

## **Rights, Mobility of Citizens and Language Choice in India**

**Prof. B. Mallikarjun, M.A., Ph.D.**

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### **1.0 Rights**

The twentieth century is recognized as a century of appreciation and recognition of rights of world citizens, 'the age of rights'. They are consolidated and codified through charters, constitutions, and legislation etc., of different kinds in the concerned nations. The twenty first century is expected to be the century where discriminations of various kinds among the people in the world are to end and a social order based on equality may emerge. India too has codified the rights of its citizens in its Constitution and through various legislations in the past decades. Also, signed different international agreements and naturally has agreed to abide by them.

The canvas of rights in the world is very vast since everyone is more concerned about his or her rights and less bothered to about the obligations / duties. It is nothing but natural. Similarly, the literature relating to granting, interpreting etc., of rights is also very fast growing. There are rights guaranteed by the nations and the rights guaranteed by the international treaties, agreements etc.,. Rich literature exists on it. Formulation of legislations, codification and their implementation and the affected seeking judicial remedy is a regular phenomenon. This results in the interpretation of concerned rights / law. One can find changes in their interpretation according to social, economic and political situations. This makes rights and their interpretation a dynamic process.

The word, right to represent legal status is used legally as well as used in normal discourse to relate various issues that one thinks as his concerns. The literature on rights, has 'human rights, civil rights, political rights, social rights, economic rights, language rights, linguistic human rights, minority rights, immigrants' rights, exclusive rights, special rights, fundamental rights, individual rights, collective right equal rights,' etc.,. An unending list. However, the researchers broadly classify them as: domestic, regional and international rights at one level and as individual rights and collective rights at another level.

Many a times, relation between different kinds of rights exists and hence, many of them cannot be looked at in isolation and they have to be studied and interpreted in the context of other related rights. Also, whether two kinds of rights entail each other has to be examined. How one does get the rights? Is often a question asked by the people? One gets some of them by birth, some through the international treaties, some through the constitution of the country and some through the legislation and or through executive orders. Every right comes into existence with a specific purpose. Modern Guide to Synonyms says that the word 'right' refers to a "concrete claim established by legal, ethical or religious sanctions: the right to own property; the right of equality before the law. Although someone claiming a right tends to argue that it is inherent, a person's rights are differently spelt out in different cultures". In the Indian context "A right is an interest which is recognized and protected by law. As it is recognized by law a man is entitled to have it. As it can be protected by law the possessor can enforce it by an appropriate action in a court."

The Indian Constitution has enshrined certain fundamental rights to the Indian citizens as individuals and as communities. Some of these rights have direct bearing on language such as the right for conservation of one's language and the right not to be discriminated on the basis of language. Some other rights like freedom of movement and residency in any part of the country and freedom of speech have indirect bearing on language choice. The recent pronouncement of the Supreme Court that education is a fundamental right also has indirect bearing on choice of language for education. The exercise of these rights has generated conflicts in the recent years. Questions such as:  
whether the right to establish educational institutions by the minorities is to conserve their language and culture:

- a. whether the right to live anywhere is contradicted by the sons of the soil policy when the sons of the soil are defined by their language heritage;
- b. whether the language choice as subject and as medium in education should be left to the parents or the State;
- c. whether the individual has a right to choose a language for education which he perceives to be necessary for his social mobility;
- d. whether the efforts of linguistic minorities for promotion and development of their languages should be funded by the State or only the concerned community;

- e. whether the interests of a linguistic minority in a State whose language is the majority in another State should be the responsibility of this State etc. have arisen.

## 2.0 Mobility

Mobility is the quality of moving freely. The ability to move or be moved freely and easily. Also, it is the ability to move between different levels in society or employment. The Constitution of India and the Human Rights also recognize the right of people to move from one part of the nation to another for various purposes. Mobility temporary like the one for education, permanent one for job, migration within a state and across the states since independence of India has gained momentum and has reached its maximum in the past 50 to 60 years. One of the reasons for such migration could be the availability of facilities in some parts and unequal socio-economic development compounded by the lack of infrastructure. The literacy rate in the country was not even in the country at the time of her independence. Even after independence the efforts to spread literacy did not work for various socio-economic and political reasons. The people from the parts where there was high percentage of literacy and spread of education, moved to the places where there was lack of educated, trained human resources. Normally boundaries of the states coincide with the language boundaries in our context.

