

# ONE COUNTRY ONE LANGUAGE AGAINST THE IDEA OF FEDERALISM

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## INTRODUCTION

India has been a multilingual country for thousands of years with every region and every state has a different language and every language having a heavy impact in that particular region. The vastness and the magnanimity of India are known to everybody all across the world. India is a country with over 1.3 billion people having regional, religious, cultural, caste, creed and linguistic diversity at all fronts.<sup>1</sup>

The linguistic diversity of the country can be gauged from the fact, that as on date there are 22 scheduled languages, 100 non-scheduled languages and over 1700 dialects and other vernacular languages spoken all across the country. If we go by the philological studies, then in India language changes every eight kilometers. It may not be out of context to mention that each scheduled languages in India are spoken by over a million people, every non-scheduled language is spoken by at least 10,000 people and other dialects by other groups, sects, regions, etc.

One of the most controversial and political issues in Indian politics is related to language problems. After attaining independence, the Indian government decided to enact Hindi as the only official language of independent India. Hindi belonged to the lineage of Aryan languages. People who spoke other languages, especially Dravidians, saw in this decision an attempt to erase their language cultures. But the Indian constitution had declared that English can also be used for official purposes.<sup>2</sup>

After India's independence when Hindi was chosen as an official language of India, different speakers of 'Hindi' language began demanding official recognition of their languages. Maithali and Punjabi speakers also demanded to recognize their languages as separate languages from Hindi. Of the different 'Hindi' languages, only Punjabi got this recognition. Other 'Hindi' languages are considered dialects of Hindi and their status in the different states of India isn't clear and is interpreted differently by different parties. After so many struggles of different political parties, the Government of India had permitted various state governments to have their

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<sup>1</sup> '09\_chapter 2.Pdf' <[https://shodhganga.inflibnet.ac.in/bitstream/10603/11248/9/09\\_chapter%202.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/11248/9/09_chapter%202.pdf)> accessed 22 November 2019.

<sup>2</sup> 'Abd2941' <<https://www.accu.or.jp/appreb/report/abd/abd2941.html>> accessed 22 November 2019.

own official language and created the three-language formula in the states.

## **COOPERATIVE FEDERALISM IN INDIA**

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Federalism is the division of power between the centre and its various constituents, like provinces, states, cantons and so on. Cooperative federation means that both the sets of government are deriving power from the same constitution and are working cooperatively to ensure smooth governance.<sup>3</sup>

The Indian model of federalism is recognized by legal scholars as quasi-federal as it contains features from both a union and a federation. When the government is divided between constituent political units and a central authority then that system is recognized as federalism. The Constitution of India is established and recognized by the Indian government as a federal structure hence declaring it to be a '**Union of States**'.<sup>4</sup>

### **WHY INDIA FOLLOWED COOPERATIVE FEDERALISM**

In India Federalism is "**an indestructible union of destructible states**". It was perceived at the floor of the constituent assembly that states must be an integral part of India denying any right to secede. Therefore, a need for a strong union was anticipated and the constitution gave dominant power to the central government.<sup>5</sup>

However adequate powers were also relegated to the states in order to administer and govern the local government with much efficacy. Such arrangements have been exhibited in the union, concurrent and state list of the seventh schedule. In order to streamline the development process and enhance the progress of all the regions, cooperation between centre and state is the utmost necessity. Such a form of cooperative federalism is required more so in the case of India, due to its vastness, enormity, and extreme diversity.<sup>6</sup>

### **HOW COOPERATIVE FEDERALISM WORKS IN INDIA**

Co-operative federalism in India is observed by the following:

- Distribution of powers;
- The supremacy of the constitution;
- A written constitution;

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<sup>3</sup> 'Cooperative and Competitive Federalism in India' (*Drishti IAS*) <<https://www.drishtiiias.com/to-the-points/Paper2/cooperative-and-competitive-federalism-in-india>> accessed 22 November 2019.

<sup>4</sup> 'States Uts - Know India: National Portal of India' <<https://knowindia.gov.in/states-uts/>> accessed 22 November 2019.

<sup>5</sup> 'Indestructible Union of Indestructible States Meaning - Brainly.In' <<https://brainly.in/question/8824867>> accessed 22 November 2019.

<sup>6</sup> 'Cooperative Federalism Principle in India and Other Countries' <<https://www.jagranjosh.com/articles/upsc-ias-exam-cooperative-federalism-in-india-1462540049-1>> accessed 22 November 2019.

- Rigidity; and
- Authority of Courts

Under this arrangement in the constitution, the centre has got dominant power as evident from the following:

- The executive power of the state must be exercised by the state with adherence to the laws made by the government at the centre and must not delay the executive power of the union within the states.<sup>7</sup>
- The centre can even usurp the legislative discretion of the state with the permission of the Rajya Sabha. The governors are to be appointed at the discretion of or by the central government to supervise states within their official capacities.
- The centre can even take over the executive of the states on the issues of national security or breakdown of the structure of the constitutional machinery of the state.<sup>8</sup>

#### **COOPERATIVE FEDERALISM IN INDIA IS PRACTICED UNDER FOLLOWING NORMS**

- Article 263 of the constitution has set up provisions for the implementation of an **Inter-State Council** for investigation, discussion, and recommendation for better coordination of relations between the centre and the states.
- The **Zonal Councils** which were set up by the State Reorganization Act 1956 provide another constitutional mechanism for union-state and inter-state co-operation to mend or repair the conflicts and strengthen the framework and working of their co-operation. The **National Development Council** and the **National Integration Council** are the two other important forums that provide opportunities for discussion to resolve differences of opinion.<sup>9</sup>

#### **DEVELOPMENT OF HINDI**

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An argument took place at the time of constitution-making, development of Hindi language took a long transitory period for change over from English to the Hindi language. It was said that the Hindi language is underdeveloped language and that it needs to be developed before it could take place of the English language.

