

NOTES AND COMMENTS

Understanding the Linguistic Consociationalism in India: A Study of the Linguistic Safeguards under the Constitution of India

Nishit R. Chaki¹

Granville Austin states the reason of language being so important in the Constituent Assembly is that *“like fundamental rights, it touched everyone...problems of language were an everyday affair...”*²Consociationalism means the power sharing relationship between the elite-groups of deeply divided societies in a modern stable democracy. Language is an important factor in shaping consociational safeguards in a heterogeneous society. India has traditionally been a heterogeneous society, accommodating a number of religious and ethnic groups. The various categories with which the Indian population can be legally studied³ includes religion, caste, language, etc and due to the fact that the federal division of the country was redrawn in 1956 based primarily on linguistic criteria⁴, language loyalty and linguistic groups were given a strong legal establishment by the State itself. The British policy of divide and rule administration further intensified the traditional divisions of the Indian society⁵.

One of the first references to the linguistic minorities as a separate group was at the Fifth session of the Assembly when the Chairman Dr. Prasad

¹B.A. (Public Administration) (I.G.N.O.U), B.A., LL.B (Hons.) (University Silver Medal, Gold Medal, University of North Bengal), M.A. (Public Administration) (I.G.N.O.U), LL.M (Del.)

²Granville Austin, *The Indian Constitution-Cornerstone of A Nation* 268-269, (Oxford University Press, New Delhi, 1996)

³ The Constitution of India recognizes and gives protection to religious minorities, caste-based minorities, linguistic minorities, etc; See Constitution of India, arts. 15, 16, 17, 24, 25, 26, 27, 28, 29, 30.

⁴ The re-organisation was bound to affect the functional usage of language, that is, the tangible benefits the majority languages were to get by their being used in State Civil services, prominent cities, etc, which guaranteed benefits to the majority language group.

⁵ However, many Indian leaders sought solution of traditional evils through British help. For example Bengal Sati Regulation, 1829, Hindu Widows' Remarriage Act, 1856, The Child Marriage Restraint Act, 1929 were some of the Statues of British India which brought the regulation of various social evils, and thus enticed Indians towards a western solution to native problems, and this approach is visible in dealing with the linguistic minority problem as well.

assured the minorities that “...they will receive fair and just treatment and there will be no discrimination in any form...and their language are safe...”⁶The Constitutional provisions were to give the minorities their due share of rights and were a result of the long process of minority rights granting process which have started very early.

The tangible outcome in the Constitution of India⁷ in this context are the Constitutional provisions under Part III and Part XVII which deal with various aspects of language⁸. B. Mallikarjun states that it was since the time of Emperor Ashoka (BC 268-226) that language started to play an important role in public life⁹. Directions were issued by Kings in various local languages, apart from the language used by the King¹⁰. In British India also the importance of language and the protection of linguistic minority were stressed in a number of ways¹¹. The closest precursor to the present Part III can be found in the provisions of the Sapru Committee Report dealing with the rights of the minorities¹². By the time of independence several schemes were considered so that the majority and the minority communities may live together¹³. 300 amendments were submitted in the Constituent Assembly in relation to the draft provisions of present Part XVII moved by Mr. Ayyangar on 12th September 1949¹⁴.

The criterion of differentiation amongst linguistic groups, adopted since the census of 1881 and visible also in that of 2011 is that of differentiating

⁶ Constituent Assembly Debates, Proceedings of 14th August, 1947.

⁷ Asha Sarangi (ed.), *Language and Politics in India* (Oxford University Press, New Delhi, 2010).

⁸ The other provisions of the Constitution which deal with language are Article 120 of Part V and Article 210 of Part VI; See also The Official Languages Act, 1963 (Act 19 of 1963) (India)

⁹ See B. Mallikarjun. Ph.D., *The Evolution of Language Laws in Post-Independence India: A Monograph*, 12:9 LANGUAGE IN INDIA Sept. 2012, (March 15, 2016 04:16 a.m.) <http://www.languageinindia.com>

¹⁰ *Id.*

¹¹ See Wood's despatch of 1854, (March 16, 2016, 02:25 p.m.) http://www.kkhsou.in/main/education/wood_despatch.html

¹² Sapru Committee Report (1945) at p. 241.

¹³ See Mohammed Asif Kidwai, *A Scheme of Cultural Autonomy as a Solution of the Problem of Minorities in India*, Vol. 5 No. 1 THE INDIAN JOURNAL OF POLITICAL SCIENCE July-Sept. 1943 at 75-79.

