

Language Provision of the Indian Constitution: A Socio-Cultural Analysis

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Abstract

In evaluating the making of the language provisions of the Indian Constitution, this paper tries to argue that the idea of Constitutional parity of languages in the Indian polity of a secular nation was overlooked, in contrast to the Constitution's ethos of recognizing and respecting the diverse religions of the land. The Constitution has failed to consider languages as yet another cultural artefact, like religion. By proposing a mono-linguistic model of 'official language', the provisions actually gave way for a 'national' language in disguise, while also valuing and promoting Hindi's Sanskritic roots, thereby assuring Sanskrit a role and visibility in the future of the modern, new-born nation. Finally, the paper tries to propose that the lack of linguistic parity in the legal realm, in terms of state's recognition and patronage, impact the growth and expansion of languages negatively, by exploring the specific case of Bhojpuri language.

Keywords: Indian Constitution, Language, Multiculturalism, Cultural artefact, Language politics

The Constitution of India stands for a 'secular' polity, embodying a positive concept of secularism with respect to religious faiths and freedoms. Although the term 'secular' was added later, there can be no doubt that the Constitution makers wanted to establish such a kind of state that respects all cultural artefacts, not just religion per se, on an equal footing and recognizes them with parity, which is evident from a wide array of provisions, more specifically in Article 25 to 30 dealing with the religious, cultural and educational rights and the role of state on those fronts.

However, while dealing with the provisions on languages and its related rights, the Constitution fails to encourage parity in recognition and promotion of languages by the state. In other words, the Constitution makers did not recognize the multilingual and multicultural character of the Indian society (and the ensuing polity), by simply denouncing language as a mere means of communication (Agnihotri, 2015, p. 48), and therefore an effective force to unite the people of India.

Further, in spite of remarkable seriousness and scholarship informing the constituent assembly decisions, the linguistic provisions reproduced and reinforced the traditional hierarchy of languages operating as corollary to the social and cultural hierarchy of the society. Thanks to the downside of consensual democracy in a body dominated by elites, the decisions buttressed the dominant socio-religious ideology of Sanskrit as prime identity of and superior to all other languages, and glorification of the Sanskrit roots of the Hindi.

Language is a salient point of political discourse, as linguistic capabilities and advancement of politics go hand clasped (Brass, 2004, as cited in Sarangi, 2009). The case of Sanskrit in the Hindu society clearly brings out that intricate nexus between language and power, as observed by Ananya Vajpeyi (2014), that the social worlds of Sanskrit engender and proliferate caste hierarchy and sexism, inequality and misogyny, much to the shocking of modern sensibilities.

Religion and Language: Constitutional Parity?

To start with, as evident from the Constituent Assembly debates, there was a general aspiration among its members to have a national language for the independent India, on the similar lines of a national flag or an anthem, stressing on its importance to the unity and integrity of the newborn nation as a ‘cement’ to hold various ‘parts’ together¹. It was only on the matter of which language that the different factions of the assembly disagreed². The provision of an official language, with no declared national language, along with the extension of English for a period of fifteen years was not born out of intense debates.

¹ Constituent Assembly debates (Proceedings), Vol. IX, September 12-14, 1949.

² Three identifiable factions include the Sanskrit sympathizers pushing for Sanskrit, the Hindi extremists (a.k.a Hindi-wallahs) who wanted Hindi as the only national language, and the moderate who proposed Hindustani, and later Hindi to be the first among equals, while the other ‘regional’ languages having national status (Austin, 1966).

The Assembly supported that India ideally have an indigenous national language, Hindi being the most suitable candidate, and that it has to be promoted using the machineries of the state (Austin, 2000). The linguistic provisions make clear what the national ideal is, and lays down how the polity is to function to achieve that ideal. The Constitution, in other words, imposes duty upon the state to promote the spread and development of the Hindi language so that it may become the lingua franca to serve as a medium of expression for all the elements of the composite culture of India, according to the Article 351 of the Indian Constitution³.

