

CHAPTER I

LANGUAGE PATTERN UNDER THE CONSTITUTION OF INDIA

1. This is portrayed in Part XVII of the Constitution—Arts. 343 to 351. The Articles are arranged into four Chapters headed as follows:—

1. Language of the Union (Arts. 343-44);
2. Regional Languages (Arts. 345—7);
3. Language of the Supreme Court, High Courts etc. (Arts. 348-9); and
4. Special Directives (Arts. 350-1).

2. There is, further, the 8th Schedule in reference to Arts. 344 and 351, which specifies the "Languages of India" for the purposes mentioned in these two Articles.

3. Consideration of these five along with the fundamental rights regarding language, education, culture, etc. in particular gives us the picture of this pattern.

I

4. We in the Constituent Assembly resolved to constitute India into a sovereign democratic Republic. Accordingly the solution it arrived at for the language problem is essentially democratic and true to our cultural and educational advancement, consistent with the requirements of good and efficient administration in a republican democracy of a multi-lingual Union composed of State units.

5. It guarantees as a fundamental cultural and educational right of the citizen that any section of our people shall have the right to conserve its distinct language or script or culture it may have. [Art. 29 (1)].

6. It also ordains that no citizen shall be denied admission into State-owned or aided educational institutions on grounds of religion, race, caste, language or any of them. [Art. 29 (2)].

7. It also specifically directs that 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. (Art. 350).

8. We might well say that this is the charter of linguistic rights and freedom our people got for the first time in recent history. The language pattern that is devised for the official purposes of the Union and its Units must be understood and interpreted against this background. As we shall see below, it is equally liberal and democratic. It gives freedom of choice of the official language for a State

o States and for the Union it prescribes that it shall have as its official language an indigenous language Hindi, which is known to be the largest number of our people.

II

9. The Constitution notes the fact of the diversity of languages in our country and recognises them all as 'regional languages'. These are not the 14 ones only as enumerated in the 8th Schedule; they also include all other languages and/or dialects like Maithili, Bhoj-puri, Avadhi, Rajasthani, Dogri, Ladaki, Cutchi, Konkani, Bundeli, etc. Under Art. 345, these are all eligible to be recognised as official languages of their respective States where they might be in use as regional languages.

10. The meaning and significance of this provision is even more apparent if we see Art. 347 which gives power to the President that 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 desire the use of any language spoken by them to be recognised by that State, direct that such language shall also be officially recognised throughout that State or any part thereof for such purposes as he may specify."

11. Thus we find that Jammu and Kashmir has recognised Dogri, Ladaki and Kashmiri and uses Urdu as the common State language also. On the other hand we have an instance of U.P. and Bihar where Urdu, one of their regional languages, is not recognised and in application has been made to the President under Art. 347 for its recognition along with Hindi which is recognised as the only State language.

III

12. Amongst our 'regional' or indigenous languages, there is not one that is at present in use as an all-India common language. English is used as such for our common all-India purposes, official and non-official. The Constitution has laid down that the official language of the Union shall be Hindi in the Devnagari script so far as letters of the alphabet are concerned, the numerals being the international form of Indian numerals." [Art. 343 (1)].

13. As Hindi is not taught in schools of the whole country like English and hence as it is not known outside the Hindi-speaking areas and as it is not sufficiently rich and developed to take over immediately from English, provision is made for a transitional period of 15 years, i.e. up to 1965, during which it is laid down that English shall continue to be used as before for all the official purposes of the Union. [Art. 343 (2)].

14. It will be seen that the Constitution does not contemplate a sudden break with English as the medium of administration, and allows no vacuum to occur. Hence it further says [Art. 343 (3)] that, if need be, Parliament may provide by law for continuing the use of English even after the target-time of 15 years for such purposes as may be specified in the law.

15. But it does contemplate that the use of English will begin to be restricted as Hindi gets ready to take over. Insistence for a change-over to Hindi as soon as we can can be seen even from the provision in Art. 343 (2) which empowers the President to authorise by order the use of Hindi in addition to the English language even during the transitional period of fifteen years. After the period is over, Hindi becomes the Union's official language and English can continue also only if Parliament so enacts specifically.