¹⁴ Constituent Assembly Debates, Proceedings of 14th September 1949.

between the “mother tongue” and the other languages¹⁵. The importance of language has been tremendous in developing common identities by many sections of people which ultimately lead to their political accommodation through federal structures and thus affecting their overall life situation¹⁶.

Granville Austin rightly states that one of the goals of our Constitution was to bring forth the social revolution¹⁷. Thus, in granting rights, the Constitution have always favoured the individual and not the community, though in limited respect community is also given due protection.

Thus, it can be seen that the language policy in any society have a number of effects through the various sections of the society, and as such can be used to actually re-model the society. Language particularly can be used as an instrument of distribution of wealth and resources and the political power in the society.

The International community have time and again emphasised upon the cultural rights of the citizens¹⁸. The provisions of Article 29 and 30 of the Constitution of India were drafted to strike a balance between the forces of assimilation and pluralism. The principles of this balance were to be in accordance with the noble principles of ideological Rule of Law and Substantive Equality. The role of State was to be so modelled that it can promote the group identity of some sections, yet adopting a practice that does not promote discrimination, either in favour of the majority, or in favour of the minority¹⁹.

¹⁵ The Supreme Court in the case of State of Karnataka and another vs. The Associated Management Of (Government Recognized unaided English medium) Primary and Secondary Schools and others, (2014) 9 S.C.C. 485 (India) have discussed the meaning of mother tongue.

¹⁶ Harihar Bhattacharyya, *Federalism and Regionalism in India: Institutional Strategies and Political Accommodation of Identity*, Working Paper No. 27 Heidelberg Papers in South Asian and Comparative Politics South Asia Institute, Department of Political Science, University of Heidelberg, May (2005).

¹⁷ Granville Austin, *The Indian Constitution: Cornerstone of A Nation* (Oxford University Press, New Delhi, 1996).

¹⁸ UN Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities, 1992; International Covenant on Civil and Political Rights, 1966.

¹⁹ Countries like Switzerland and Russia had multilingualism, yet, their position is quite different from that of India, See M. P. Jain, *Indian Constitutional Law* 793 (Lexis Nexis, Haryana, 7th edition, 2014).

With the gaining of independence several crucial decisions were to be made. These were about the Union and the State Official Languages, the “medium of instruction” in educational institutions, the steps to augment the use of languages in a globalised world, etc. These decisions affect the consolidation and empowerment of the intelligentsia, and the optimum tapping of the functional effects of language policy. A single unified language policy, directed towards a similar set of goals and administered through a pluralistic administrative apparatus consolidates the political unity of the country and solidifying its cultural base.

The Government of India appointed a Minorities Commission in 1978 under an administrative resolution which was later given a statutory basis²⁰. These steps ensure that the minorities have an orderly and stable growth and their interests are protected. The Constitution also makes provision for the appointment of the Official Language Commission, and also houses a provision for the special duty of the Union to promote the use of Hindi. Due to such difference in identities, some scholars have used the term ‘State-Nation’ for India²¹, which creates a sense of belonging at two different levels, the broader political community and the local cultural community.

In the present study, the central theme of discussion is the issue of protection of linguistic minority rights under the Constitution of India. In our country every language is a minority language, that is, none of the Indian languages have a more than 50% share in the total population²². Thus in the judicial interpretation of the language provisions of the Constitution the State is taken as the unit for determining the minority status. Hence the creation of the “linguistic minority” is an artificial exercise and language rights are available to “all sections of the people”.

Hierarchical provisions exist in the Constitution in relation to language rights, with the most supreme place being given to the rights under Part III. Then the next tier is of the Official languages of the Union, then there is the

²⁰ Notification issued by the Government of India, dated the 12th of January, 1978.

²¹ Alfred Stepan et Al., *Crafting State Nations: India and Other Multinational Democracies* (Johns Hopkins University Press, Baltimore, 2011).

²² Hindi has the highest percentage of speakers and according to 2001 census it has 41.03% in relation to the total population; See Census 2001, May 18, 2016, 02:16 p.m.

http://www.censusindia.gov.in/Census_Data_2001/Census_Data_Online/Language/Statement4.aspx

Scheduled languages, and finally comes all the other languages of India. It is to be noted that a Member of the Parliament is not allowed to talk in his mother-tongue, though it be one of the Scheduled languages, without the “permission” of the prescribed authority. In this respect there is no difference between the Scheduled languages and the other languages.