Article 351 places the central government under a responsibility to take steps to promote the spread and development of Hindi. It also states the future form of which Hindi should be

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<sup>7</sup> Dr Anil Kumar Dubey, 'PRESIDENTIAL TAKEOVER OF STATE GOVERNMENT' 41.

<sup>8</sup> 'Article: EXECUTIVE DISCRETION AND ARTICLE 356 OF THE CONSTITUTION OF INDIA: A Comparative Critique, Vol. 8.1' <<https://www.ejcl.org/81/art81-4.html>> accessed 22 November 2019.

<sup>9</sup> PK Sharma, 'Zonal Councils in the Indian Federation' (1969) 4 Economic and Political Weekly 263.

developed so that it may serve as a medium of expression for all the people of different culture of India and secure its enrichment by assimilating without interfering with its genius, the forms which different people follow, style and expression used by Hindustani and in the other languages mentioned in the 8<sup>th</sup> schedule of the constitution.<sup>10</sup>

This provision contains too many compromises and it seems to have a balance between the purist and the liberalist as regards for development and enrichment of Hindi. Purist wants to draw upon Sanskrit whereas liberalist wants to use all regional languages and Hindustani for the purpose.

There is no doubt that Hindi developed on the lines laid down in Article 351 would be very different from its present form. The idea which they have of assimilating terms from regional languages into Hindi is convenient or helpful but possibly not completely moral as it would allay the feeling of doubt or apprehension about the outcome or consequences of those linguistic groups whose languages do not have Sanskrit base.<sup>11</sup>

### **REGIONAL LANGUAGES IN INDIA**

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The people who were framing the constitution were faced with an important question regarding the future role of regional languages. They took their view that these regional languages should be upgraded and developed so that these languages can play a meaningful role in the future setup in the country. Article 350(a) and 350(b) was inserted by the Constitution Amendment Act 1956 to ensure the protection of language minorities.

To achieve these objectives, the constitution provides 22 regional languages in the 8<sup>th</sup> schedule of the constitution which includes Assamese, Bengali, Bodo, Dogri, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Maithili, Malayalam, Manipuri, Marathi, Nepali, Odia, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu. These languages are going to be represented on an official language commission to be appointed under Article 344(1).<sup>12</sup>

### **INTERGOVERNMENTAL COMMUNICATION**

Another problem peculiarly faced by the constitution-makers was to devise a formula

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<sup>10</sup> 'Language Provisions in the Constitution of the Indian Union | Compendium of Language Management in Canada (CLMC) | University of Ottawa' <<https://www.uottawa.ca/clmc/language-provisions-constitution-indian-union>> accessed 22 November 2019.

<sup>11</sup> 'Hindi as Sole National Language Is an Idea Which Militates against India's Pluralist Unity in Diversity - The Hindu BusinessLine' <<https://www.thehindubusinessline.com/opinion/quick-take/hindi-as-sole-national-language-is-an-idea-which-militates-against-indias-pluralist-unity-in-diversity/article29439339.ece>> accessed 22 November 2019.

<sup>12</sup> 'EighthSchedule\_19052017.Pdf' <[https://mha.gov.in/sites/default/files/EighthSchedule\\_19052017.pdf](https://mha.gov.in/sites/default/files/EighthSchedule_19052017.pdf)> accessed 22 November 2019.

concerning the language to be used in inter-governmental communication. This becomes necessary in view of the possibility of the different states adopting the different official languages.

Article 345 therefore, lays down that for the purpose of communication between 2 states, or between the centre and a state, an official language of the centre should be used, although two more states may agree to use Hindi for the purpose. Article 345 and 347 though provide procedures for declaration of an official language, the procedure is completely different as Article 345 deals with the power of state legislators and Article 347 deals with the power of the president of India. The requirements of both Articles are different and not interchangeable.<sup>13</sup>

### **CONSTITUTIONAL PROVISIONS OF LANGUAGE IN INDIA**

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The Constitution contains a detailed provision relating to the problems of language. These provisions consist of conflicting views held by the Hindi supporter. The Constitutional formula contains a variety of inter-related components-

- English would be an additional official language for the next 15 years;
- Hindi would also serve along with English as an official language;
- Meanwhile, various steps would be taken to promote the expansion of Hindi;
- The state could adopt any other language as its official language.

According to Article 343(1), the Hindi which is written in Devanagari script is to be recognized as an official language. The reason behind designating the Hindi as an official language, not as the national language is that not only Hindi is regarded as a national language but all the regional languages are considered to be national and not a foreign language. It lays down the final goal to be reached within the course of time for declaring Hindi as an official language and fixed a period of fifteen years for this purpose in order to pacify the south Indians. Therefore, it was envisaged that from Jan 26, 1965, Hindi would be put in as an official language at the centre meanwhile, the English language would be used for all official purposes.<sup>14</sup> Article 343(2) among other things, provides for the continuing use of English for various purposes of the union for a period of 15 years from the beginning of the constitution. The

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<sup>13</sup> 'COI-Updated-as-31072018.Pdf' <<http://legislative.gov.in/sites/default/files/COI-updated-as-31072018.pdf>> accessed 22 November 2019.

<sup>14</sup> 'Hindi as Our National Language: Myth and Reality - News Analysis News' <<https://www.indiatoday.in/news-analysis/story/hindi-as-our-national-language-myth-and-reality-1541426-2019-06-03>> accessed 22 November 2019.

