

# Landmarks

## Multilingualism, Language Policy and the Constituent Assembly Debates

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This short paper looks at the Constituent Assembly Debates about language issues in India as well as the language provisions in the Indian Constitution with focus on the language policy of India and the implications on teaching. The Constituent Assembly Debates reveal the intention of various players. The debates spread over the entire period from 9 Dec 1946 to 1949 and ended with the proclamation of the Constitution of India that came in force on 26 January 1950.

### **Language Issue and the Constituent Assembly Debates**

Language issues become very sensitive and divisive within the Constituent Assembly. In the early days the Assembly was not separated into factions or groups. However, it got completely divided when it came to issues of language. Language, like Fundamental Rights, touched everyone. Flip through the pages of the Constituent Assembly Debates and one will find the language problem agitating and plaguing the Assembly throughout its three-year lifetime. In fact, right at the beginning, some members addressed the Chairman of the CAD in vernacular languages understood by only a few other fellow-members. Language meant many things to many people: it meant the issue of mother tongue teaching in primary schools; some viewed language as a source of social status through which children of privilege classes could

qualify in central services exams; for some language involved the cultural and historical pride of the linguistic community and also religious community; some looked at language in terms of power relations involving domination of foreigners and colonizers over the natives and hence language evoked a sense of national pride, hence arguments were made in favour of a national language, a Hindi version of the Constitution, etc. Each perception regarding language generated its own logic of thinking, and the issues that occupied centre-stage in the Constituent Assembly Debates invariably surrounded the perceptions that people had about language.

Although the romantic-ethnic nationalism of the 19<sup>th</sup> century, the trauma of partition and the religio-nationalist discourse during the freedom struggle projecting the idea of a single national language were loud and clear, the CAD clearly steered away from getting into any possible language controversy by not giving precedence to any one of the Indian Languages over the others. The members of the Assembly were aware of the apparent impossibility of the language task, and did not attempt the impossible. Thus, with one stroke of genius declared Hindi as the 'official language of the Union' (not national language) that would be used for inter-provincial communication, and assured English the status of an 'associate official language' for an initial period of fifteen years.

## **Gandhi in the Debate**

Whenever there had been occasion when the arguments concerning language in the Constituent Assembly Debates verged on being divisive and communally charged, Gandhi's metaphysical intervention brought sanity to the discussion. For instance, when, in reaction to mention of 'composite culture' and 'the forms, style and expression used in Hindustani' in a paragraph that preceded a list of 13 vernacular languages in Ayyangar's amendment, Seth Govind Das said that:

...Urdu has mostly drawn inspiration from outside the country...It is true we have accepted our country to be a secular State but we never thought that that acceptance implied the acceptance of the continued existence of heterogeneous cultures. India is an ancient country with an ancient history. For thousands of years one and the same culture has all along been obtaining here. This tradition is still unbroken. It is in order to maintain this tradition that we want one language and one script for the whole country." (CAD, 1989, Vol. IX: 1328)

Nehru relied on Gandhi's legacy to give a fitting reply to Seth Govind Das (without actually naming him) in defence of Ayyangar's amendment: He said it would be a betrayal of the 'Father of the Nation' not to adopt an idiom that 'should represent that composite culture which grew up in the Northern India' (CAD, 1989, Vol. IX: 1411), as the official language. 'No amount of copying and imitation,..., will make you truly cultured because you will always be a copy of somebody else... when you are on the threshold of a new age, to talk always of the past and the past, is not a good preparation for entering that portal. Language is one of these issues, there are many others. (CAD, 1989, Vol. IX: 1412)

Ayyangar's compromise formula invited several amendments. Roughly 400 amendments to Ayyangar's text submitted in the Assembly basically modified four aspects which were, nonetheless, important (Jaffrelot, 2004: 143). These were: The President would officially recognize figures originating in Sanskrit, 15 years after the promulgation of the Constitution; Hindi would be used in the regional courts with the approval of the President of the Republic; legal texts could be promulgated in regional languages as long as an English translation was provided; Sanskrit would be added to the 13 languages officially recognized in the initial list.