The Fundamental Rights of Articles 29 and 30 are available to persons of every linguistic group. This provision on a simple reading means the preservation of the language of the minorities, but here also the Courts have stated that the minorities can use any language as the “medium of instruction” in the minority institutions.

The Assembly members’ respective experience associated with the language problem under question being different, it became possible that the members ended up providing different solution to the same problem²³. The ‘Hindi-wallahs’²⁴ were convinced that a One-Nation-Language was required to guard against divisive threats in future. The other members of the Assembly failed to understand why a provincial language which is just like any other language should be made the National Language of the Union. A beautiful example can be given of the way various people in India thought of language. Nehru writes about script in a short passage in his autobiography. In the context of his sister’s marriage he writes that “*The little invitation we issued for the wedding was written in Hindustani in the Latin script. Gandhiji did not approve of this.*”²⁵ Nehru writes that he was not a convert to the Latin, and even if he was, he strongly believed that only Hindustani can become the common language of the country.

Moving the draft of language provisions in the Constituent Assembly on the 12th of September 1949 Shri N. GopalaswamiAyyangar defended why English was to be retained in the provisions. Dr.S.P.Mookerjeesaid in the

²³The most appropriate example of this divide is the approach towards and the solution argued for the cause of Women’s Rights by J.S Mill and Florence Nightingale; See Evelyn L. Pugh, *Florence Nighingale and J.S. Mill Debate Women’s Rights*, 21 No. 2 Journal of British Studies Spring, 1982 ; At one point the author states that Nightingale have replied to Mill that “*He had never been as she had, "a 'scratting' female ... among a world of 'scratting' females (and some very odd ones too).*”

²⁴ Granville Austin refers to the Hindi Extremists as Hindi-Wallahs; See *supra* note 1 at 266.

²⁵Jawaharlal Nehru, *Toward Freedom: The Autobiography of Jawaharlal Nehru* (The John Day Company, New York, 1936).

Assembly about the adoption of Hindi that it was adopted because it was understood by the largest single majority of people in the country.

The provision of Article 351 of the Constitution reads that Hindi shall draw for its vocabulary “*primarily on Sanskrit and secondarily on other languages*”²⁶. Regarding the colloquial aspect of the Official Language Hindi, Article 351 of the Constitution of India reads that “*It shall be the duty of the Union to promote the spread of Hindi language*”²⁷, but this duty comes with a rider, “*...to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India...*”²⁸. Thus, Hindi must bear the stamp of the composite culture of the country, which signifies the importance of linguistic consociationalism in India.

The provisions which emerged as the Part XVII of the Constitution came to be known as the Munshi-Ayyangar formula. It houses provisions on three important matters, that is, the use and the Constitutional provisions of English, Hindi²⁹, and other regional languages.³⁰ The position of other languages (apart from the majority languages) is important in a power sharing society.³¹ The retention of English was a practical solution India could have for a number of reasons and was again affirmed when the use of English for the Official purposes of the Union was extended by the Parliament under Section 3 of The Official Languages Act, 1963. Language rights are given as a part of the Fundamental Rights under Part III, and these rights when read with the protection afforded under Articles 350A and 350B of Part XVII safeguards the rights of all the languages in India. Thus languages get State patronage in a number of ways, which ultimately affects the life of the people.

In the working of the language provisions of the Constitution the Indian Judiciary have played a praiseworthy role. In respect to the language

²⁶India Const. art. 351.

²⁷*Ibid.*

²⁸*Ibid.*

²⁹ It is to be noted that by the time of partition Hindustani lost its ground to Hindi, and it was a widely accepted notion that only Hindi was in a position to replace Hindustani as the possible contender for being the Official Language of India.

³⁰ This question involved the consideration of matters like whether Hindi could be made acceptable to the non-Hindi provinces of India, in what language was the Inter-State and the Centre-State communication to take place when one of the participating State was to be a non-Hindi State, etc.

³¹ This is because a democratic State can never afford to deprive its people from their respective mother-tongues.

rights the individual comes after the groups³². Then, the language rights are more grounded on the notions of substantive equality than formal equality.³³ Further, the State is to oversee the effectiveness of the rights, as well as is to limit the rights whenever there is an excess³⁴.