Constitution regards 15 years as an absolute deadline and some flexibility has been introduced within the arrangement. Thus, Article 343(3)(a) authorizes parliament to produce a law even after that time period i.e. the Parliament could thus allow the utilization of the English language on the far side of fifteen years period for some or all an official purpose of the union.<sup>15</sup>

### OFFICIAL LANGUAGE COMMISSION

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Article 344(1) states about the appointment of the President of **Official Language Commission** after 5 years from the commencement of the constitution and thereafter at the end 10 years from such commencement. The commission comprises of chairman and such different members representing the various kind of regional language which is mentioned in the 8<sup>th</sup> schedule of the constitution.<sup>16</sup>

According to Article 344(2), the Commission's duty is to make or give a recommendation

- More use of Hindi language for an official purpose of union
- Restriction on the utilization of English Language for all or any of an official purpose of union
- The Language to be used for proceedings within the Supreme Court and High Courts and also the state legislation and delegated legislation made under it etc.<sup>17</sup>

The constitution provision provides that the main function of the commission is to facilitate the use of Hindi language over the English Language during the transition period so that when changeover will take place its smooth for all to change from English to Hindi. A good deal was given to non- Hindi people as they are in the majority to change from the use of English to the Hindi language. The principle of the commission is to keep in view the industrialist and cultural advancement of the country and to recognize the problem of non-Hindi people so that they can quickly change from English to Hindi.

The recommendation made by the commission is to be screened by the parliamentary committee consist of 10 members of Lok Sabha and 20 members of Rajya Sabha elected by propositional representation system it means that by one transferable vote as mentioned in the Article 344(1). The President can give direction to the whole or any part of the committee

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<sup>15</sup> 'Profile - The Union - Official Language - Know India: National Portal of India'

<<https://knowindia.gov.in/profile/the-union/official-language.php>> accessed 22 November 2019.

<sup>16</sup> 'Post Independent India: QUESTION OF NATIONAL LANGUAGE – SELF STUDY HISTORY'

<<https://selfstudyhistory.com/2015/01/18/post-independent-india-question-of-national-language/>> accessed 22 November 2019.

<sup>17</sup> 'Tax Reference Can Be Filed in Hindi Accompanied with Authentic English Version'

<<https://taxguru.in/corporate-law/tax-reference-filed-hindi-accompanied-authentic-english-version.html>> accessed 22 November 2019.

report, nevertheless anything in Article 343 i.e. to restrict the use of the English language and promote the Hindi language.<sup>18</sup> There so many safeguards taken in favor of non-Hindi people that no rash action taking during the interim period and the English language could also be used.

### **LINGUISTIC DIVISION OF STATES IN INDIA**

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Language is the group of symbols which is accepted as the mode of communication in the group. It plays a key role in the life of any individual. There was only integration of states on the ad hoc basis so during independence need aroused for the creation of permanent states on the account of accommodation of multilingual groups and their culture.

#### **MOVEMENT FOR LINGUISTIC STATES**

The demand for the creation of the states on the basis of a linguistic basis was started from the pre-independence era i.e. from the British time. The first such movement was started for the formation of Orissa state. It was the result of the movement started in a century ago. The main issue was that the British government had made Hindi as an official language but the Sambhalpur was then included in Madhya Pradesh so the Oriya people started feeling the imposition of Hindi. In 1902, there was a proposal made to Lord Curzon then Viceroy of India for the creation of Orissa state. In 1927 as a member of Central Assembly Nilakantha Das passed the resolution for the formation of Orissa state. Finally in 1935 Orissa state was formed under Indian Administrative Act.<sup>19</sup>

#### **POLITICAL INTEGRATION AFTER INDEPENDENCE AND THE CONSTITUTION OF 1950**

As we all know the British granted independence to India on 15<sup>th</sup> August 1947 and divided the Indian subcontinent into India and Pakistan. After independence Britishers dissolved their treaty with more than 500 princely states, there was choice created for these princely states either to be a part of India or with Pakistan while there was no compulsion for them. Form these princely states Kashmir, Bhutan and Hyderabad opted to be independent. Later on, Hyderabad became part of India.<sup>20</sup>

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<sup>18</sup> 'Hindi\_Niyam\_Pustak.Pdf' <[http://www.manit.ac.in/sites/default/files/documents/Hindi\\_Niyam\\_Pustak.pdf](http://www.manit.ac.in/sites/default/files/documents/Hindi_Niyam_Pustak.pdf)> accessed 22 November 2019.

<sup>19</sup> 'Born of Linguistic Pride' <<https://www.telegraphindia.com/states/odisha/born-of-linguistic-pride/cid/408785>> accessed 22 November 2019.

<sup>20</sup> 'The Making of A Nation: How Sardar Patel Integrated 562 Princely States' (*The Better India*, 16 December 2017) <<https://www.thebetterindia.com/124500/sardar-patel-vp-menon-integration-princely-states-india-independence/>> accessed 22 November 2019.

On 26 January 1950, the new constitution of India was created which made India a sovereign, democratic republic. The states were divided into 3 parts i.e. part A deals with those states where Governor will be appointed by the President and there will be elected state legislature. It includes states of Madras, Punjab, Odisha, etc. Part B includes states where the ruler will be Rajpramukh, the ruler of the state. It includes princely states of Madhya Bharat, Cochin, etc. Part C includes states which will be administered by Chief Commissioners appointed by the head of the country. It includes states of Coorg, Delhi, Himachal Pradesh, etc.<sup>21</sup>

In 1948 the JVP committee was formed headed by the retired justice SK Dhar, justice of Allahabad High Court to examine whether there would be the possibility of the restructuring of the states on the basis of language.<sup>22</sup> The committee did not agree with the idea of the states of the country to be redesigned on the basis of language and referred to the division of states on the basis of administrative convenience.

