

Settling the language for cooperative federalism

Cooperative federalism and 'cultural chauvinism'. The latter expression found mention in an editorial comment recently and bears repetition: "This latest effort to impose Hindi raises once again and quite retrogressively the issue of cultural nationalism at a time when it is least required. India has remained uniquely unified despite the infinite multiplicities of its cultures..."

Language is an essential ingredient of identity. The question of expressing national identity in a linguistically diverse society anxious to jettison or reduce the use of English as the language of the colonial power was passionately debated by the Constitution-makers and even linked to 'national prestige'. It was an uneasy compromise reflected in the wording of Part XVII (Articles 343-351).

Spelling it out

Article 345 leaves it to the State to choose its language for official purposes. In actual practice, several States and Union Territories continue to use English. Article 348 stipulates that all proceedings of the Supreme Court and 'of every High Court' and of Bills, etc. in Parliament shall be in the English language. The Eighth Schedule and the periodic additions to it (now numbering 22) spell out the diversity and complexity of the language landscape as do the Official Languages Act of 1963 and its Rules made in 1976 and amended in 1987, 2007 and 2011.

The question of Official Language brought forth 'passionate dissents' in the Constituent Assembly and the drafting of the Constitution. It covered language of legislatures; language of the courts and the judiciary, and language of the official work of the Union. Educational institutions of "national importance" and those of "scientific and technical education financed by Government of India" were in the Union List and education "including technical, medical and universities" were in the Concurrent List.

Some ambiguity inevitably crept into it. Thus Article 351 directs the state, in the development of Hindi, to draw upon other languages in the



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composite culture of India. These include Hindustani that does not find a mention in the Eighth Schedule.

A dissent that surfaces from time to time

This passionate dissent – beginning with the B.G. Kher Commission – continues to this day and surfaces from time to time. It assumed a violent form in 1965 in Tamil Nadu, where violent disturbances led to more than 50 deaths. This year, the reactions from Tamil Nadu and Kerala have been sharp and unambiguous. The Hindu reported on November 27 that 'an 85-year-old DMK functionary ended his life in Salem on Saturday' purportedly over the Central government's imposition of Hindi in Tamil Nadu.

Unlike other parliamentary committees, the committee on official language, though consisting of 30 members of Parliament, is headed by the Home Minister. Its mandate is to review the progress made in the use of Hindi for official purposes, and to make recommendations to increase the use of Hindi in official communications. It submits its report to the President of India, who forwards its recommendations to the two Houses.

It is understood that, so far, only the recommendations of the reports up to the ninth in the year 2010 have been forwarded to the Houses of Parliament. The 10th and 11th reports have been submitted to the President and are not in the public domain.

The Home Minister's press conference in October announcing the completion of the 11th Report, highlighted some of its recommendations on language of instruction and examinations in technical courses. This touched off an animated debate on its resulting implications and its practicality in terms of the availability of standard books and course material, and of teachers qualified to communicate it adequately. A related matter is the competence in Hindi language of candidates undertaking examinations in it and competing in equal measure with those whose mother tongue it is.

At the root of the debate is the bigger question of identity in a diverse society. Nowhere in it was the suggestion that diversity, including linguistic diversity, is to be subsumed in linguistic uniformity.

The 'national language' issue

The allegation of 'cultural chauvinism' emanates from the apprehension that the transition from English along with Hindi as the Official Language of the Union to it being the national language and to bring it about through such procedural devices such as the language of instruction and examination and of textbooks to the detriment of students whose mother tongue is not Hindi. Its implications for competitiveness in the job market are evident.

It is to be recalled that the language of the chapter on Official Language is definitive and limits itself to the language of the Union. It does not mention a national language. There is no mention of it in the section on Directive Principles of State Policy or of Fundamental Duties. In fact, Article 344(3) stipulates that 'the just claims and interests of persons belonging to the non-Hindi speaking areas in regard to the public services' shall be considered by the President.

In this context, what are the courses open to the federal government in the context of the zeal reflected in the Home Minister's remarks? The constitutional course would be to opt for the language of Article 345, that allows each Legislature to the use of Hindi, or to choose its language, for all official purposes. This would hinge on electoral success in terms of the official programme of the party in power. Its absence, by the same token, would make the matter politically contentious, even acrimonious.

Would not such a course, if adopted, be prudent for longer term political harmony implied in cooperative federalism, more so because English is now accepted as the language of discourse across continents, and its colonial past is a matter of distant history?