Part III of the Constitution of India deals with the Fundamental Rights, and the Articles 29 and 30 of this Part deals with the “*Cultural and Educational Rights*”. These rights are available to “*any section of the citizens*”, and to “*All minorities, whether based on religion or language*”. These rights in the context of language include the right to conserve language and script, to establish educational institutions and the right not to be discriminated on the ground of language. The provisions relating to language are also housed in Part XVII of the Constitution which consists of Articles 343 to 351 and houses provisions about the Official languages and some other linguistic safeguards. It can be seen that in-order to cement the “organic unity” of the country, the use of mother-tongue in the legislative apparatus is made dependent upon the permission of the Chairman or the Speaker³⁵. Thus, the State and its identity come first in the legislature, and it can be said that the position of the languages of the country other than Hindi here becomes equal in this respect. Similarly, in the States several other mother-tongues are given a sub-ordinate position.

In the case of *In Re: The Kerala Education Bill... vs. Unknown*³⁶ the Court held that minority is to be decided taking the State to be the unit. Further State regulations must not be of the character that takes away the basic and the most fundamental of the rights of the minority to administer their own institutions. Further, it was held that the State obligation to promote free education to children must not be done at the expense of the minority institutions, and thus, these institutions does not come under the purview of free education regulations. In the case of *S Azeez Basha And Anr vs. Union*

³²India Const. art. 25-28, 29-30. The group rights are regulated for the benefit of certain sections of the people, or the individual.

³³India Const. art. 14; this provision is primarily based on Formal Equality; See also Constitution of India, arts. 15-18; these provisions are based on the principle of Substantive Equality.

³⁴The Constitution relies on the Top-to-Bottom (State guided and State led) model of development rather than on the Bottom-to-Top development (arising from the people and people led).

³⁵India Const. art. 120.

³⁶1959 1 S.C.R. 995 (India)

of India³⁷ it was held that, recognition cannot be asked for as a matter of right by the minorities who have established educational institutions of their choice. In the case of *St. Stephen's College vs. University of Delhi*³⁸ the court held that an exercise by the minority to preserve its minority character was not contrary to the Constitution, provided that the number of seats allotted to the minority must not exceed 50%.

In the cases of *D.A.V College, Bathinda, etc vs. State of Punjab and Others*³⁹ and in the case of *Gujarat University vs. KR Mudholkar*⁴⁰ it was held that the State cannot impose a "medium of instruction" in the minority institutions. However, in the case of *Usha Mehta vs. State of Maharashtra*⁴¹ the Court upheld the State policy which made it compulsory for every school to include Marathi language in its curriculum because a State has a right to promote its official language, and this cannot be held to be violating the minority rights. In the case of *State of Karnataka and another vs. The Associated Management of (Government Recognized unaided English medium) Primary and Secondary Schools and others*⁴², the State action making it compulsory over the minority to impart education even in their own mother tongue is not permissible under the Constitution, because the Constitution empowers the minority to establish educational institutions of their "choice".

Such an interpretation, it is most respectfully submitted that, makes the right something which the Constituent Assembly have not intended. Even a general reading of the Assembly Debates suggests that the minority rights were primarily for the benefit of the respective mother-tongues. At most, if the minority institutions were to be given the right to choose any language as medium of instruction, perhaps the Court could have states that such a choice must accompany the use of the minority mother-tongue also as a medium of instruction.

In the case of *State of Bombay vs. Bombay Education Society and Another*⁴³ it was held that the promotion of Hindi is not possible by forcing parallel classes in Indian languages. Again in 2014 in the case of *Pramati*

³⁷ A.I.R. 1968 SC 662 (India)

³⁸ (1992) 1 S.C.C. 558 (India)

³⁹ A.I.R. 1971 SC 1731 (India)

⁴⁰ A.I.R. 1963 SC 703 (India)

⁴¹ Writ petition (Civil) 132 of 1995

⁴² (2014) 9 S.C.C. 485 (India)

⁴³ A.I.R. 1954 S.C. 561 (India)

*Educational and Cultural vs. Union of India*⁴⁴; it was held that minority institutions were exempted from the application of Articles 15(5) and 21A, because, that would mean the inter-mingling of majority and minority sections of children, which in turn could be detrimental to the minority character of the institution. It is respectfully submitted that in the case of free education, for the betterment of the country, no differential treatment should be allowed for the majority and the minority.