This is quite contrasting to the way the assembly dealt the questions of national or an official religion for the new-born nation, and on the role of state in the religious domain. The Constitutional provisions inclined in favour of a conception of a secular state as an equal respecter and promoter of all religions. For instance, Article 27 ensures that the state does not spend public money for promotion or maintenance of any particular religion, thereby prohibiting it from favouring, patronizing and supporting one religion over the other. Article 28 says that no person shall be forced to attend any religious instructions or worship in state-funded educational institutions without his/ her consent.

Why did not the Constitution propose a parity in state's treatment of different languages, as necessitated in the domain of religion? When religions were essentially seen as a dividing force that warrants a secular state so as to avert any tensions, how come language alone was seen as a uniting factor? Given that India was not only a land of linguistic minorities, where no one language was spoken by a majority of population, but also of relative minorities, i.e., groups of speakers of one of the more important languages living in enclaves controlled by the speakers of other major languages (Austin, 2000). While all religions (relatively larger institutions) are to be promoted by the union equally, why are the non-official languages (with a possible exception to Sanskrit⁴) left to the domain of individuals for their preservation and protection? These questions definitely need to be answered.

³ Also inferred from Supreme Court ruling on R. R. Dalavai v. The State of Tamil Nadu (1976) that declared Tamil Nadu's pension scheme to anti-Hindi agitators as unconstitutional (Refer <https://main.sci.gov.in/jonew/judis/5606.pdf>).

⁴ For Government of India's Sanskrit policy, see Sumathi Ramaswamy 'Sanskrit for the Nation', in Asha Sarangi's (ed) Language and Politics in India, Chapter 2, pp. 94.

One plausible explanation can be that the Constitution making did not bear any significant influence of the socio-linguistic turn in social sciences, which came to be recognized only in the latter part of the last century. Language as distinct repertoires of culture and ideology, as larger social institutions as religions, was largely ignored in the whole nationalist and political discourses in India. It took 66 deaths and two self-immolations in the anti-Hindu agitations in the state of Tamil Nadu for the union government to realise that a language cannot be imposed on any people against their wishes (Agnihotri, 2015). It was only later realized that both language and religion, with the active participation of the state, are similar cultural and ideological entities that can effectively divide people (Kaviraj, 1992 as cited in Sarangi, 2009).

Nationalism and Ideology

Another valid explanation to the aforesaid conundrum is the role and relation of the Sanskrit language in the entire social, political, and cultural discourses of India as a nation. As Sumathi Ramasamy (1999) has pointed out, the nationalization of a language is not just a linguistic or grammatical project, but is always an ideological one (Sarangi, 2009). Right from the beginning of the nationalist discourse, Sanskrit as “deva-basha” (language of god) was assigned the capacity to represent all of India, evident from the expressions such as “Sanskrit is India” or the “Indian culture is an expression of Sanskritic values”, as often claimed by right-wing folks.

A renewed interest in an otherwise sacerdotal, high ritual, and elitist language in the late colonial period, partly due to the popularity of the universal English education that opened access to all, was held as key to Hindu national identity and ‘national regeneration’ of ‘Hindu Aryan’ India (McCully, 1940, as cited in Sarangi, 2009). Sourced from a dominant ‘Hindu’ ideology in the realm of religion and rituals, the Sanskrit ideology is lived in the domain of language, and gradually entered into the colonial political discourse of nationalism and nation-building, even into the process of Constitution-making.

Sanskrit was a popular candidate during the Constituent Assembly debates to represent the nation. Owing to its exclusivity and legacy of being a prestige language of a marginal high caste in the past, Sanskrit could not be rendered as the national language due to logistical concerns on its administrative, judicial, executive, and educational continuity in nation’s polity

(Agnihotri, 2015, p. 52). Ironically, the very claim of Sanskrit was based on cynical reasoning that it is nobody's mother tongue and that everybody are equally disadvantageous.

Yet, the Constitutional provisions succeeded in bringing it through the back door in to the nation's polity and future. For instance, the roots of the proposal to make Hindi as the national language should be seen in relation to the 'love and respect' for Sanskrit. A kind of 'misplaced patriotism' with Sanskrit at its core and sheer ignorance about language development marked the assembly debates (Agnihotri, 2015). After being recognized as the official language, the Constitution directs that Hindi must draw its vocabulary 'primarily' from Sanskrit, and 'secondarily' from other languages, according to the Article 351.