This kind of migration once found to be a need of the hour became a sour pudding since the spread of literacy and educational facilities created adequate human resources in such areas also. This gave birth to the 'sons of the soil' slogan. We are seeing the effect of this in two of the states in India, one is Karnataka and another is Maharashtra. This is getting expressed apart from the agitations based sometimes on political lineup, in seeking reservations for the local people and in changing or having a language policy which makes it essential for every one getting educated in the concerned state to study the official language of the concerned state compulsorily up to certain standard. Sarojini Mahishi Report on the reservation of jobs for locals in Karnataka is one such example. There was a conflict about the definition about who is Kannadiga? Should he be defined on the basis of the state where he is born and brought up or on the basis of the mother tongue? Such definitions of domiciles or linguistic-ness are difficult in the multilingual setup. Even the official language commission had recommended that jobs of certain categories be reserved for the locals. Non-implementation of such recommendations and shrinking of job market, coupled with large scale migration of people

from other states to compete with the limited market, mobile nature of people of some of the states docile-ness of people of some other states are coming on the way of linguistic harmony. India has all the three kinds of minorities - linguistic, religious and ethnic. New creed is coming up of poor and educationally backwards that cut across all the three minorities who are numerically more but their voice is not heard properly. They are the product of non-development. It is these, who are trying to give vent to their feelings in one form or the other. Social and economic problems faced by the people get expressed as language or language related problems since language is supposed to be a sensitive issue and can be used easily to mobilize the public easily around it rather than around other issues.

India is multilingual and it has 30 or so states and union territories. Each can be called 'mini-India' since, like the country each component of this federal system is also multilingual. There is no purely monolingual or purely bilingual state. Immediately after her independence and before the independence, this complex multilingual situation was considered problematic and harmful for peaceful coexistence of the population. After more than five decades of management of multilingualism, scholars, consider Indian multilingualism as a major resource like any other resource to build upon and proceed towards total human development. Naturally there is movement of citizens across different places within a state and also within nation for different purposes.

Mobility of persons from one place to another place due to various reasons is an added dimension. Immediately after post-independence period, the impact of it on the society was not felt that much. Due to impact of globalization there is an expansion of markets leading to the creation of avenues of employments; spread of education is creating human resources that are employable. Now employment opportunities are the main causes of migration or mobility of people within the country. These are not bound by the linguistic and or geographic restrictions like state and language. But, when a person of a particular language and a particular state fails to get a job in his or her own land, the sons of the soil principle emerges to the fore and demands that they have to be preferred to those who are not the sons of the soil. This is one kind of mobility another kind of mobility is from rural areas of the same state into the urban areas of the state.

Under these social circumstances in order to find out who should be included and who should be excluded into the sons of the soil many criteria have emerged in the dialogues and rule books. But, precisely these cannot be termed as features of identification of sons of the soil. However, they form very basis on which certain decisions are arrived at by the state. Important of them are: the person should have been born in the concerned state (language cannot be one of the defining criteria since the states are multilingual if language is used as any criteria, minorities shall get excluded); has working knowledge of the local language(s); has studied a minimum of number of years in the school in the concerned state, knowledge of language is precondition or post condition for jobs like:

- a. Passes the language examination conducted for the specific purpose after one joins the job;
- b. Possesses the knowledge of the language by learning for a specific number of years;

Now and then, we hear the cry that ‘Locals are to be preferred for jobs.’ ‘Outsiders should not come here for jobs. They have to go back to their states.’ These are retorted with the ‘We are Indians. We can go to any place in the country and settle, get job.’ Etc. The basic questions get engulfed in the din of nationality, and do not get an in depth analysis of problem, causes and the remedy.

### **3.0 Language Choice**

In the Indian context of rights and mobility of people, both horizontally that is geographically across different multilingual States and Union Territories and vertically from one socioeconomic stratum to another socioeconomic stratum issues relating to language choice could be analyzed. The number of groups available for such analysis with different permutation and combination is very large. In order to understand the issues involved some case studies of three groups of people or an individual from different parts of the country are elucidated here.