### STATE REORGANISATION COMMISSION

In the year of 1953, Prime Minister of India appointed the following commission to reorganize the on the formula of a linguistic basis. The commission was headed by Fazal Ali, Supreme Court's retired judge and the committee consisted of the following members namely H. N. Kunzru and K.M. Panikkar. As there was a widespread protest in the southern state of Madras for the division of Andhra Pradesh as the Telugu people thought that Tamil would be imposed on them. So the PM Nehru forced to create the first separate state on the basis of language named Andhra Pradesh. Similarly, a demand arose for the other states on a similar basis. While Nehru did not accept the full recommendation of the commission, he divided India into 14 states and 6 union territories under the State Reorganization Act, 1956.<sup>23</sup>

### UNITARY POWER OF CENTRAL GOVERNMENT

The concept of the linguistic division of states has weakened the cooperative federation in India. In the case of **Babulal Parate v. State of Bombay and Another**<sup>24</sup>, 1960 the question arose whether the consent of the state legislature is required for the formation of a new state and regarding the validity of the 5<sup>th</sup> Constitutional Amendment Act, 1955.

<sup>21</sup> 'ICL - India - Constitution - Part VI The States' <[http://www.servat.unibe.ch/icl/in00001\\_.html](http://www.servat.unibe.ch/icl/in00001_.html)> accessed 22 November 2019.

<sup>22</sup> 'Why Was Formation of Linguistic States Inevitable after Independence' <<https://www.toppr.com/ask/question/why-was-formation-of-linguistic-states-inevitable-after-independence/>> accessed 22 November 2019.

<sup>23</sup> Revolvly LLC, "'States Reorganisation Commission" on Revolvly.Com' <<https://www.revolvly.com/page/States-Reorganisation-Commission?smv=1645331>> accessed 22 November 2019.

<sup>24</sup> *Babulal Parate v. State of Bombay and Another*, 1960 SCR (1) 605.



The 5<sup>th</sup> amendment states that the President of India has the lawful right to set the time limit for the state legislature for their consent regarding the formation of a new state. The Supreme Court held that there will not be any violation of Article 3 which states that the Parliament of India has the absolute right for the creation of a new state with the views of respective state legislature within the specific time period for reference. So the honorable Supreme Court, in this case, held that there was nothing mentioned in Article 3 for the Central Government to act upon the views of the state legislature. This affects the centre-state relations as in the formation of new states the consent of the state government is not obligatory on the part of the central government. So there will be no cooperative federation.

In the formation of the separate state of Telangana which was carved out from Andhra Pradesh in 2014 under Andhra Pradesh Reorganisation Act, 2014, the respective state government opposed the centre's move for the formation of Telangana which would comprise of 10 districts.<sup>25</sup> But as per the Fifth Amendment, the views of the Andhra legislature were not binding on the centre. Finally, the Parliament of India divided the Andhra state and the new state of Telangana was born out which is now recognized as the 29<sup>th</sup> state of the Indian union.<sup>26</sup>

### **NATIONAL LANGUAGE CONTROVERSY IN INDIA**

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After meeting Tamil Nadu Governor, Banwarilal Purohit, President of Dravida Munnetra Kazhagam (DMK) MK Stalin said that the protest scheduled in Tamil Nadu on the imposition of Hindi language will not take place in 2019. Amit Shah made a controversial statement of unifying the Hindi language for the whole country during Hindi Diwas.<sup>27</sup>

In 2017, Union Minister Venkaih Naidu made a controversial statement regarding the Hindi language. He said that the state governments should promote the Hindi language. Every citizen should feel proud to speak such a beautiful language and Hindi is our national language and it could be the link language of the nation.<sup>28</sup> He said we Indians are following the colonial language 'English' as link language for the whole nation. But the census of 2001 just answered

<sup>25</sup> Jairam Ramesh, 'Jairam Ramesh: Lessons from Reorganising India's States – and Why Uttar Pradesh Needs to Be Divided' (*Scroll.in*) <<https://scroll.in/article/909436/jairam-ramesh-a-potted-history-of-reorganising-indias-states-and-why-uttar-pradesh-should-be-next>> accessed 22 November 2019.

<sup>26</sup> 'Andhra Pradesh Split, India's 29th State Telangana Is Born - News18' <<https://www.news18.com/news/politics/andhra-pradesh-split-indias-29th-state-telangana-is-born-691955.html>> accessed 22 November 2019.

<sup>27</sup> 'MK Stalin Calls off Anti-Hindi Protest in Tamil Nadu after Meeting Governor Banwarilal Purohit - India News' <<https://www.indiatoday.in/india/story/mk-stalin-dmk-tamil-nadu-protest-hindi-imposition-centre-1600590-2019-09-18>> accessed 22 November 2019.

<sup>28</sup> SWAPNIL TRIPATHI, 'Hindi As National Language Of India : Decoding The Myth' (13 July 2019) <<https://www.livelaw.in/columns/hindi-as-national-language-of-india-decoding-the-myth-146313>> accessed 22 November 2019.

to the opposite of the Union Minister. It revealed that in the whole nation just 40% speak Hindi and 25% have the Hindi as their mother dialect.

As per history, India is the multi-lingual country where the Constitution itself respects language under Article 29 respects the language of each community of India. In ancient times Sanskrit and Urdu were used as the channel of communication for the whole nation. With the arrival of Britishers, the English became soon popular in the country. Initially, the Britishers used vernacular language as the language of communication in court but for their convenience, they preferred as an official language in courts.

