse reactions in Andhra. The resistance to the call for linguistic states was led by the first Union Home Minister, Sardar Patel. But Potti Sriramulu died after a 56-day hunger strike demanding the creation of a separate Andhra from Madras State. The government was forced to separate Andhra Pradesh from Madras State.

The Central Government of India constituted the States Reorganization Commission in 1953 under the States Reorganization Act to study the problems faced in redrawing state boundaries. The Commission included Honorable Fazal Ali, KM Panikkar and HN Kunzru. The report submitted by the Commission in 1955 is known as the SRC Report. This commission considered language an important, though by no means the only, factor. Other factors such as economic feasibility and geographical realities also need to be taken into account.

### **Controversy over official language:**

The Constitution of India also contemplates provisions related to language policy. But at the time of making the Constitution, the language dispute came to the fore. The debates in the Constituent Assembly show that there was a substantial amount of consensus on two basic points: (1) at some stage, the English language should be displaced from its dominant position; And (2) Hindi should replace it.

Mahatma Gandhi and other secular political leaders preferred Hindi as the national language. After gaining independence from the British in 1947, leaders of the new Indian nation recognized

the opportunity to unify India's many regions with a common, universal language. Mahatma Gandhi felt that this was necessary for India to emerge as a self-proclaimed nation. He stated five requirements for any language to be accepted as the national language:

- It should be easy for government officials to learn.
- It should be able to serve as a medium of religious, economic and political interaction throughout India.
- This should be the voice of the majority of the residents of India.
- It should be easy for the entire country to learn.

When choosing this language, temporary or transitory interests should not be taken into account. The Indian Constitution declared Hindi in the Devanagari script as the official language of the Union in 1950. Unless Parliament decided otherwise, the use of English for official purposes was discontinued on 26 January 1965, 15 years after the Constitution came into force. However, the prospect of change caused great concern in non-Hindi speaking areas of India, especially the Dravidian speaking states whose languages were not at all related to Hindi. As a result, Parliament enacted the Official Languages Act, 1963, which provided for the continued use of English for official purposes, along with Hindi, even after 1965. As late as 1964, an attempt was made to explicitly provide for the end of the use of English. But it faced opposition from states like Maharashtra, Tamil Nadu, Punjab, West Bengal, Karnataka, Puducherry and Andhra Pradesh. Some of these protests also turned violent. As a result, the proposal was dropped, and the Act was amended in 1967 to provide that the use of English would not be abolished until a resolution to that effect was passed by the legislature of each state which had not adopted Hindi as its official language, and by each House of the Indian Parliament.

## **Language policy of India**

According to Article 343(1) of the Indian Constitution, Hindi and English are the official languages of India. The purpose of using Hindi and English is specified in the Official Languages Act 1963, Official Languages Rules 1976 and instructions of the Ministry of Home Affairs. The Constitution gives official recognition to a total of 22 languages by 2022. According to the Indian Constitution, no language has the status of national language.

## **Trilingual formula:**

With a view to strengthening national unity and integrity, the National Integration Conference in 1961 examined and discussed the language problem and recommended the adoption of the "three language formula" for secondary education throughout the country. This formula envisaged three languages being compulsorily taught in schools, with Hindi as the regional language and English in non-Hindi speaking states and another modern Indian language and English in non-Hindi speaking states. Till now the three language formula has not been implemented in letter and spirit.

## **Constitutional provisions on language:**

Article 120 Language to be used in Parliament

- (1) Notwithstanding anything contained in Part XVII, but subject to the provisions of article 348, business in Parliament shall be transacted in Hindi or English:

Provided that the Chairman of the Rajya Sabha or the Speaker of the House of the People, or the person so acting, as the case may be, may direct any member who cannot express himself adequately in Hindi or English to address the House Can give permission. Mother tongue.

- (2) Unless Parliament by law otherwise provides, this article shall, after the expiration of a period of fifteen years from the commencement of this Constitution, have effect as if the words "or in English" had been omitted from it.

