

## **RIGHTS OF LINGUISTIC MINORITIES AND POLITICAL INFLUENCE**

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The term linguistic minorities refer to a class of people who are less in number and speak a language that is different from that of the majority in a state. However, this is a very superficial view of the problem. It is very difficult to define the term “linguistic minorities” in specific as it takes a new turn at every new place, has a very vast form and has to be understood in a different context. Indian multilingualism is very unique where one language is written in many scripts and many languages are written in one script. As the proverb says “Every two miles the water changes, every four miles the speech.” There is “Diglossia”- the coexistence of a highly elaborate, formal language alongside a more colloquial form of the same tongue - occurs in many instances. For example, spoken Bengali is so divergent from written Bengali as to be nearly another tongue.<sup>1</sup> Such is the diversity of language in India.

To be more elaborative and specific there are different aspects to why people belong to the minority group of language which may vary from person to person, such as they may be “permanent residents” i.e., Bengali speakers residing in Belgaum district or Marathi speakers in Assam , they may be “transitory” i.e., coming to a different state to earn livelihood , they might be the speakers of the language which has its own script and literature and on the other hand it is even possible that no script or literature exists for a language. Another possibility might be absence of regional language for a state i.e., none of the language is spoken by more than half of the population, for e.g., in Nagaland, Arunachal

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<sup>1</sup> LINGUISTIC STATES INDIA, available at [http://www.indianchild.com/linguistic\\_states\\_india.htm](http://www.indianchild.com/linguistic_states_india.htm).

Pradesh and Meghalaya. In such a case all the languages spoken in the state are regarded as minority. At present around 114 languages are spoken in the country out of which 22 are scheduled. Almost all the languages spoken in the country basically belongs to four different families i.e., Dravidian, Indo-Aryan, Sino-Tibetan, Austro-Asiatic.

There are two different features that define the minority, first is “functional load”<sup>2</sup> and second is “functional transparency”. Functional load refers to the ability of a particular language to cover the maximum domains. Higher the domain it covers, higher will be the load. For e.g., English, it covers a large domain such as in education, politics, management, business, national and international interaction etc., so it has higher load. On the other hand any tribal language has only one domain which is at home, so it has lesser load on it. Functional transparency refers to the degree of functional load i.e., the control and autonomy of the language in the particular domain. Higher the autonomy, higher will be the transparency. For example, Sanskrit explains a lot about Hinduism and has its own say in it, so it is higher on transparency.

In India, there are various laws made for protection of minorities. India is a democratic country where there has to be rule by the masses and protection of minorities has to be ensured. But being so diversely multilingual it is very difficult in India, to implement any law without side effects.

The formation of states in India has been the biggest example of the above. The main aim after India gained independence was carving out of states on linguistic basis such that maximum people speaking the same language could be grouped together. Under the provisions of Article 3 of the constitution this was done as it allows formation of a new state. Odisha was the first state to be formed on linguistic basis in 1936 because of the consistent efforts of Madhusudan Das. Later, in 1952, Potti Sreeramulu fasted until death, demanding the

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<sup>2</sup> RAJESHWARI V. PANDHARIPANDE, MINORITY MATTERS: ISSUES IN MINORITY LANGUAGES IN INDIA, *International Journal on Multicultural Societies*, Vol. 4, No. 2 available at <http://www.unesco.org/most/v14n2pandhari.pdf>.

separation of state of Andhra Pradesh, so that the Telugu speaking population could get a separate state. He wanted protection of linguistic rights of his people and thus, a new state. However, today years after the formation of Andhra Pradesh, demand for a separate state of “Telangana” began. Telangana was made a part of Andhra Pradesh in 1952 partition. Since then, this insecurity has always prevailed. One might wonder why people speaking the same language are demanding separate states or probably what relevance this holds in context of this paper where we are discussing violation of rights of linguistic minorities. But it surely does. Telangana is a backward part of Andhra Pradesh, very rich in resources. Andhra Pradesh government has exploited the resources in this region in a way that has not been favorable for people of Telangana. Main reasons for demanding Telangana are:

- Rivers like Krishna and Godavari flow through Telangana, but the water from the dams are sent to Andhra.
- Because of less literacy and backwardness of Telangana people, most of the new jobs, postings in government and education are given to people from Andhra.
- Except for common language, the people of Andhra and Telangana have different dialects, histories, cultural systems, different food habit.i.e.telangana.org

Also, 45% of the state income comes from Telangana region. When it comes to utilization of funds, the share of Telangana is only 28%.<sup>3</sup> Hyderabad has become the bone of contention between them. Hyderabad is one of the most developed cities. This development has been at the cost of exploitation of resources in the Telangana region, where people, however, never received any benefits out of the same. Therefore, division of “Telangana” is a contentious issue in context of placing Hyderabad in any one state, where one has taken up the task and made efforts to develop the city while on the other hand is an area that provided the required resources for

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<sup>3</sup> Interview with Dr. Jayshanker, ‘Why Telangana’ , available at [http://www.telangana.com/why\\_telangana.htm](http://www.telangana.com/why_telangana.htm).