After independence, the debate started regarding the national language in India. The debate was first mainly between Hindi and Urdu language. The state of other regional languages like Tamil, Bengali also wanted these languages to be the national language of India but as we know it was not possible to make Tamil as the national language due to geographic problems and the majority of Hindi population in the country.<sup>29</sup>

### **DEBATE FOR SINGLE LANGUAGE**

As when the process of the Constitution started the question arose in the mind of makers was what language should be used as link language of the nation. As the landmass of the country was huge so the debate started regarding the national language. Hindi could be the link language in the Hindi heartland but what could be the language in the states of non-Hindi speaking background.<sup>30</sup>

Most of the distinguished members of the Constituent Assembly wanted to accomplish the dream of the father of nation Mahatma Gandhi for having a single language as the national language of India in order to attain the cultural identity. Dr. N.G.Ayyangar says in one of his speeches at the Assembly, “There was one thing about which we reached a fairly unanimous conclusion that we should select one of the languages in India as the common language of the whole of India, the language that should be used for official purposes of the union”.<sup>31</sup>

BR Ambedkar argued for the adoption of the written constitution in English which would be more clear and articulated. But many north Indian members demanded the adoption in Hindi in Constitution as English was the colonial language. Seth Govind Das in one of his speech

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<sup>29</sup> ‘In-Depth | The Language Debate – Is “imposition” of Hindi a Threat to Regional Languages, or Will They Survive the Sands of Time? - Moneycontrol.Com’ <<https://www.moneycontrol.com/news/india/in-depth-the-language-debate-is-imposition-of-hindi-a-threat-to-regional-languages-or-will-they-survive-the-sands-of-time-4503421.html>> accessed 22 November 2019.

<sup>30</sup> ‘Hindi Should Be Promoted as Link Language? – Afternoon Voice’ <<https://www.afternoonvoice.com/hindi-should-be-promoted-as-link-language.html>> accessed 22 November 2019.

<sup>31</sup> ‘SECURE SYNOPSIS: 30 May 2017 - INSIGHTS’ <<https://www.insightsonindia.com/2017/05/30/secure-synopsis-30-may-2017/>> accessed 22 November 2019.

said that Hindi would be the national lingua franca of India. Only some members wanted English as the national language and for South India English could be the lingua franca for a limited period of time then Hindi would be the national language of India.<sup>32</sup>

The Hindi-Hindustani language controversy came to an end as Article 99 of the Indian Constitution states that in Parliament English or Hindi would be used for official transactions. Lokamanya Tilak, Gandhiji, C Rajagopalachari, Subhash Bose and Sardar Patel wanted Hindi to be the national lingua franca of India as it would lead to national integration.<sup>33</sup>

As the unity of assembly was going to split regarding this sensitive issue, the whole assembly decided to adopt the Munshi-Ayyangar formula. As per this formula, all official proceedings in the court of law and in public service would be done in English. This formula would be applicable in India until 1965 than in the whole India Hindi would be adopted without any conflict. When the term of 15 years was about to end then PM Lal Bahadur Shastri under intense pressure from Tamil Nadu as the particular southern state was about to leave India by creating Dravida Nadu and the state till now never approve Hindi as the national language of India, he passed '**Official Languages Act, 1963**' where Hindi along with English would be allowed by non-Hindi speakers for official purpose in all India service. In 1967 Indira Gandhi passed an **official Language (Amendment) Act** in order to resolve this sensitive issue where Hindi along with English would be an official language of India.<sup>34</sup>

### HINDI AGITATION IN MADRAS

The Hindi agitation in Madras was a serious issue regarding a single language in India. It reprinted its image in the history of Indian during both pre and post-independent India. The agitation involved many students, women, professionals, etc for making Hindi as an official language in the state.

In 1937, the Congress government came to power with the majority under the leadership of C Rajagopalachari and we know that he was Hindi chauvinist made Hindi mandatory in the province. This was tremendously protested by Justice Party leader EV Ramaswamy.<sup>35</sup> The

<sup>32</sup> 'Volume\_01.Pdf' <[https://www.mea.gov.in/Images/attach/amb/Volume\\_01.pdf](https://www.mea.gov.in/Images/attach/amb/Volume_01.pdf)> accessed 22 November 2019.

<sup>33</sup> 'What Defines 2019? How About a 1950 Debate on National Language That Unites Us' <<https://www.thebetterindia.com/170717/republic-day-india-official-language-hindi-tamil-assembly/>> accessed 22 November 2019.

<sup>34</sup> 'Language Issues in Post-Independence of India' (*MANIFEST IAS*, 13 June 2019) <<https://www.manifestias.com/2019/06/13/language-issues-in-post-independence-of-india/>> accessed 22 November 2019.

<sup>35</sup> '(PDF) INDIA'S STRUGGLE FOR INDEPENDENCE 1857-1947 BIPAN CHANDRA | Scarlet Girl - Academia.Edu' <[https://www.academia.edu/7646574/INDIAS\\_STRUGGLE\\_FOR\\_INDEPENDENCE\\_1857-1947\\_BIPAN\\_CHANDRA](https://www.academia.edu/7646574/INDIAS_STRUGGLE_FOR_INDEPENDENCE_1857-1947_BIPAN_CHANDRA)> accessed 22 November 2019.

agitation involved many protests in the form of conferences, fasts, etc. When the Congress government resigned in 1939 the order was later withdrawn due to widespread protest by then-governor Lord Erskine.

After debating for the creation of the Constitution for India, the Constituent Assembly took the decision for making an associate official language along with Hindi and that language was English for the period of Hindi. The efforts of the Indian government were turned into extravagant when despite making efforts till 1965 for making Hindi the sole official language of India non-Hindi states were not ready to accept it especially in the southern state of Tamil Nadu.<sup>36</sup>

On 26 January 1965, there was a widespread protest in Madurai as this was the last day of the 15-year tenure of English as the additional language of India and from the next day, Hindi would be the sole official language of India. So in order to pacify the situation, PM Shastri passed an Official Language Act 1963 where English would continue as an additional official language along with Hindi. The Dravida Munnetra Kazhagam (DMK) was formed in 1949 which was totally against Hindi imposition in the state. In 1953, M Karunanidhi protested along with thousands of protestors for altering the naming of Dalmiapuram railway station's name and erased the Hindi name of it. In the pre-independence era, it started demanding Dravida Nadu meant for a separate country for Tamilians. But due to the Sino Indo war and the implementation of the 16<sup>th</sup> Constituent Amendment Act 1963, it dropped its demand for Dravida Nadu. As a result, DMK came to power in Tamil Nadu in 1967 and till then only Dravidian parties are having power in the state.<sup>37</sup>

In 1965, the Congress government passed the three language formula for non-Hindi speaking states where Hindi, English and regional language would be taught in Schools. This was also scrapped in Tamil Nadu as people were totally against the use of Hindi in schools and there was a widespread protest against the Hindi language. Till now only Tamil and English are used in state schools of Tamil Nadu.<sup>38</sup>

### **HINDI AGITATION IN KARNATAKA**

The people in Karnataka voiced its concern over the use of Hindi in the Namma Metro. Even the CM Siddharmaiah expressed his discontentment to the center regarding the use of Hindi

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<sup>36</sup> David Crystal, 'English as a Global Language, Second Edition' 229.