16. Thus, during the transition there is provision for the use of both English and Hindi for different official purposes of the Union. But it would be wrong and misleading therefrom to describe the two mediums in terms of one being 'principal' and the other 'subsidiary', as the Explanatory Memorandum submitted to the O.L.C. by the Madras Government does. The proper description would be that while English is the *outgoing* official language of the Union, Hindi is the *incoming* one. There is no question of retention of English as the medium of administration under the Constitution; it envisages its restriction and eventual or ultimate replacement by Hindi.

17. For the fulfilment of this end, the Constitution has provided for the democratic process of instituting an O.L.C. whose duty it is, as we saw before, to suggest the policy and programme for such replacement (Art. 344).

IV

18. The position of the States *vis-a-vis* the language problem is different from that of the Union. Unlike the Union, *i.e.* the country as a whole, many of the States are uni-lingual and as we know, they are shortly going to be reorganised, so that almost all of them will be uni-lingual generally. They will then be in a position to decide in their legislatures immediately to adopt their respective regional languages as official languages of the States. Therefore, while the Constitution (Art. 345) says that States shall continue to use English as they do to-day, it does not prescribe a transitional period for their change-over to Indian languages, as they can forthwith adopt their regional languages and replace English by using them under Art. 345, for intra-State purposes.

19. However, obviously they cannot do so for the purposes of extra-State communication with other States or the Union. They must have a common all-India language for this purpose. The Constitution prescribes that the language for the time being authorised for use in the Union for official purposes, *i.e.* English at present and Hindi eventually when it replaces the former, shall be such medium for extra-State use. (Art. 346).

20. It is noteworthy that in this field also a sort of urgency about the transition to the use of Hindi is shown by inserting a Constitutional provision (Art. 346) that if two or more States agree that Hindi should be the official language for communication between such States, that language may be used, even though English might be the official language of the Union.

21. The above analysis of the constitutional position shows that States will have to undertake a two-fold programme for the change-over. What is further remarkable in their case is that they and not the Union are in the unique position of starting it immediately. The initiative almost entirely lies with them.

22. The two-fold programme for the State is, firstly, they will change the medium of administration for intra-State official purposes; secondly, they will have to replace English for the extra-State official purposes of inter-State and Union communication, by learning Hindi and preparing their personnel for using it for those purposes. Unlike this, the Union will have to undertake a unfold process only, *viz.* that of changing to Hindi in the central secretariat for its internal purposes. In regard to using it in its communication with the States and the public, chiefly the non-Hindi-speaking areas, it will have to await their preparedness for entertaining such use. Here the work of the Union will be a joint affair with the States. This will need a modicum of the spread of Hindi among the people also. I shall leave this point of the dynamics of the change-over here.

V

23. We shall now turn to consider the group of languages enumerated as Schedule Eight in the Constitution. They are fourteen in all. All of them are indigenous languages of India. Except for Sanskrit which is our ancient classical all-India language, the rest are modern Indian regional languages.

24. As we saw above their enumeration is occasioned by Art. 344 and 351. Its meaning and significance in relation to Art. 344 was noted by us earlier (*vide* Introduction, Para. 14); that in relation to Art. 351 is even more serious and fundamental *vis-a-vis* the language problem and Hindi in particular.

25. Art. 351 defines Hindi, the official language of the Union and in so doing it touches various aspects of the language problem like the form and scope of Union Hindi, its relationship with the 14 scheduled languages of India on one hand and, on the other hand, with the problem of the national or an all-India common language or the *Antar Bhasha* (*i.e.* the *Lingua Franca*) of India, etc. These must be closely studied now if we propose to start the process of linguistic transition in our country. It will not do now to shirk them. I quite agree with the remark in our Report, in its Chapter 13 (Propagation and Development of Hindi and the Regional Languages) that "widest publicity may be given to all the aspects underlying the nation's language policy to inculcate a proper perspective among the people at large in this regard."