development. In the context of this paper, it is necessary to understand that if demand for Telangana is considered then unity and integrity of India is risked. So many languages are spoken in this country with uncountable dialects and variations. If states are on divided considering all of them, India will be left in pieces. When disputes can arise in a state where people share the same ethnicity, they can surely arise in multilingual states. This is so because there is probably no such area which is totally unilingual. Every area has some people speaking a language that is different from what maximum people speak. There are bilingual or multilingual belts present in many areas. It also included certain tribal belts who spoke so many languages and dialects of the same. Out of 114 languages in the country, 88 are classified as tribal languages, out of which only four i.e. "Bodo", "Dogri", "Maithili" and "Santali" are included in scheduled languages. 36.3 million of Indians from 1.2 billion speak absolute minority language, which is mostly "Adivasi" language. However, the "Adivasi" population is estimated to be 70-80 million. This shows that not all "Adivasis" are speaking their language.<sup>4</sup> They may still relate to their cultural roots but constant discrimination, suppression, lack of protection and modernization have seriously impaired the development of these languages, rendering them with less number of speakers. Through this paper we would suggest that altering state boundaries to protect rights of linguistic minorities is not a viable option in a country like India. Instead, it should be ensured that rights of linguistic minorities should be protected and safeguarded in such a way that there remains no feeling of insecurity and desire to form a new state. When this is achieved, goal of democracy will be realized in its true sense.

Now, considering such a complex scenario it becomes difficult to identify the "linguistic minorities" in India.

The eighth schedule of the Indian constitution includes twenty-two languages, which constitute 93 mother tongues. Earlier it had fourteen languages, Assamese,

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<sup>4</sup> Kamal K. Sridhar, *Language in education: Minorities and multilingualism in India*, 42(4) *International Review of Education* 327-347 (1996).

Bengali, Gujarati, Hindi, Kannada, Kashmiri, Malayalam, Marathi, Oriya, Tamil, Telugu, Punjabi, Sanskrit and Urdu, when the constitution was first formed in 1956. Later on Sindhi was added in 1969, Nepali, Manipuri and Konkani in 1992 and Four tribal languages “Bodo”, “Dogri”, “Maithili” and “Santali” in 2003. It is the duty of the government of India to develop these languages.

Now, the common misconception is, that mere classification of a language as “scheduled” gives it a status and makes it a majority language. This is however, true only to a certain extent. It is true that these languages are those languages which are spoken by most people in India, but then it is necessary to see the other side of the coin. For e.g., Telugu is a scheduled language and so is Tamil. Most people in Tamil Nadu speak Tamil and most in Andhra Pradesh speak Telugu. When a Telugu speaking person moves from Andhra Pradesh to Tamil Nadu he also becomes a linguistic minority. Therefore, it is evident that even a major language can become a minority with change of place. Sometimes a language may be a majority language, but may not be given official status by the state. For e.g., In Kashmir, 80% people speak “Kashmiri” and “Dogri”, however the official language of the state is “Urdu”.<sup>5</sup> Even if “Urdu” is declared as the official language in Kashmir, it still remains a minority language at the state level and its protection and promotion is not ensured merely by declaring it an official language. It is evident that declaring a language as “scheduled” or “official” will surely add to its status but does not ensure its development, which usually is the actual objective behind such declaration. Protection and promotion of languages of linguistic minorities can take place when the government of a country takes certain steps in this direction.

Also, though the culture should be protected but “one language” policy and its relevance can’t be ignored. Say for example a Gujarati speaking patient residing in Madhya Pradesh goes to a Hindi speaking doctor and converses with him in his own native language. Now here lie the chances of misinterpretation, which may cause

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<sup>5</sup> See *supra* note 2.

harm to one the party. Here it becomes important to understand that conserving a language and not being ready to use any other language are two very different things. Though there is a hair line difference between both concepts, but they should not be confused with. The main purpose should be protection, not creating chaos.

Considering the situation, one of the most threatened rights of linguistic minorities is their right to education. Though, laws exist in this regard, but again they lack implementation. Article 29<sup>6</sup> and Article 30<sup>7</sup> are the two main articles in part three of the Indian constitution regarding protection of minorities. However, there are certain loopholes. Firstly, the constitution of India does not define the term minorities in specific. It is considered to include both religious and linguistic minorities. Therefore, when laws are made there is always some kind of ambiguity associated with it.

The article allows citizens to preserve their language and guarantees admission in state run educational institutions without discrimination. However, this provision does not seem to be sufficient to cater to the needs of multilingual Indian landscape. When a tribal person, who cannot understand any language except his mother tongue, is admitted into a state run institution, where medium of instruction is different, he automatically feels alienated. Education for him becomes strenuous which finally results in increased number of drop-outs from schools. To avoid such outcomes, it is not only necessary to ensure admission in educational institutions but also the medium of instruction should be looked after.

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<sup>6</sup> INDIA CONST. art. 29. "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 by religion, race, caste, language or any of them."

<sup>7</sup> INDIA CONST. art 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. (2) 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."