Thus English remained the language of the elite and of interstate relations. With the 1965 deadline approaching, the Parliament reviewed the issue in 1963, and the Official Languages Act made English the 'associate official language' and finally the 1967 amendment dispelled the fears of non-Hindi speaking states and guaranteed the use of English until such time that its demand for replacement comes from the non-Hindi states and, thus marked the beginning of a sustained and indefinite policy of bilingualism in education.

## **Language Matters and Constitution of India: A Critical Reflection on Language Policy**

The Constitution of India resolved the language controversy by separating the national from the official and selecting Hindi to be the official language of the country. De facto this left multilingualism to symbolize the nation. The policy of promotion of multilingualism is built on principles of non-discrimination, which may affect both the speakers of a language and the language per se. The former entails giving equal opportunity to the individual to pursue one's sense of well-being without any language-based discrimination, and the Constitution resolves the conflict arising out of language by establishing

Fundamental Rights of citizens (Articles 15(1) and 16 (1) & (2)) Although what counts as discrimination in these Articles are ascribed attributes (Annamalai, n.d.) such as “religion, caste, sex, place of birth, or any one of them.” Language in this conceptualization of discrimination is an acquired attribute (Annamalai, n.d.) which gets recognition only by extension. For instance, in jobs where language skills are essential, a good knowledge in that particular language would satisfy the principle of equality of opportunity for employment. Where no language skills are required, there would be no discrimination.

Article 29 (2) also confers a special right on all citizens for admission in state maintained or aided educational institutions and the speaker of a language cannot be denied admission on the ground that he or she does not have any skill in the language required by the educational curriculum. In fact, according to the national policy of education in India,, a student must have three languages to different levels of competency in 10 years of schooling.

Discrimination of a language, on the other hand, involves use of language in education, as a medium of instruction, as a taught language, etc. Art. 29 mitigates this discrimination by giving the fundamental right to “any section of the citizens of India” to conserve their “distinct language, script or culture.” (Art. 29 (1)) This Article (29 (1)) is not subject to any reasonable restrictions. This right conferred upon the citizens to conserve their language, script and culture is made absolute by the Constitution. However, what provides the enabling context and intellectual resources for the effectuation of this right is the education. For instance, it is in the context of language in education that Guru Nanak University made provision to promote studies and research in Punjabi language and literature and to undertake measures for the development of Punjabi language, literature and culture.

By giving linguistic and religious minorities the right to establish and administer institutions of their choice (Art. 30(1)) and mandating the state to maintain equality of treatment in granting aid to educational institutions even if it is under the management of a minority, either based on religion or language (Art. 30(2)), the Constitution skilfully mitigated discrimination in educational opportunities by allowing its use in education, particularly with reference to minorities.

While Art. 29 brings in its ambit “any section of the citizens of India”, Art. 30 extends its operation only to linguistic or religious minorities. When in April 1947, the Assembly had stated that “Minorities in every unit shall be protected in respect of their language, script and culture, and no laws or regulations may be enacted that may operate oppressively or prejudicially in this respect” (CAD, 1989, Vol. VII: 893), the Constituent Assembly replaced the word ‘minorities’ and the Constituent Drafting Committee wrote this important article in the following terms: “Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script and culture of its own shall have the right to conserve the same.” (ibid) The members of the Constituent Assembly believed that this invokes language right, and, therefore, any section of the citizens of India should be entitled to preservation of their language. It must not be perceived as a group right. (CAD, 1989, Vol. IX: 1412)

Art. 29(1) in conjunction with Art. 30(1) gives the minority (or any section of the citizens of India) the choice of medium of instruction and the state to use its power to determine the medium of instruction in such a manner as to effectuate minority right. For instance, in the famous *Punjabi University* case, the Punjab Government, through a notification, compulsorily affiliated certain colleges to the Punjabi University which prescribed Punjabi in the Gurmukhi script as the sole and exclusive

medium of instruction and examination for certain courses. The Supreme Court declared that such a notification violated the right of the Arya Samajis to use their own script in the colleges run by them and compulsorily affiliated to Punjabi University. Likewise, a rule made by the Gujarat University prescribing Gujarati or Hindi as the sole medium of instruction and examination in its affiliated colleges was held to infringe the right of the Anglo-Indians who had English as their mother tongue.