VI

26. Art. 351 occurs as a directive to the Union. It is as follows:—

"It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as

medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule and by drawing, wherever necessary or desirable for its vocabulary, primarily on Sanskrit and secondarily on other languages."

27. The fourteen languages are described as 'languages of India' and not as 'regional languages', as it would be too wide for the purposes of the Article. They are cited as intended to supply the Union Hindi, for its assimilation, "without interfering with its genius", with forms, styles and expressions, and also words,* wherever necessary and desirable.

28. The Article contemplates and prescribes that the Union Hindi is to develop "so that it may serve as a medium of expression for all the elements of the composite culture† of India". It is tenable to suggest therefrom that the Union Hindi as defined by Art. 351

*It may be noted here that Art. 351 says that adopting new words for the enrichment of the vocabulary of the Hindi language is to be done by drawing, wherever necessary and desirable, primarily from Sanskrit and secondarily from other languages. The point to be noted here is that other languages include all languages, not only these fourteen. Therefore, English and other languages of the world with which we might be in contact and hence would have to take words from them, are not excluded. Other languages are not qualified to mean only Indian or some specific other languages only. Words can be adopted freely without interfering with the genius of Hindi. This is significant in the context of the recent purist movement in the North which aims to remove "foreign" words even if they have been current as part of the common man's vocabulary. Sanskritization of the vocabulary is also undesirable and against the spirit of this directive of the Constitution.

†On this aspect, I may be permitted to quote here from the report of the Hindi Teaching Committee of the Bombay State :—

"The culture of India is a growth of centuries. It has been affected by Sanskrit, Prakrit, and other *Deshi* languages, besides Persian, Arabic, and English. It has assumed a variety of forms according as it developed through these various languages and in different linguistic areas. Local traditions and history have made their own contribution to this common stream. Religious teachers, poets, law-givers, and philosophers have laboured throughout for its nourishment and enrichment. From the dawn of history, Indian teachers have developed a universal attitude and so influenced and moulded the life of the peoples of India as to make them thoroughly human, peace-loving, just and law-abiding. They have received all good people in a brotherly spirit and have welcomed them and given them shelter. A wonderful cosmopolitan culture thus was fostered into this ancient land and cherished and nourished with great zeal and love. 'Live and let live' has been their declared motto, in word and deed.

"The key to this successful maintenance and development of this Composite Culture of India is to be found in its recognition of and mild insistence on the *great fact of unity being different* from uniformity. They have favoured the former against the latter throughout.

"The Hindi to be developed by the Union must, therefore, serve as a medium of expression for all the elements of the Composite Culture of India. This part of our duty has to be always very clearly borne in mind and translated correctly into action in all our undertakings for the teaching and promotion of Hindi in framing syllabuses for schools, in selection of books and such other relevant matters."

should not be an artificial 'official dialect' or 'jargon',* but it should be a living and organic growth and development as a result of the joint and common endeavour of all our language groups. Evidently such a national endeavour on our part will also produce a common national *आन्तर भाषा* Hindi or Hindustani. Such a result will therefore be emotionally acceptable to all language groups of the nation, even though the *आन्तर भाषा* will be developed on the basis of one of them, the basic structure or genius of which is the common property of many regional languages and dialects of North India.

VII

29. The meaning and significance of the 'languages of India' in the 8th schedule must now be sought from the above context. They are the literary languages of India prevalent in various sizable regions of the country. They are the *Swabhashas* (स्वभाषा's) of our people. It is therefore that the Prime Minister has been lately describing them as the National Languages of India.