In the case of *Union of India vs. MurasoliMaran*⁴⁵ the scheme of providing “in-service” training of the officials of the government in Hindi language, and conferment of qualification due to such training was held to be perfectly valid. In the case of *RR Dalavai vs. State of Tamil Nadu*⁴⁶ the apex Court invalidated the scheme of the State Government under which pension was provided to the erstwhile anti-Hindi agitators. The scheme was struck down as being against the integrity of the country, and for promoting hatred towards Hindi. The abovementioned case has to be read with the case of *Jagdev Singh vs. Pratap Singh*⁴⁷ where political agitation for language was allowed, because the provisions are not restricted by any reasonable restriction.

It may be mentioned here that after the re-organisation of the States in 1956, the power sharing system have changed in our country, although States was not formed solely on a linguistic basis. The Nehru Committee of the All Parties Conference, 1928, the leaders of the Congress were in support of such a measure. However, since partition, any form of expression of the sub-national identity was shunned in the public life of the country. Nehru who once favoured the linguistic reorganisation was recorded to have said that, first things should come first, and the first thing for a newly independent India was unity⁴⁸. Prakash Karat writes that “*The temper of radicalism roused by the mass struggles for independence, the struggle in*

⁴⁴ (2014) 8 S.C.C 1 (India)

⁴⁵ AIR 1977 S.C. 225 (India)

⁴⁶ AIR 1976 S.C. 1559 (India)

⁴⁷ AIR 1965 S.C. 183 (India)

⁴⁸ In the Constituent Assembly (Legislative) on 27th November, 1947, soon after Partition, the Prime Minister remarked: "First things must come first and the first thing is the security and stability of India", quoted in Report of the States Reorganisation Commission, 1955.

*Telengana and Partition*⁴⁹ made the Congress to reject the linguistic principle..

Hence, in a chronological chain of events, first there was support for the linguistic provinces, then there was denial of the idea, and then ultimately in 1956 the Indian state yielded to the demand of the linguistic reorganisation and crafted the provinces primarily on linguistic lines, (though other considerations were also present). The reorganisation has crafted States where the minority languages taken together in each of the States were below 50% in comparison to the majority language⁵⁰.

Bethany Lacina⁵¹ argues that, owing to the factor that seats in the Indian Parliament are allotted on the basis of population, such a reorganisation of the States have only a local effect. The author emphasises that the Central Government feared religion and other bases of affinity as being divisive, and hence language was favoured as the basis of a federal set-up even when there could be other bases of a State reorganisation⁵². Thus most of the provinces in India house a significant linguistic majority community. The cause for unity becomes so important because in a constantly fighting area (witnessing severe inner competition and group fighting for access to resources) development can never happen in a way it can happen in a peaceful area. However, it was realised that the reorganisation may solidify the bond among the linguistic community and bring forth their unity, but it may be detrimental to the National Unity⁵³. Hence, the reorganisation was resorted to by the State in a limited fashion, and it can be seen that several demands for new States which were later granted by the Government were rejected back then in 1956. Part I of the Constitution ensures unity by affording Parliamentary supremacy in Indian federation.

⁴⁹Prakash Karat, *Language and National Politics in India*(Orient Longman Ltd., New Delhi, 1973).

⁵⁰ Joseph E Schwartzberg, *Factors in the Linguistic Reorganisation of Indian States* in ASHA SARANGI (ed.), *Language and Politics in India*(Oxford University Press, New Delhi, 2010).

⁵¹ Bethany Lacina, *How Governments Shape the Risk of Civil Violence: India's Federal Reorganisation, 1950-56*, 58 No. 3 *AMERICAN JOURNAL OF POLITICAL SCIENCE* July 2014 at 720-738.

⁵² For example, the demands for Jharkhand were more grounded as a Tribal demand, and not that of a demand of a linguistic community.

⁵³SagarikaDutt, *Identities and the Indian State: An Overview*, 19 No. 3 *Third World Quarterly* Sep. 1998 at 411-434; See also K.N.V. Sastri, *A Few Administrative Problems created by the S.R.C*, 17 No. 1 *The Indian Journal of Political Science* Jan.-March 1956 at 28-34.

However, it can be said that in India people have various cross-cutting identities, because the members of the same linguistic group may belong to different religion, caste⁵⁴. Thus, these cross-cutting identities check each other and it becomes difficult for any one of such identities to overshadow the others in public life. Thus it can be said in agreement with Subrat K. Nanda that the Indian state showcases two types of unity, a political unity at the pan-Indian level, and a cultural unity at the provincial level⁵⁵. This cultural unity of the people is however limitedly recognised, and yet the Constitution of India makes provision for pluralism and has sufficient protection for the cultural nationalities. Robert D. King notes that language is very important in the national life of the community, and in support of this statement he cites the example of the creation of Bangladesh by separation from the then West Pakistan, the nationalism of the Jews, the revival of the Hebrew language in Israel⁵⁶.