**Case Study 1:** Migrant Laborers from Tamil Nadu in Gujarat. There is a large population of Tamil mother-tongue persons who are migrant to Gujarat from Tamil Nadu. They were forced to migrate in search of economic opportunity as laborers. There are 1.5 lakhs of Tamils in Ahmadabad alone and majority of them belong to SC and ST communities. The matter

concerns the education of the children of these migrant labors. They say that “as long as Gujarat or any other State is using our labor, it cannot neglect our rights. Now the migrants are considered some sort of use-through-commodities which one can dispose off once the work is done”. The migrant labors are up in their arms to fight for their rights. When it comes to the education of their children they have an Ahmadabad Municipal Corporation School at Sabarmati from pre-primary class to class 7 which teach in Tamil medium. After this, the children have to move to Ahmadabad Tamil Higher Secondary School for their education in 8th to 12th Standards which is situated in Khokra. It is reported that it is the only Tamil medium Higher Secondary School in the State of Gujarat and the Gujarat Secondary and Higher Secondary Education Board have stopped preparing the examination papers in the mother-tongue of non-Gujarati medium sections. In this context, the students of Tamil medium population have started to switch over to English medium due to non-availability of examination in the mother-tongue medium. Gradually, instead of shifting to the English medium from the 8th standard, these population have started to opt for the English medium from the beginning itself. This is a loss for mother tongue and gain to English. Also, whenever there is a drive for enrolment of students to the schools, the migrant labor children are left out from such educational movement itself. In case these students were studying in their state, they would have had mother tongue education as long as they wanted and also they would have got all the other benefits that other students were getting. In such a case they would have done so by being away from their parents.

**Case Study 2:** Jobs and Knowledge of local language: In a multilingual state/country is becoming an important factor to get a job. The interests of the declared linguistic minorities are protected as their right. But, at the same time the interests of the state are safeguarded in interpreting the language laws framed by the state. Also, knowledge of language is measured in terms of possession of the same through formal education and not by claim of having the knowledge of the language. In the North-East Circle, Shillong, had advertised the post of Postal Assistant for the Nagaland and Manipur Divisions which is under the Control of the Chief Post-Master General. The Recruitment Rule for the position had a clause under the essential conditions that: Knowledge of local language of the state concerned. The candidate should have studied the local language as a subject at least up to Matriculation or equivalent level. Two of the applicants to the posts who were not shortlisted for the post on the ground that they do not fulfill this prescribed local language criteria challenged the decision in the

Tribunal with the plea that it is violating the Article 14 and 16 of the Constitution of India. One of them was from Bihar. He had studied Hindi and English up to intermediate level in Bihar and then studied in Nagaland. Another person was from Manipur and capable of reading and writing Manipuri. This person had passed the equivalent examination to intermediate level where Hindi was the first language and English was the second language. Their contention was that though they have not studied the local languages they have the knowledge of the local language and English is the official language of Nagaland and they have studied it. Hindi is the official language under the Article 343 and all the departments have to accord equal status to it. The Superintendent of Post Office, Kohima stated that Ao, Lotha, Sema and Tenyidie as the local languages. The Tribunal ruled that that prescribing of local language knowledge as a condition of employment is not violating any provision of the Constitution since the officials have to deal with local customers and the authorities are at liberty to prescribe such qualifications and the knowledge of the local language has to be obtained through proper schooling and educational qualification.

**To conclude**, the citizens are bestowed with the rights. But they are not able to exercise them due to restrictions imposed by the social and State factors.

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**NOTES:**

(1) Paper presented in the 33rd All India Conference of Linguists held at Chandigarh from Oct 1 to 3, 2011. I could find this paper when I was formatting old laptop. As far as I know I have not published this earlier.

(2) While writing this paper in the past few months I had made notes from various sources and used them for the purpose. When I wanted to add references etc., unfortunately I have lost the notes in transit. My apologies for being not able to give due credit to the references and citations. The readers are requested to excuse me for the same.

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Prof. B. Mallikarjun, M.A., Ph.D.  
Former Professor and Director  
Centre for Classical Kannada  
Central University of Karnataka  
Kalaburagi 585367  
Karnataka  
India  
[mallikarjun56@gmail.com](mailto:mallikarjun56@gmail.com)