<sup>37</sup> 'Tamil Nationalism, Then and Now'

<<https://frontline.thehindu.com/static/html/fl3001/stories/20130125300104200.htm>> accessed 22 November 2019.

<sup>38</sup> 'What Is the Three-Language Formula? - The Hindu' <<https://www.thehindu.com/news/national/what-is-the-three-language-formula/article27698700.ece>> accessed 22 November 2019.

language in the mass transit transportation. Most social activists protested against the arbitrary action of center over the use of Hindi signboards in the metro. Even they were imploring the Bengaluru Metro Corporation to take stringent action against those who were using the propaganda in the metro.<sup>39</sup>

### **ENGLISH v. HINDI CONTROVERSY IN INDIA**

India has till now resolved this sensitive issue of the national language of India in spite of having a rich collection of languages. Many scholars demanded the use of English as the sole official language of India as it was used in India by Britishers for the century and Indians are now accustomed and feel comfortable with the colonial inherited language. This English language has contributed immensely to the formation of institutions that cherish the idea of equality, liberty, justice, and fairness. Thus there are so many advantages to the adoption of English as one of the sole official languages of India. They are as follows-

- As the language has acclaimed the status of all over the world and is adopted as one of the official languages of the United Nations so it will help Indians to communicate with people of the rest of the world.
- The language has a rich source of international literature.
- Indian languages are not widely popular as compared to English which is the colonial language in so many international countries.

Hindi is one of the most spoken languages of the Indian subcontinent. As per the 1951 census, 42% of the population of the country speaks Hindi. But because of the following reasons, Hindi can't be alone an official language of India.

- Because of anti-Hindi protest, DMK came to power in Tamil Nadu
- Hindi was initially imposed on non-Hindi speaking states people so it becomes very difficult for non-Hindi speaking state people to adopt Hindi as the sole official language.
- The creation of states on the basis of lingua franca created an obstacle for the central government for the promotion of Hindi as the national language of India.

Hence Hindi and English both are used as an official language of India as English has a very powerful impact on the administration of India. For the promotion of Hindi in non-Hindi speaking states, separate departments of Hindi have been created.<sup>40</sup>

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<sup>39</sup> 'Karnataka Government under Pressure on Usage of Hindi in Metro | Bengaluru News - Times of India' <<https://timesofindia.indiatimes.com/city/bengaluru/govt-under-pressure-from-activists-to-spell-out-stand-on-language-issue/articleshow/59745027.cms>> accessed 22 November 2019.

<sup>40</sup> 'How Hindi Came to Dominate India – The Diplomat' <<https://thediplomat.com/2017/05/how-hindi-came-to-dominate-india/>> accessed 22 November 2019.

## FURTHER DEVELOPMENT OF LANGUAGE CONTROVERSY

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The language problem which arose the constitutional provision failed to solve it, and the controversies have arisen from time to time in this regard.

An official language commission, as envisaged by Article 344(1) of the constitution, was duly appointed on 7<sup>th</sup> June 1955 and is reported in 1957. The commission reported that the English language could not remain as an official language for very long for a union as it would be against national self-respect and that only through an Indian language could there be an increase in popularity of the national life.<sup>41</sup>

The main force of its recommendations was that effective steps should be taken immediately to ensure a change over the Hindi language on appointed day i.e. 26 January 1965. The commission was with the opinion that the arrangements the Indian government is making for the training of employees on voluntary basis in Hindi, if their experience showed no proper results coming under these arrangements, the necessary steps should be taken by the government making it compulsory on government servants to qualify themselves in Hindi language within the given particular circumstances and regulations in given period, to the extent given period for the discharge of their duties.<sup>42</sup>

The recommendations of the commission were placed before a parliamentary committee as possible by Article 344(4). The committee came up with the opinion that the government should give legal requirements to the government servants to qualify themselves in the Hindi language.

After considering the report of the committee, the President issued an order on 27 April 1960. The report which was issued by the commission raised a controversy in the non-Hindi speaking area. To remove the unpleasant or intense feeling of these people, Prime Minister Nehru Ji gave an assurance that the English language would continue to be the “Associate” official or link language for as long as they wanted.

### AN OFFICIAL LANGUAGE ACT, 1963

The advice given by the committee is being examined by the parliamentary committee and Parliament passed an Official Language Act, 1963 as parliament can exercise their power under Article 343(3). The act passed by the parliament was that the English language may continue to be used but in addition to Hindi. Even after the completion of the deadline which was of 15

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<sup>41</sup> ‘CHAPTER—21.Pdf’ <[https://rajyasabha.nic.in/rsnew/rsat\\_work/CHAPTER%E2%80%9421.pdf](https://rajyasabha.nic.in/rsnew/rsat_work/CHAPTER%E2%80%9421.pdf)> accessed 22 November 2019.

<sup>42</sup> ‘About the Department | Department of Legal Affairs, MoL &J, GoI’ <<http://legalaffairs.gov.in/About-us/About-the-department>> accessed 22 November 2019.

years, English will be used for all an official purposes of a union for which it was earlier been used.