Article 343 Official language of the Union:

- (1) The official language of the Union shall be Hindi in the Devanagari script. The form of the numerals used for the official purposes of the Union shall be the international form of Indian numerals.
- (2) Notwithstanding anything contained 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 official purposes of the Union for which it was used immediately before such commencement. Was being done. : Provided that the President may, during the said period, by order authorize the use of the Hindi language and the Devanagari form of figures other than the English language and the international form of Indian figures for any official purpose. Organization.
- (3) Notwithstanding anything contained in this article, Parliament may by law make provision for the use, after the said period of fifteen years.

- a. the English language, or
- b. the Devanagari form of figures, for such purposes as may be specified in law.

## **Article 344 Commission and Committee of Parliament on Official Language:**

- (1) The President shall, on the expiry of five years from the commencement of this Constitution and subsequently on the expiry of ten years from such commencement, by order, constitute a Commission consisting of a Chairman and such other members representing different languages. The Eighth Schedule shall specify such orders as the President may appoint, and shall define the procedure to be followed by the Commission.
- (2) It shall be the duty of the Commission to make recommendations to the President
  - a) the progressive use of the Hindi language for the official purposes of the Union;
  - b) a restriction on the use of the English language for all or any official purposes of the Union;
  - c) the language to be used for all or any of the purposes mentioned in article 348;
  - d) the form of the marks to be used for any one or more specified purposes of the Union;
  - e) any other matter referred to the Commission by the President in relation to the official language of the Union and the language of communication between the Union and a State or between a State and another State and their use.
- (3) While making its recommendations under clause (2), the Commission shall have due regard to the legitimate claims and interests of persons belonging to non-Hindi speaking areas in relation to the industrial, cultural and scientific advancement of India and the public. Services.
- (4) There shall be constituted a Committee consisting of thirty members, of whom twenty shall be members of the House of the People and ten shall be members of the Council of States to be elected respectively by the members of the House of the People and the members of the Council of States by means of proportional representation by means of the single transferable vote. According to the system.
- (5) It shall be the duty of the Committee to examine the recommendations of the Commission constituted under clause (1) and to convey its opinion thereon to the President.
- (6) Notwithstanding anything contained in article 343, the President may, after considering the report referred to in clause (5), issue directions in accordance with the whole or any part of that report.

## **Article 345 Official language or languages of a State**

Subject to the provisions of articles 346 and 347, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes . That state;

Provided that, unless the Legislature of a State by law otherwise provides, the English language shall continue to be used within the State for the official purposes for which it was being used immediately before the commencement of this Constitution.

Article 346 Official language for communication between one State and another State or between a State and the Union

The language authorized for use in the Union for official purposes shall be the official language for communications between a State and another State and between a State and the Union:

Provided that if two or more States agree that the Hindi language should be the official language for communications between such States, that language may be used for such communications.

Article 347 Special provisions relating to language spoken by a section of the population of a State

On a demand made in this behalf the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of any language spoken by them to be recognized by that State, direct that such language Will also be officially recognized. recognized throughout the State or any part thereof for such purpose as it may specify.

Article 348 Language to be used in the Supreme Court and High Courts and for Acts, Bills, etc.:

(1) Notwithstanding anything contained in the foregoing provisions of this Part, unless Parliament by law otherwise provides

- a) all proceedings in the Supreme Court and every High Court,
- b) official texts
  - i) of all Bills to be introduced in, or amendments to be made in, either House of Parliament or House of the Legislature of any State.
  - ii) all Acts passed by Parliament or the Legislature of any State and all Ordinances promulgated by the President or the Governor of any State, and
  - iii) All orders, rules, regulations and bye-laws issued under this Constitution or under any law made by Parliament or the Legislature of any State shall be in the English language.

(2) Notwithstanding anything contained in sub-clause (a) of clause (1), the Governor of a State may, with the previous consent of the President, introduce into the Hindi language, or any other language used for any official purpose, Can authorize use. of a State, in proceedings before a High Court having its principal seat in that State:

Provided that nothing in this section shall apply to any judgment, decree or order passed or made by such High Court.