By encompassing all minorities, the constitutional provision in Article 350 builds up the foundation for the language policy in India which allows “every person 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 the State, as the case may be.” Article 350A places an obligation on the state by stipulating that “It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.” Article 350 B stipulates that “There shall be a Special Officer for linguistic minorities to be appointed by the President [and] It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities ... 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”. However, the two amendments that came as 350A and 350B made Article 350 infructuous for these minorities. They constitute a special directive and not a fundamental right, and, therefore, neither the state makes extra effort to meet the obligations of the linguistic

minorities, nor are their failures brought to the court for deliberation. Even the special officer of the Linguistic Minorities Commission constituted by the Government of India does not have legal power to seek the intervention of courts when there is violation of this Article.

### **Language Issue and the Policy of Circumscribed Multilingualism**

The notion of ‘composite culture’, which became an acceptable compromise between the extremists and the moderates during the CAD, was thought to be multiculturalism. Yet, it subscribed to the essentialist position by treating culture as being rigid and fixed. Language policy also reflected these ideological trends by turning blind eye to the importance of multilingualism. It also joined the chorus of ‘unity in diversity’ with an underlying assumption that there is ‘a language’ which is rigid and fixed. The ‘three-language formula’, recommended by the Central Advisory Board of Education in 1956 and approved by the Conference of Chief Ministers in 1961 for establishing equality with regard to the study of languages between the Hindi and non-Hindi areas along with creating a modern outlook (through English), emerged as a compromise with an assumption that there is ‘language’.

Our language policy was blind towards accepting that conglomeration of one language plus another is not multilingualism; variability in linguistic behaviour is a facilitator and not an obstacle in communication; our verbal repertoire is characterized by fluidity and heterogeneity and not by normativity and homogeneity; and the conceptual clarity, level of proficiency, scholastic achievement and cognitive flexibility are best achieved when the pedagogy is firmly rooted in multilinguality. Multilinguality available in the classroom can be used both as a resource as well as a goal for language teaching, but it also has the bearing on the use of the mother tongue

in pedagogy. According to Krashen (1982), a low affective filter is one of the cornerstones of success for learning a new language. If a learner is allowed to use his/her mother tongue, it will help sensitize other learners of language variations and can create conscious awareness of the forms of language or metalinguistic awareness, which in turn may help in learning more language. This additional benefit that builds metalinguistic awareness will encourage higher-order thinking and reading comprehension.

Recent work on multilingualism and education and NCF 2005 and its Position paper on teaching of Indian Languages are indicators of a shift in paradigm of language policy which acknowledges the wisdom of the members of the CAD but understands the “need to grow out of the recommendations of and the policies based on the CAD.” (Agnihotri, 2007: 200)

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### References:

- Agnihotri, R. K. (2007). Identity and Multilinguality: The case of India. In *Language Policy, Culture, and Identity in Asian Contexts*, edited by Amy B.M. Tsui and James W. Tollefson. London: Lawrence Erlbaum Associates.
- Annamalai, E. (n.d.) Language in Political Economy and Market Economy: A case study of India.
- Austin, G. (1966). *The Indian Constitution: Cornerstone of a Nation*. Oxford: Clarendon Press.
- Constituent Assembly Debates*. (1946-1950). New Delhi: Indian National Archives.
- Jaffrelot, C. (2004). Composite Culture is not Multiculturalism: A Study of the Indian Constituent Assembly Debates. In *India and the Politics of Developing Countries: Essays in Memory of Myron Weiner*, edited by Ashutosh Varshney. New Delhi: Sage Publications.
- Jain, M.P. (2008). *Indian Constitution Law*. New Delhi: Wadhwa & Company Law Publishers.