Two important points need to be noted as per Section 3 of the Act-

- The word 'may' has been used;
- The English language is to be used in addition to Hindi.

The act therefore clearly states that before 1965 Hindi is to be used in addition to English but after 1965 English is to be used in addition to Hindi.<sup>43</sup>

To rethink the problem of language in the future date, the act grants for the designation of a parliamentary committee on official language to resolve the past sanction of the president which are been passed by both the houses. Basically, the committee consists of 20 members of Lok Sabha and 10 members of Rajya Sabha are elected on the basis of propositional representation.

The act includes the provisions for the law-making or converting of Hindi version of a law to English and English version of a law to the regional language. The bill in the parliament is to be introduced in both English and Hindi. The important texts of the central legislation must be in English.

The act states that those states which use a different language other than Hindi for the legislative purpose, there will be a conversion of the act into the Hindi language as well as into the English language as per Article 348(3) and it will be published in the state gazette.

The regional languages should be used in the lower courts but in the High and Supreme Courts, the English language will be used. Article 348(1) and Article 348(2) states that the language used in the High court should be in English. The language of High court proceeding can only be changed by the governor under the permission of the President, the judgment of the high court can be given or delivered in a different language other than English. The act provides that the state government after getting permission from the president can give permission to use Hindi or regional languages in addition to the English language for judgment purposes. The provision raises the problem of inequality of languages which of the translation to be accepted by the Supreme Court the only the English language would be adopted.<sup>44</sup>

### **AN OFFICIAL LANGUAGE (AMENDMENT), 1967**

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<sup>43</sup> 'Committee of Parliament on Official Language' <<http://rajbhashasamiti.gov.in/abouteng.htm>> accessed 22 November 2019.

<sup>44</sup> 'High Commission of India, Port Louis, Mauritius' <<https://hcimauritius.gov.in/pages?id=9avme&subid=ejRRe&nextid=7e5Ba>> accessed 22 November 2019.

As on 26 Jan 1965, there was an argument suddenly appear whether the 1965 act was absolute enough regarding continuing use of the English language for an indefinite period as Nehru assured. The use of the word may be as weak as mentioned in Section 3 and was not specified as for how long it would be continued to be used at the centre. A demand, therefore, made for the constitutional guarantee of the English language to be used as an associate language in the centre. To fulfill the demand, the parliament had passed an official Amendment Act 1967.<sup>45</sup>

Key provisions of the amendment act are as follows-

- Use of the English language after completion of the deadline which was of 15 years (1950-1965) but English will use in addition to Hindi for an official purpose of the union;
- Use of English language between Centre & the non-Hindi state;
- If Hindi is been used between non-Hindi and Hindi people then an English version is to be used with Hindi.

The last provision is of the greatest importance, as it gives the statutory assurance that the English language will continue at the central level as an associate language. The decision to continue English is now left on the non-Hindi speaking state as they did not adopt Hindi as the sole official language. The act also made sure that the use of English is to make compulsory to be used in addition to Hindi at the central level and to defend the interest of non-English people. Inter-governmental communication is very important to the centre, so it adopted the 2 official languages, English and Hindi according to Article 346. Any of them could be used for intergovernmental communication as the non-Hindi state do not use Hindi for communication.<sup>46</sup>

### **NATIONAL LANGUAGE STATUS IN INDIA**

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The Gujarat High Court had given a verdict stating that Hindi is considered a foreign language for Gujaratis and ruled that the state government-run primary schools will teach only in Gujarati as it is their mother tongue. The decision came after hearing the case filed by the Junagadh farmers who objected to the notification sent to them in the Hindi language by the National Highways Authority of India. It all started when the NHAI planned to widen the already existing two-lane national highway 8d to four lanes in 2006, but the plan was changed

<sup>45</sup> 'THE CONSTITUTION (TWENTY-FIRST AMENDMENT) ACT, 1967|Legislative Department | Ministry of Law and Justice | GoI' <<http://legislative.gov.in/constitution-twenty-first-amendment-act-1967>> accessed 22 November 2019.

<sup>46</sup> 'Official Language Act : Ministry of Social Justice and Empowerment, Government Of India' <<http://socialjustice.nic.in/UserView/PrintUserView?mid=64581>> accessed 22 November 2019.



last year on various grounds.<sup>47</sup>

The farmers of Junagadh and Rajkot were deeply hurt by the notification and had moved to the High Court as their land would have been acquired to widen the Highway. And now, as the plan has been changed last year, these farmers are assuming that it must have been changed for the benefit of the influential people. The High Court said that according to section 3(a)(3) of the National Highways Act, the notification regarding the change in the plan must have been published in Gujarati as it is the regional language.

The High Court Justice V M Sahai, who heard the case, came to the conclusion that NHAI has made a mistake by not publishing the notification in Gujarati. He also canceled that notification as it was published only in Hindi and English and declared it as unacceptable and invalid, but has refused to cancel the project.

The Gujarat High Court declared that Hindi is not a national language of India in the case of **Suresh Kachhadiya v. Union of India**<sup>48</sup>. The petitioner Suresh Kachhadiya asked the court to issue the mandamus to the centre for making Hindi compulsory in the packets of the products including date of manufacturing, price, etc. So the Court asked the petitioner to mention whether Hindi is the national language of the country as the constitution mentions it as an official language of the country along with English. The Court said that it's the manufacture's right whether to use Hindi or English in the products.<sup>49</sup>

### **LANGUAGE CONTROVERSY IN HIGH COURTS OF STATE AND SUPREME COURT OF INDIA**

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As per Article 348(1), all the proceedings in the Supreme Court of India and High Courts of every state shall be conducted in English until the law of Parliament. Under Article 348(2), the governor with the consent of the President may allow the use of Hindi or any other regional language in the court of law of that state. This similar provision is made in Section 7 of an Official Languages Act, 1963.