30. This change in the nomenclature of this group of languages has been inevitable because of the peculiar situation that has arisen at the present time in regard to the inter-relationship of these languages. This has been noted in very trenchant terms by the Explanatory Memo. of the Madras Government referred to in this note earlier. I may better quote it here to describe this point:—

31. "There is a widespread belief that the Constitution has declared Hindi to be the 'National' language of India, that other named languages are 'regional' languages, and that the unnamed languages are ignored. This belief is incorrect. Hindi has not been declared

*However, it may be noted as a foot-note that the Union language and the National language would have a difference in that while the former is an official thing the latter will be non-official—of the people at large. The distinction is vital. To bring out the point involved in it, I may better quote from the Report of the Hindi Teaching Committee (Bombay State). Regarding the official language of the Union it remarks :—

"For the purposes of Government it must have a linguistic coinage of its own. This restricted and special coinage in Hindi will make up the official language of India. Its various departments, to avoid confusion, must have one fixed and definite terminology of their own. Departments will bear definite names. Forms, Declarations, and the like will have to be couched in precise language leaving no room for ambiguity and confusion. This is the official language.... Hindi of Art. 343.

"High Hindi (mentioned as Hindi in the 8th Schedule) would be serving the need of a Region and it would continue to be 'the Home Language' of 30 or perhaps not more than 50 millions of souls, and for that purpose its scope would have no artificial limitations.....

"Hindi as envisaged in Art. 351... will serve as a common medium for all the peoples of India for their common objectives. It will have to serve our public men, leaders, ministers, plenipotentiaries, ambassadors, scholars, teachers, editors, newspapermen, radio-men, kisans and labourers, and all others, whenever they will have to meet or work together in conferences and associations or otherwise for the expression, discussion and promotion of common all-India objectives..... This Hindi will, therefore, have to be inclusive and extensive and not exclusive and intensive. It will have to be as simple as possible and as easy and pliant too. From whatever source it gets its required nourishment it should do so without fear or hesitation. Its one aim should be to be understood and understood easily and quickly. It will recognise no barriers of caste, creed or region, country or origin, so long as it is expressive, vigorous, pliant and easily understood."

to be the national language of India—It is the Official Language of the Indian Union which is not necessarily the same thing. Any language in use in *any* of the States of India is referred to as a 'regional language'. This includes Hindi, and it does not exclude any of the unnamed Indian languages.

"There is thus no warrant in the Constitution for the spirit of linguistic sectarianism which has developed in recent years. In view of the large part played in this development by loose and misleading use of the expression 'national' language, it is desirable that this use should be changed. The Indian nation has always been and will always continue to be multi-lingual. This is not a Skeleton to be hidden away in the national cupboard. It is a cultural heritage of which the nation can and should be proud. Every language of Indian origin, spoken by any group as their mother-tongue, should therefore be referred to as an Indian National language....."

VIII

32. The above discussion will show that राज्य भाषा Hindi, the official language of the Union, may not be the same as all-India common language or आन्तरभाषा-हिन्दी; similarly it may not be the same as 'High Hindi' or the Hindi mentioned in the 8th Schedule. The latter distinction is well borne out by the Constitution also, if we look at Article 351 read together with the 8th Schedule.

33. Article 351 and the 8th Schedule of the Constitution read together raise a question which has become a matter of keen controversy. I mean the matter of "two Hindis" as it is sometimes called. I know that the Hindi educated world has not cherished it for reasons which agitate and operate in our national life for the last 30 years or more. The question is fundamental. It pertains to the nature and form of Hindi language which, under the Constitution, is to be the official language of the Union. Though in a different situation and context, this is the same problem which existed before 1950, i.e. the promulgation of the Constitution, regarding the nature and form of the national language, which was called Hindi, or more aptly Hindustani, with a view to pin-point its distinct character from Hindi and Urdu, which were often held to be distinct or different variants or styles of a common stem. (I may note here that the Constitution has now described them as two languages and not two styles of the same common language by whatever name we may call it.)

34. The Constitution adopted the name Hindi for the official language of the Union. The same term also occurs in the 8th schedule, where Hindi is named as one of the 'languages of India'. Thus, there does arise a question of precisely understanding the implications thereof. The expression "Two Hindis" is used in this connection.