(3) Notwithstanding anything contained in sub-clause (b) of clause (1), where the Legislature of a State prescribes any language other than the English language for use in Bills introduced or Acts passed in the Legislature of the State, Have done. or in the Ordinances promulgated by the Governor of the State or in any order, rule, regulation or bye-law referred to in paragraph (iii) of that sub-section, a translation of the same in the English language published under the authority of the Governor in the Official Gazette of that State The English language shall be deemed to be the official text of this Article.

Article 349 Special procedure for enactment of certain laws relating to language:

During the period of fifteen years from the commencement of this Constitution, no Bill or amendment providing for the language to be used for any of the purposes mentioned in clause (1) of article 348 shall be introduced or moved in either House of Parliament. Will be done. the previous approval of the President, and the President shall not give his assent to the introduction of any such Bill or to the carrying forward of any such amendment unless he has considered the recommendations of the Commission constituted under clause (1) of article 344 Take it. and the report of the Committee constituted under clause (4) of that article.

Article 350 Language used in representations 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 language used in the Union or the State, as the case may be.

Article 350A Facilities for education in mother tongue at primary level:

It shall be the endeavor of every State and 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 it considers necessary or appropriate to ensure the provision of such facilities.

Article 350B Special officer for linguistic minorities

(1) There shall be a Special Officer for Linguistic Minorities 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 to report on those matters to the President at such intervals as the President directs, and the President shall all Will cause. Such reports will be laid before each House of Parliament and sent to the Government of the respective States.

Article 351 Instructions for development of Hindi language:

It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may become a medium of expression of all the elements of the composite culture of India and to ensure its assimilation and promotion without any interference. its genius, the forms, styles and expressions used in Hindustani and the other languages of India specified in the Eighth Schedule, and wherever necessary or desirable, for its terminology, drawing primarily on Sanskrit and secondarily on other languages By doing.

### **Formation of Linguistic States:**

The process of linguistic reorganization of states in India was much longer and divisive than the dispute over the official language of India and gave rise to more fundamental questions of centre-state relations.

Following the States Reorganization Act of 1956, the boundaries of the southern states were reorganized in line with traditional linguistic areas. In 1960, Bombay province was divided into the present-day states of Gujarat and Maharashtra. In 1966, Punjab was reorganized and many of its parts were distributed among three units: the main Punjabi province, the new state of Haryana, and Himachal Pradesh. Many new states have also been created from time to time in response to tribal demands in the north-eastern region of the country.

The broad principles propounded by the States Reorganization Commission in the creation of linguistic states were the following:

- To maintain the unity and integrity of the country;
- Maintaining linguistic and cultural uniformity; And
- Financial, economic and administrative feasibility

## **Recommendations of Sarkaria Commission:**

In 1983, the Sarkaria Commission was formed to look into the language problem in India and suggest solutions. The chairman of the commission was RS Sarkaria. The Commission made the following recommendations:

- Three Language Formula: It involved the implementation of regional language, Hindi and English in school level education.
- English was to be retained as the official language.
- Reorganization of states into administrative units.
- Ban on political parties and other organizations trying to promote linguism.

## **Constitutional provisions for linguistic minorities:**

The reorganization of states was based on the recognized languages of India and this relegated many linguistic groups to minority status in the states where they lived. This created a feeling among all linguistic minorities that if they did not have a home state, they were second class citizens and those who got such home states began to feel that they had the right to live and prosper only in their own states. Therefore, some provisions have been made in the Constitution to protect the interests of linguistic minorities.

### Article 29 Protection of interests of minorities

- 1) Any section of citizens inhabiting the territory of India or any part thereof, having a distinct language, script or culture of its own, shall have the right to preserve the same.
- 2) No citizen shall be refused admission to any educational institution maintained by the State or receiving aid from State funds on grounds only of religion, race, caste, language or any of them.

### Article 30 Right of minorities to establish and administer educational institutions

- (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
- (1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority referred to in clause (1), the State shall ensure that the amount determined or determined under such law shall be transferred to such property. The acquisition is such that it will not restrict or abridge

the right guaranteed under that section.