The optional use of Hindi is allowed in the High Courts of Bihar, Uttar Pradesh, Madhya Pradesh, and Rajasthan. But the similar requests were not allowed in southern states.

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<sup>47</sup> 'Hindi Is a Foreign Language for Gujaratis, Says Gujarat High Court | Ahmedabad News - Times of India' <<https://timesofindia.indiatimes.com/city/ahmedabad/Hindi-is-a-foreign-language-for-Gujaratis-says-Gujarat-high-court/articleshow/11321862.cms>> accessed 22 November 2019.

<sup>48</sup> *Suresh Kachhadiya v. Union of India*, SCA/2896/2009.

<sup>49</sup> 'Hindi, Not a National Language: Court' *The Hindu* (Ahmedabad, 25 January 2010) <<https://www.thehindu.com/news/national/Hindi-not-a-national-language-Court/article16839525.ece>> accessed 22 November 2019.

## TAMIL NADU

The central government issued the notice to the legislature of Tamil Nadu that its demand for making Tamil an official language of Madras High Court stands rejected referring to the Supreme Court order in 2012. In 2006 the Legislature of Tamil Nadu passed the resolution in the Assembly recommending the centre to make an official language in High Court of Madras as Tamil. When this resolution as an unstarred question was presented in Rajya Sabha it was replied by the Minister of State for Law, Justice and Corporate Affairs, expressing that the proposition was alluded to the Chief Justice of India for consultation and was rejected in 2012 after considerations with the Supreme Court.

The Central Government got a proposal from the lawmakers of Tamil Nadu to make Tamil as an official language of the highest court of Madras. In the years 1997 and 1999, the Supreme Court had earlier rejected this similar resolution of making an official language of Madras High Court as Tamil.<sup>50</sup>

## KARNATAKA

The Karnataka High Court had dismissed the Public Interest Litigation (PIL) for making the Kannada as an official language of the highest constitutional court of the state. The court held that though the use of other languages is permitted along with English there is no other option is available. Yet oath is allowed in both English and Kannada but making Kannada as an official language of the highest court would violate Article 348 of the Indian constitution. The court also held that in the Hindi region similar petition has been filed and rejected in the court because there should be a link language between all the courts of India so that the profession can be easily carried out. The bench noted that the order of High Court in March 2003 to conduct proceedings in all the lower courts including family courts to be conducted in Kannada.<sup>51</sup>

## SUPREME COURT

The centre had notified the Government of states of Tamil Nadu, Karnataka, and Chhattisgarh that the Supreme Court had not allowed any other languages other than English in the respective High Court of Judicature of these following states. The Apex Court rejected the petition for making Hindi an official language of the High Court and Supreme Court. It held that though English was only allowed for the first 15 years of the court of law and the same can be extended

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<sup>50</sup> 'Tamil Cannot Be Madras HC's Official Language: Centre Rejects TN Request Again | The News Minute' <<https://www.thenewsminute.com/article/tamil-cannot-be-madras-hcs-official-language-centre-rejects-tn-request-again-75808>> accessed 22 November 2019.

<sup>51</sup> 'Kannada as ' High Court Language ' Runs Contrary to Constitution, Says Karnataka HC | Bengaluru News - Times of India' <<https://timesofindia.indiatimes.com/city/bengaluru/Kannada-as-high-court-language-runs-contrary-to-constitution-says-Karnataka-HC/articleshow/16300694.cms>> accessed 22 November 2019.

by law.<sup>52</sup>

## CONCLUSION

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We can say that the following sensitive issue of language controversy in India is more entangled than what our Constitution drafters thought to be. The division of Andhra Pradesh is also the result of the lingua franca conflict as Urdu people thought they are being humiliated by Telugu people. So it is now proved that language holds primacy in the cultural and structural division of India.

In view of giving emphasis for the creation of national language for this vast multi-lingual country, this must not be side-lined that India has the world's most vast collection of regional languages and steps are necessary for their protection. Gandhi Ji also voiced his thoughts in this regard and said: "Unless we give Hindi its natural status and Provincial languages their due place in the life of the people, all talk of Swaraj is useless."

On September 14 we every year celebrated Hindi Diwas as on this day after the long and substantive debate of this issue Hindi is adopted as an official language of India in Devanagari script. But after a long protest by Madras regarding the Hindi language as the sole official language of India the Indian government in order to keep unity in such a huge diverse landmass makes English as an alternative official language for just 15 years. Even after 70 years of independence from Britain, we till now have not resolved this issue and now following English and Hindi language as an official language of India.

Gandhi Ji knew that India could gain Swaraj only with language. He wanted to promote Hindi in south India so he sends Hindi missionaries over there. He also established Dakshin Bharat Hindi Mahasabha in 1923.

The truth is that English is till now not so much popular in north India as Hindi is widely spoken there. There is an inherent element of anti-Hindi aggression in south India as once Hindi is made compulsory over there, they will start protesting in spite of knowing Hindi. The major problem lies in Tamil Nadu which is famous for its dirty politics of language issues. In order to keep cooperative federation in India, the Constitution drafters did not make Hindi national language of India. The question always arises in the mind of readers as to when other Dravidian states have no problem regarding Hindi then why Tamil Nadu has such a problem. Even Hindi is widely popular in Odisha and West Bengal being the non-Hindi speaking states. The country

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<sup>52</sup> 'Govt against Hindi as Official Language in Higher Judiciary | India Others News, The Indian Express' <<https://indianexpress.com/article/india/india-others/govt-against-hindi-as-official-language-in-higher-judiciary/>> accessed 22 November 2019.

needs to compromise with inherited colonial language English because of one state as per Constitution no language can't be imposed in any state, so that element of unity can be maintained in India.