Moreover, the Constitution also recognizes certain signs of symbolic importance accorded to Sanskrit in the modern, independent India, like the title 'Bharat' for the nation (Article 1), and the Upanishadic saying 'Satyam eve jayate' as the national motto. It also gives legitimacy for the union government to constitute Central Sanskrit Board and Sanskrit commissions, by which the language is to be discursively nationalized before it could be officially inserted into the mundane every day of the nation (Ramasamy, 1999).

In other words, while observing the socio-linguistic question of asymmetrical view of the Indian Constitution on religion, on the one hand, and language on the other, it can be understood that under the new polity, Sanskrit inherits the task that has been assigned to Hinduism in the past – to unify the nation called 'India'. Such a task to religion has been rendered illegitimate by the progressive spirits of the modern polity and secular Constitution. Therefore, it can be seen that the Sanskrit has been made to occupy the breach vacated by Hinduism.

A National Language in Disguise

By bringing Sanskrit into the Indian polity, the Constitutional provisions blurred the distinctions in roles and status of a national language and the official language. As Granville Austin (1966) points out, the constituent assembly applied a 'tactful euphemism', making Hindi the 'official language' of the union, with no explicit 'national language'. However, the legality accorded to the official language was pretty much same as that of what a national

language would demand from the political text. In other words, the Constitution provides for a disguised national language, the reasons can be two-fold.

Firstly, the official language is not only intended for administrative and logistical reasons of communication, but the language provisions also state its cultural role as a medium of expression representing the composite culture of nation. It can be inferred that Hindi is identified as the only medium, thanks to the ambiguous nature of the text. Ironically, the provisions also direct that the official Hindi language (that represents the composite culture) must draw its vocabulary primarily from the Sanskrit, as envisaged by the Article 351.

Secondly, by promoting Hindi as a medium of expression for the composite culture of India, the Hindi language, by the same virtue, becomes an intrinsic element of the pan-Indian culture, which goes against the very ethos of multilingualism and multiculturalism. Further, when read together with the Fundamental Duties (Article 51A (f)) listed in the Constitution, citizens are duty-bound to ‘value and preserve’ Hindi (as a part of composite culture), and also its ‘rich heritage’ – the Sanskrit. Overall, the language provisions by their tactful formulation and special directives, renders Hindi as the de facto national language, while simultaneously valuing and promoting its Sanskritic roots.

Impacts of Policy on Language Growth

Languages are neither static nor homogeneous as informed by the state policies. This means that language use, its existence and evolution systematically differ between social groups and time, and language change does not occur randomly but follows well-trodden paths. In modern societies, although survival of languages cannot depend on legislation or government patronage, legal provisions may allow speakers of minor languages to claim public space for their languages and cultures (Romaine, 2017). Further, the existence and expansion of a language depends upon its various formal-informal domain usages, especially at three levels namely administrative, educational, and societal (Priyadarshini, 2012), upon which state’s language policy and patronage may have significant influence.

The scenario in India is that various state machineries promote the official language at the institutional level, along with the consistent patronage of the ‘ideological-national language’ i.e., Sanskrit since independence (Ramasamy, 1999). While other scheduled

languages do not get equitable space in public sphere, including executive bureaucracy, centre-owned business institutions, universities, media, and so on. At the state level, it is only the official language(s) of the state government that gets patronage, while the other minor languages and tribal forms are left out in oblivion (Abbi, 2004). As Sumathi Ramaswamy (1999) has pointed out, the linguistic reorganization of states has given ample opportunity for the centre to develop Hindi and Sanskrit, while the states are made responsible for the growth of other languages.