35. Schedule 8 contains Hindi along with Urdu, Gujarati, Marathi, etc. Article 351 says that the Hindi language has to enrich itself by assimilating the forms, style and expression of, among others mentioned in the 8th schedule, Hindi. This reference to the enrichment of Hindi language is evidently to the "Hindi" mentioned in

Article 343, the official language of the Union, which is to be propagated and developed for the official purposes of the Union and in a specific manner described in that article. Citing the 8th schedule the said article says that the Hindi language will be enriched by assimilating forms, style, etc. from Hindi, Urdu, Gujarati etc. This, in other words, amounts to saying that Hindi is to assimilate forms, style, expressions, etc. from Hindi! This would be absurd. It is therefore argued with irrefutable logic that unless the word Hindi in this context means two different ideas, the directive in Article 351 would become wholly meaningless. Obviously it cannot be so. It is therefore concluded that Hindi mentioned in the 8th schedule is not, cannot be, the Hindi language of the Union mentioned in Articles 343, 351 and *vice versa*. The two terms, though apparently the same, are different concepts, though allied. A kind of qualified dualism or say, a dualistic or dualizing monism if you will, does inhere here. And this is not merely formal, legalistic or academic, but it is vital, as we can see it if we examine the history of the movement for the national language of India during the last 40 years. This I should better leave here.

36. It is further necessary to note here that Hindi that is named in the 8th Schedule is not the language that is often loosely described as "spoken by the largest single linguistic group in our country." At best, it is literary expression of that vast group who speak various languages and dialects spoken in Northern India which, by and large, is mentioned as or understood to be Hindi-speaking. It is the common basic structure or genius of these many North-Indian regional languages that we are enjoined to preserve when developing and enriching the language of the Union, also named Hindi.

37. The above paras will show that the Hindi language has a dual nature, and as the language of the Union, it is called upon to perform a new role. It is not the role of Hindi which is scheduled in the Constitution as a language distinct from Urdu. The Union Hindi can have no such distinction.

IX

38. At the end, there remains one aspect of the language pattern worthy of examination. It is regarding the use of Hindi as a State language, as provided for in Article 345, which says that the State legislature 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 of that State. It must be noted that the Hindi that is suggested as an alternative to regional languages is the Union Hindi or the *आन्तर भाषा* of India. The provision, therefore, concerns chiefly non-Hindi speaking States.

39. The Bombay State provided an illustration on this point. Four years ago, a bill was introduced in the State Legislature prescribing Hindi as the official language of the State for purposes (including legislative) higher than those at the taluka or district level. For the latter levels Gujarati, Marathi or Kannad which are the regional languages of the State were to hold their respective fields. It was argued in favour of this move that as the State was multilingual, the Union language or the inter-State medium of

communication, Hindi, ought to be held as the proper means for the official purposes at the higher level. The bill was dropped on account of popular opposition to it.

40. Uttar Pradesh provides an illustration of another kind. It has adopted Hindi only as State language, perhaps, under the impression that it was the Union Hindi that it adopted and therefore the question of adopting a regional language did not arise for it. This is a mistaken assumption. Hindi it adopted is the regional language as much as others. As we saw before, non-recognition of Urdu has led people in U.P. to appeal to the President under Article 347.

41. The two illustrations pin-point the seriousness of the provision for such use of Hindi. Under Article 345-6, it is open to a State to adopt Hindi only as the official language, to the exclusion of any one or more of its regional languages, as Uttar Pradesh seems to have done when refusing to recognise Urdu and adopting Hindi only. Or a State may adopt Hindi, restricting the use of its regional languages for certain levels or purposes only, as Bombay proposed to do.

42. Surely it cannot be the intention or the meaning of this provision of the Constitution for Hindi as alternative State language, to create a conflict and emotional resentment among the people of the States, which would naturally arise, if a feeling of unseemly rivalry between the regional languages and the language of the Union is provoked from such a use of the said Articles 345-346.

43. An observation made in this connection by Dr. Abid Hussain in his recent book "The National Culture of India" is worth quoting here. On p. 195 of the book he says:

"It (Article 345) recognises the right of the largest linguistic group in every State to make the language spoken by it, the official language of the State and at the same time provides, by implication, for giving the languages of minority groups a status equal to that of the majority languages as it permits the adoption of more than one official language."