International organizations like UNESCO, have acknowledged the importance of education in mother tongue. However, situation in India is so complex that even if maximum people are given the opportunity of getting educated in their mother tongue, a large section of population will still be left out as their mother tongue might not have proper scripts, books or literature available for studying. The population of this section might equal the entire population of US.<sup>8</sup> Feasibility of the law is at stake. The question we need to ask is whether such laws can be implemented without harming any section of minorities, if not benefitting them.

It was soon realized that most minority languages were also those that were not specified in schedule eight of the constitution. Therefore, The State's Reorganization Committee inserted Article 350-A<sup>9</sup> and 350-B<sup>10</sup> in the constitution which were specifically made for linguistic minorities.

Providing education in mother tongue, atleast at the elementary level, to the speakers of major languages in India, who live in their home states has not been a major problem. The law has been implemented to a great extent. For e.g. People whose mother tongue is Gujarati and they reside in Gujarat. However for the rest of the population, this law does not really work. Speakers of tribal languages and speakers of major languages who have migrated to other places are still suffering.

National Commission for Minority Educational Institutions Act considers only Muslims, Christians, Sikhs, Buddhists, Parsis and now Jains as minorities (under section 2(c) of National Commission of

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<sup>8</sup> See *supra* note 4.

<sup>9</sup> INDIA CONST. art 350-A. "It should 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 for such facilities."

<sup>10</sup> INDIA CONST. art 350-B. "There shall be a 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."

Minorities Act, 1992 in January, 2014), as notified by the government of India.<sup>11</sup> So any Tamil speaking person who lives in Gujrat might not be able to avail any benefits under the act. He may be minority in the state of Gujrat like Muslims, Christians, Sikhs, Buddhists, Parsis and Jains but will not come in the ambit of the act. Also, as article 350-B states, a commissioner is appointed as the head of National Commission of Linguistic Minorities. He looks into all matters relating to violation of rights of linguistic minorities. Commission has the powers of a civil court and can make recommendations to the central government. In 2012, as stated in “The Milli Gazette” in an article by N.A Ansari, certain recommendations were made by the commission. In its 48<sup>th</sup> report the commission has firmly stated that “education to children belonging to minority communities should be imparted in their mother tongue upto primary level, teaching of their mother tongue should be made compulsory upto secondary level and facilities of teaching the language of their choice or liking should be provided to such students i.e. minority students. In addition to these, under the ‘Scheme of the Safeguards’.<sup>12</sup> It has been recommended that in places where the population of linguistic minorities is 15 percent or more, facilities of providing teachers of minorities language, syllabus books, translations and other things also should be provided. Yet another recommendation is that if in any district or place the population of people belonging to linguistic minorities is 60 percent their language (or mother tongue) should be made the additional official and administrative language so that people speaking this language should get an opportunity of doing official work (or perform official duties) in their own language.” However it has been observed that most such recommendations pile up in government offices. Not much heed is paid, especially if they are not in favor of the ruling government.

Also the dominance of English in India, considering the historical background of British colonialism, has been an

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<sup>11</sup> Government of India National Commission for Minority Educational Institutions, Guidelines for determination of Minority Status, Recognition, Affiliation and related matters in respect of Minority Educational Institutions under the Constitution of India. available at [http://ncmei.gov.in/writereaddata/filelinks/c296efcb\\_Guidelines.pdf](http://ncmei.gov.in/writereaddata/filelinks/c296efcb_Guidelines.pdf).

<sup>12</sup> *Ibid.*



impediment. English has become a universal language and thus, has gained more importance, mainly at the cost of other languages. Many minority groups have themselves started undermining their own language and have lost faith in it. Implementation has also been tough in small and rural areas where schools lack properly trained teachers, Languages lack scripts and Libraries lack linguistic literature. However, we can find certain steps that have been taken internationally to instill a sense of confidence among people for their language. For e.g. Canada has been successful in setting an example worldwide by becoming the first country to adopt the concept of “multiculturalism”<sup>13</sup> To be more elaborative it means to make people value what they follow from ancestors and take pride in it. As mentioned earlier in the paper, one of the main reason for a language becoming a minority is because of the people who themselves consider their own language as a medium of embarrassment and hence opt to speak a language spoken by the majority. Canadian government was successful enough to catch this nerve of the minority and declared the concept of “multiculturalism”, so that people feel belongingness with their motherland in spite of being of diverse nature. This proved to be a milestone on the road whose destination is unity. Though it won't be justified to measure India on the same parameters, but both the countries share the similarity on being diversity in them. If people are encouraged to speak their mother tongue and preserve their culture for generations, then possibility is to achieve the goal of unity to a certain extent. Secondly one of the most important point that can't be ignored is that no matter how many laws government pass to protect the minority, role of a layman in it can't be questioned. It is high time to sensitize the republic about the seriousness of the issue and how it is the duty of every person to preserve, protect and promote the culture they are brought up in. Every person should take interest and try to promote the speakers to carry forward their culture.



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<sup>13</sup> JULIANA BIONDO, LINGUISTIC MINORITY RIGHTS: PICKING A SIDE, available at <http://yulr.org/linguistic-minority-rights-picking-a-side>.