Take for instance the language of Bhojpuri, widely spoken in the states of UP and Bihar. With an approximate strength of 33.09 million speakers who have claimed it as their mother tongue, it stands above some of the scheduled languages like Malayalam (33.06 million), Oriya (33.01 million), and Punjabi (29.10 million)⁵, which are also the official languages of their respective states. Yet, Bhojpuri is neither recognized officially in the states of UP and Bihar, nor included in the Eighth Schedule of the Constitution that lists the official languages of the Indian union. In fact, Bhojpuri is not even identified as a distinct language by the governmental agencies, including the Census, but only as a ‘dialect’ of the larger Hindi language, which has also subsumed 48 other ‘languages’ like Bhojpuri, along with an ‘others’ category which consists of 14.77 million speakers, as per Census 2001 data.

When we compare Bhojpuri with the three scheduled languages mentioned above, it makes immense sense as to why the scheduled languages must have a better scope in the local administrative usages and a wider media base. Both Bhojpuri and Malayalam, with almost equal strength of native speakers, are known for their cinema industry. Yet, the Malayalam industry is well-recognized for its varied genres and creativity, in spite of a limited viewership, while the Bhojpuri cine industry is caught up in doldrums since last three decades owing to absence of state patronage and stiff competition from mainstream Hindi cinema (supported by both union and state governments (Tripathy, 2007). Further, Bhojpuri’s news media is also faced with similar problems of recognition and lack of sponsorship.

⁵ As per the ‘Abstract of speakers’ strength of languages and mother tongues’ in Census 2001. Refer <https://googlegroups.com/group/sanskrita/attach/ffd13f66fb39cb0b/Census%20of%20India%20-%20Statement%201.pdf?part=0.1>

Overall, it can be inferred that the absence of domestic parity in recognition and promotion of languages in the Indian polity negatively impacts the growth and development of relatively minor and numerous other, not widely spoken languages. In fact, those languages in the bottom of the hierarchy of languages with less than ten thousand speakers are omitted from being reported by the government including census and other surveys (Priyadarshini, 2012).

Conclusion

Modern nation-states are made by turning languages as distinctive national markers (Pollock, 2003, as cited in Sarangi, 2009), and their political and legal system legitimizes the process. They need the ‘performativity of language’ to construct the narrative of the nation (Bhabha, 1990, as cited in Sarangi, 2009). However, what we need to understand is that languages never operate in vacuum. First things first, language is a ‘cultural artifact’, and is situated within the broader fields of culture, education, economy, law politics and administration. It is closely related to symbolic aspects of power and domination and can act as an invasive element of hegemony into the crucial aspects of regional identities, as in case of India (Yamunan, 2015). Being the land of hundreds of languages belonging to five distinct language families, India is essentially a multilingual and multicultural nation, and therefore it is far from true that India can function as a united nation by the virtue of a national language, as suggested by the history of modern Europe.

The language provisions of the Indian Constitution hardly acknowledge this cultural diversity, given that the making of the Constitution was pretty much carried away by the principles of consensual democracy and elite majority (Agnihotri, 2015). By failing to recognize language as a critical ‘cultural’ aspect of everyday life, just like religion, and by not neglecting Constitutional parity among different languages, the Constitution could hardly realise a secular and democratic polity as it envisaged in letter and spirit. Instead, it reproduces and reinforces the traditional hierarchy and inequality of languages that flow on the lines of the social and cultural hierarchy of the traditional ‘Hindu’ society. Since languages are the means to the larger realms of education and opportunities, such reproduction of inequality in access and statuses begets no social justice, another foundational ideal of our Constitution.

While simultaneously providing for a disguised ‘national’ language, the Constitution also assures Hindi and Sanskrit a visibility in the modern, secular India that has been denied to

other languages that have played analogous roles in the nation's past. Although it is true that many Indian languages have borrowed words from Sanskrit, it can hardly represent the multi-cultural and liberal ethos of the modern India the Constitution calls for, thanks to cultural legacy that represents certain socio-political, cultural rigidities and elitism that the very Constitution disregards in favour of rights and liberties. As Ananya Vajpeyi (2014) observed, the complicity of Sanskrit with the power dynamics of caste and gender makes the modern India the most confounding contradiction of on-paper political equality and the lived social inequality.

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