Having noted the significance of the Article this way, he proceeds further and says:

"But the words 'or Hindi' appended to the phrase 'one or more of the languages in use in the State' are fraught with danger. It is true that they have no practical significance because there is very little chance of a majority of members of legislature in a non-Hindi-speaking State voting for Hindi in preference to their own language. Still the very suggestion that Hindi may compete for the position of the official language in a State where it is not spoken by the majority of the people might encourage the partisans of Hindi, who are endowed with a large amount of enthusiasm than of prudence, to make an attempt to replace the regional language by Hindi and thus fan the flames of linguistic communalism into a devastating fire."

"So it must be made perfectly clear by Governments, as well as by other responsible agencies working for the propagation of Hindi, that it is not their object to let Hindi usurp the position which belongs of right to regional languages. The suspicion lurking in the minds of the non-Hindi linguistic groups that the introduction of Hindi into their areas may be a prelude to "Hindi Imperialism" is a deadly venom which should be eliminated before it poisons the national system and kills the nascent spirit of unity on which not only our freedom but our very existence as a nation depends."

44. The cases of Bombay and Uttar Pradesh cited above aptly show that the observations made by Dr. Abid Husain in his book are reasonable or well grounded. I believe, such a thing like these cases becomes possible because of a mistaken idea or understanding of the constitutional provision in Article 345, about Hindi for use as a State language, particularly in non-Hindi-speaking areas. I may well note here an illustration of a similar provision made in the Gujarat University Act, which has created similar avoidable confusion in the sphere of the medium of instruction for higher education. The Gujarat University Act provides for the "use of Gujarati (i.e. the regional language of the area) or Hindi in Devanagari script, or both as the medium of instruction and examination" in the University. This is on a par with the provision in Article 345 of the Constitution which provides similar alternatives for adopting a language of a State for its official purposes. There is a further case relevant to be noted here, viz. of the Vallabh Vidyapith, a statutory university recently created in Gujarat. The Act for that University provides that Hindi only shall be the medium of instruction and examination. The above illustrations are cited to show that Hindi, the language of the Union is sought to be the medium of administration and of instruction also in a non-Hindi-speaking area or State.

45. Obviously this is bound to be felt as imposition or domination of Hindi not only in the official but also in the educational and cultural fields. The alternative use of Hindi as a State language is permitted by the Constitution. However, it would be a mistake to construe it to mean that Hindi may be used as a State language or as a language of instruction, to the entire exclusion of the natural and undisputable claims of regional languages of a State. It will surely create an undesirable conflict between regional languages and the Union language, which is not intended in any manner by the Constitution. Such a conflict will make difficult, if not impossible, the 'emotional-cum-linguistic' integration of our people thus jeopardising national unity.

46. Hindi has to be the medium of communication between a State and a State and between a State and the Union. However, it is possible to imagine its use in the State even. For example, those,—either in the Government service or outside,—who do not know the recognised regional language or know very little will avail of the inter-State Union language Hindi. Such use of Hindi as the *आन्तरभाषा* or the common medium for our multi-lingual people is not only legitimate but rightful and should be admitted.

It will facilitate non-regional or extra-State people to serve in a State, the regional language of which they might not be able to use so well. At present they use English. When Hindi replaces it, it will be available to such persons to be similarly used. Thus understood, Hindi as a State language, particularly in non-Hindi-speaking States, will create no conflict; rather it will become complementary to the regional languages and tend to foster harmony and unity among various linguistic groups. If we look at Article 351 in particular, we find that the language of the Union is really sought to fulfil such a unique and unifying role in our body politic. Similarly our Universities, legislatures and the Judiciary also, particularly in non-Hindi-speaking areas, might well permit the use of Hindi by non-regionals, along with the regional language or languages. As Hindi will be studied as a second language in schools and colleges, there will be no difficulty in arranging such a pattern. This anticipates provision for compulsory study of the Union language Hindi in our educational system. This is obviously the first and the immediate step of preparing for progressive use of Hindi and facilitating replacement of English by it.