The situation in Canada and Switzerland seem to be somewhat analogous to our country. In Canada, both the English and the French languages are given the status of the Official Language vide the Official Languages Act of 1969. Then in 1982, the *Canadian Charter of Rights and Freedoms* constitutionally brought into effect several key language rights⁵⁷. Sections 16, 17-22 and 23 of the *Charter* recognizes various key rights.

Similar is the solution afforded by Switzerland to its polyglot society. There by the Constitution of 1999 all the four major languages are given the status of the National Language. In fact the Constitution was itself drafted in four National Languages of French, German, Italian and Rumansh. Article 4 and 70 of the Constitution makes provision for the Language rights⁵⁸.

The question of the Official Language was dealt with in the Constituent Assembly, and later by the Official Language Act of 1963. The Constitution

⁵⁴Ashutosh Varshney, *Battles Half Won: India's Improbable Democracy* (Penguin India, New Delhi, 2013).

⁵⁵Subrat K. Nanda, *Cultural Nationalism in Multi-National Context: The Case of India*, 55 No. 1 Sociological Bulletin Jan.-April 2006 at 24-44.

⁵⁶Robert D. King, *Nehru and The Language Politics of India* (Oxford University Press, Delhi, 1997).

⁵⁷Jay Makarenko, *Official Bilingualism in Canada: History and Debates*, (May 3 2016, 12:15 p.m.) <http://mapleleafweb.com/features/official-bilingualism-canada-history-and-debates>.

⁵⁸Switzerland Const. art. 4 and art. 70 (May 3 2016, 12:27 a.m.) https://slmc.uottawa.ca/?q=bi_switzerland_constitution.

(Seventh Amendment) Act, 1956 was passed after the States Reorganisation scheme was accepted. Articles 350A and Article 350B was inserted by this Act which substantially affects the language rights of the people.

However, in analysing and studying the States Reorganisation of 1956, some non-traditional considerations are also noted by scholars. Bethany Lacina writes that the reorganisation was based on political considerations of the ruling party, for example the Bombay state was not divided in spite of the presence of large communities of the Gujarati and Marathi group in a single state and the example of the tribal demand of separation from Bihar also validates the point.⁵⁹

The emotional attachment of the people in forming their own natural affinity is well reflected in the Indian political landscape. For example, the use of terms like “*pradesh*”, “*rashtra*”, “*nadu*” and “*desh*” in naming the political units of India reflects the language affinity. The English educated of today and the that of the independence era is sharply different, because today the English educated uses English as primary form of communication, whereas at the then India this was not the case. Gandhiji’s *My Experiments with Truth*, Tagore’s *Gitanjali* and Tilak’s *Gitarahasya* were all written originally in the native tongue of the writers⁶⁰.

Thus, the various matters dealt above presents us some tangible solution in order to address the language consociationalism effectively. Hindi must be promoted, but not imposed, and further, colloquial Hindi must be more flexible than the technical aspect which will remove language barrier. English can be given a place in the Eighth Schedule of the Constitution, given the fact of its wide spread usage in India. English must continue in its usage in legal matters. In inter-State communications Hindi can be used, given the fact that such Hindi must represent the composite culture of the States concerned. Articles 29 and 30 must be used only in respect of “mother tongue” education, because choosing English as medium of

⁵⁹Bethany *supra* note 51.

⁶⁰ D.L Seth, *The Great Language Debate: Politics of Metropolitan versus Vernacular India*, in Asha Sarangi (ed.), *Language and Politics in India* (Oxford University Press, New Delhi, 2010). The author also notes that the English press attacked the Mulayam Singh government for its anti-English measure, and this led to his political downfall.; See also Maruthi P. Tangirala, *Language Choice and Life Chances: Evidence from the Civil Services Examination*, Vol. 44 No. 39 Economic and Political Weekly Sept. 26- Oct. 2, 2009 at 16-20.

instruction will further eat away the functional utility of the language of the linguistic group concerned and also weaken the position of Hindi. Such Constitutional provisions must be used only for the conservation of the indigenous language of the linguistic group.

The inclusion of any language in the Eighth Schedule must be made transparent in order to regulate such inclusion by law; else political considerations can override such matters. Lastly, language discrimination should be regulated in order to remove language barriers.