- (2) The State, while granting aid to educational institutions, shall not discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

### **Development of Linguism:**

The phrase linguistic bigotry means disrespect or condemnation by a linguistic group or individual of other constitutionally recognized languages or dialects or subjugation of minorities on linguistic grounds or promotion of separatist movement in the name of language. The reorganization of states was based on the recognized languages of India and this relegated many linguistic groups to minority status in the states where they lived. This created a feeling among all linguistic minorities that if they did not have a home state, they were second class citizens and those who got such home states began to feel that they had the right to live and prosper only in their own states.

### **Reasons for Linguism:**

#### **Regionalism:**

Linguistic fanaticism has promoted local identity. This has created uniqueness among the people. Regional differences have come in the way of national unity. Regionalism is the expression of a common sense of identity and purpose by the people of a specific geographical area, united by their unique language, culture, etc.

#### **Rise of regional parties:**

Linguism has resulted in the formation of regional political parties. Regional political parties formed governments in many states and tried to give shape to their policies and programs. At present, these regional parties are playing an important role in forming the government at the Center and some states. Most of these regional parties do politics in the language of their states.

#### **Exploitation of public by politicians:**

Language has created psychological and emotional feelings in people. Politicians are promoting the spread of particular languages only through monetary inducements. They exploit the emotions of the people at the time of elections.

### **Erosion of national sentiment:**

Linguistic loyalty has come in the way of national unity. People are more concerned about regional benefits than national interest. Thus interstate border disputes and river disputes have become common.

### **Major events of Linguism:**

1. In 1937, the first anti-Hindi movement was launched in protest against the introduction of compulsory teaching of Hindi by the first Indian National Congress government led by C. Rajagopalachari in the Presidency schools of Madras. This move was immediately opposed by EV Ramasamy (Periyar) and the opposition Justice Party (later Dravida Kazhagam).
2. As the day of adoption of Hindi as the sole official language approached in 1965, the anti-Hindi movement gained momentum in Madras State with growing support from college students. The same year, a large-scale riot broke out in the southern city of Madurai, sparked by a minor dispute between agitating students and members of the Congress Party. Finally, to calm the situation, Indian Prime Minister Lal Bahadur Shastri assured that English would continue to be used as an official language as long as the non-Hindi speaking states wished.
3. Before and around the 1980s, Sanskrit was available to learn at the high school level in Karnataka, and students chose it because it was a way to get easier marks, and thus, a higher state rank. The then Chief Minister D Devaraj shifted Sanskrit from the first language to the third language. The next Chief Minister R Gundu Rao reversed this decision. Many Kannadigas began to protest against this reversal, with a committee led by Professor VK Gokak. The Gokak Committee report lists Kannada as the sole first language. The state's delay in maintaining it led to protests and led to several deaths.

### **Maharashtra Karnataka border issue:**

When the state boundaries were redrawn on linguistic lines as per the States Reorganization Act of 1956, Belagavi became part of the erstwhile Mysore state. Maharashtra claims that parts of Belagavi, where Marathi is the dominant language, should remain in Maharashtra. In October 1966, the Center set up the Mahajan Commission under the leadership of former Chief Justice of India Mehr Chand Mahajan to resolve the border dispute in Maharashtra, Karnataka and Kerala. The Commission recommended that Belgaum and 247 villages remain with Karnataka.

Maharashtra rejected the report and moved the Supreme Court in 2004. Karnataka has argued that the settlement of boundaries as per the States Reorganization Act is final. The matter is pending in the Supreme Court.

### **Conclusion:**

India is a multilingual country where linguistic diversity is found. Languages have been politicized since independence. People have agitated for a long time to get the status of national language. As seen, the official language of India has been a controversial issue. Although Hindi is the de jure official language, English has been the de facto official language in India. This co-existence is due to the historical, cultural, social and political setting of the languages in India. The debate on official language is not over yet. Apart from this, the script of which language should be chosen as the official language is also logical. For example, some politicians and thinkers have suggested using the Roman script instead of Devanagari for Hindi. Konkani and Marathi are the official languages in Goa but the script is Roman, not Devanagari.

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